
Tamil Nadu (Case Flow Management In Subordinate Courts) Rules, 2007

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Tamil Nadu (Case Flow Management In Subordinate Courts) Rules, 2007

(R.O.C. No. 2303/20D7/F1)

No. SRO C-5(a)/2007.

In Writ Petition (Civil) No.496 of 2002, Salem Advocate Bar Association, Tamil Nadu - Vs - Union of India, Their Lordships or the Supreme Court, for the purpose of quicker dispensation of justice, constituted a Committee headed by Honourable Mr. Justice M. Jagannadha Rao, former Judge of the Supreme Court and Chairman, Law Commission of India. Having considered the report submitted by the Committee, