

From

Date :: 08.04.2024

The President/Secretary
The Madras Bar Association,
High Court Buildings, Chennai – 600 104

The President/Secretary
Madras High Court Advocates Association,
High Court Buildings, Chennai – 600 104

The President/Secretary
Law Association,
High Court Buildings, Chennai – 600 104

The President/Secretary
Women Lawyers' Association,
High Court Buildings, Chennai – 600 104

To

The Hon'ble Chief Justice
Madras High Court

My Lord the Hon'ble Chief Justice,

Sub: - Regarding the implementation of E-filing of cases in the High Court and other Subordinate Courts- difficulties faced by the advocates- expressed at the EGM held on 05.04.2024 at our association- regarding.

Ref: - Notification No. R.O.C. No.22295A/2024/Comp.3 dated 07.03.2024

It has been notified that the facility of mandatory e-filing of cases is extended to the Second Appeal, Criminal Appeal, Bail Applications and all Criminal MPs dealing with the relaxation of conditions, extension of time for furnishing sureties and modification of Bail Conditions, and also Partition Suits, Mortgage Suits, Eviction Suits, Suits for Possession, Pre-emption Suits, Suits for Accounts, Suits for dissolution of partnership and Specific Performance Suits in the District Judiciary on e-filing portal (<https://efiling.ecourts.gov.in>) developed by the Hon'ble e-Committee, Supreme Court of India and that the same will commence on and from 01.04.2024 in the Principal Bench, the Madurai Bench of Madras High Court and also Lower Courts.

The consolidation of the grievances that were highlighted by our members while using the **E-filing facility**, apart from few other grievances that requires your attention are as follows: -

Grievances / issues concerning E-Filing :

Regarding uploading the case papers, payment of court fees in E-Filing portals and filing of physical copies of the case papers, scrutiny of case papers by the Examiners, numbering and scanning the case papers and getting it listed for admission, following issues are faced by advocates:-

- i. The maximum file size of 20 MB is not sufficient for uploading the files using the e-filing procedure.
- ii. The conversion of PDF to OCR is causing great inconvenience and also increases the size of the file by 1.5 times and consequently, it exceeds the given space of 20 MB.
- iii. The Registry does not assign the SR number immediately after the e-filing process is done and the same is assigned only after the approval of e-filing has been done by the examiner.
- iv. Through e-filing, the documents could not be uploaded within the stipulated time and the rules are silent about the limitation period. The date of e-filing must be construed as the date of filing for all purposes. Rules require to be suitably amended.
- v. There is no intimation given to the Advocates concerning any return of e-filing.
- vi. He would submit that after the e-filing approval and filing of physical copy, one more scanning is being done by the High Court and because of insufficient infrastructure and manpower, there is a considerable delay in the said scanning done by the Registry.
- vii. In other words, the same case papers are being scanned twice, once by the advocates at the time of filing and again by the registry after filing the physical copy of the case papers. To avoid this the advocates may be directed to file the scanned copy of the

case papers finally after carrying out the rectifications that are pointed out by the Examiner and to upload it.

- viii. Most of the time the servers or e-filing portal are down, and the payment interface is not able to work without any glitches.
- ix. The e-challan is generated only once per case. For example, if the court fee is remitted for Rs.1,000/- instead of Rs.1,500/- then one has to redo the entire process and pay a sum of Rs.1,500/- again over and above the Rs.1,000/- already paid. The Registry has to certainly allow the difference in payment to be made using the e-challan and appropriate changes in the software must be made.
- x. Only two to three appeal examiners work at Original side and Commercial side filings and the rate of clearing the e-filing of case files is very low. Only one case is processed in a day by one examiner, and this creates a lot of inconvenience to the Advocates in taking out emergent case files. The Registry to consider each appeal examiner should at least peruse and clear ten cases per day.
- xi. The scanning of cases in the Writ Section also consumes a lot of time, it looks like the scanning section is understaffed and writs are not getting listed for admission even after they get numbered much earlier. It roughly takes about 3 to 4 days from the date of numbering to the date it is listed for admission. Advocates are not in a position to answer their clients.
- xii. The appeal examiners as soon as the e-filing is done should peruse the files in their entirety and the returns must be given in one go whereas the appeal examiners are citing different returns every time.
- xiii. The appeal examiners most of the time would complain that the documents uploaded by the Advocates are not visible on their systems/servers and there is considerable delay because of the said technical glitches.
- xiv. The concept of taking a video oath for every single document is causing great inconvenience and consumes a lot of time and the

same has to be done away with by making one video oath per case as a whole.

- xv. The concept of OTP verification for each of the documents is also causing greater inconvenience and consuming a lot of time. For example, if in a given filing there are twenty documents one has to verify the same twenty times using different OTPs. Moreover, after the OTP verification of four documents, the server froze and only after two minutes, the other set of documents could be uploaded.
- xvi. The High Court staff as well as the lower Court staff are not well equipped with the functioning of e-filing procedures. There is an enormous delay of 15 days from the date of filing a Habeus Corpus petition and listing it before the Court for admission.
- xvii. If the numbering and verification of e-filing are not streamlined, it may lead to unfavourable situations like the promotion of favouritism and extraneous consideration.
- xviii. Mandatory e-filing for Sec 256 and 317 CrPC petition should be immediately recalled as it is causing great inconvenience to the Lawyers. Likewise, the emergent petitions in civil suits may also be dispensed with for the present. Alternatively, any format/template may be created for this purpose and on payment of stamp duty, the said petitions are to be listed before the concerned Court electronically.

Other Grievances faced by members with the High Court Registry :

- A. The cause list of both the Principal Bench and the Madurai Bench is required to be uploaded before 7.30 PM on the day before so that advocates can plan their next day's schedule.
- B. On the cause list website of our High Court, an archives section may be made available. As of now, we can only access a 15-day cause list and not that of month or year, for example, In Kerala High Court's Cause List website, it has the facility of searching for the cause lists for a larger period from the year 2018, such as facility

could also be provided in our High Court's cause list website.

C. Certified copies of the orders/judgements are retyped once again which takes time and retyping is another exercise that can be avoided, if the copy of the order that is uploaded on the website is certified to be true by the registry and given to the advocates, it saves time and retyping exercises. The production of certified copies can be dispensed with while preferring an intra-court appeal within time and accepting the copies that are downloaded from the court's website. Rules require to be suitably amended.

D. There has been Substantial delay in preparing certified copies of Decrees in both Original Side and Appellate Side cases on account of lack of sufficient staff strength and the same may be looked into and resolved accordingly time taken for preparing certified copies of Decrees may be expedited.

E. Upgradation of internet facilities within High Court premises :

The internet connection/ connectivity issues are there at and near the new court buildings, particularly in Court Halls 37 to 40 and on the ground floor and the second floor of the complex. It requires to be addressed, as the same would further facilitate E-filing process by the Advocates and Public.

SUGGESTIONS OFFERED BY THE BAR

- i. Physical filing of papers after approval of e-filing should be done away with as the very purpose of bringing e-filing was only to conserve the usage of paper and to protect the environment and by insisting on physical copy the said purpose is getting defeated.
- ii. The final approved copy that is given to the Hon'ble Judges must also be given to the concerned Advocates and be uploaded to the website. This copy could be downloaded only by the parties to that case and its counsels only, to ensure that only parties or their counsels alone are downloading, OTP facility may be provided to that counsel/party, to track or to know who had downloaded the copies.
- iii. The portal could be self-guiding with a voice guiding step after step. If we get stuck in any box, the voice can also guide us with a

checklist.

- iv. 24x7 helpline, if required or during fixed times.
- v. Kiosks on campuses to support e-filing as is being done in Kerala High Court.
- vi. The technical improvements regarding server glitches, bandwidth and so on may be attended to.
- vii. To recollect, the e-filing systems during COVID times were functioning well and cases were attended to by the examiner, and Registrar and were listed for admission. That procedure may be revived, till the present e-filing procedures are adopted.

Thanking you,

Yours sincerely,

Copy to

1. The Hon'ble Chairman
Hon'ble E-Committee
Madras High Court



The President/Secretary
The Madras Bar Association,
High Court Buildings, Chennai – 600 104

2. The Registrar – IT cum Statistics
High Court
Madras.

(G.MOHANA KRISHNAN)
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Mrs. LOUISAL RAMESH
PRESIDENT W.L.A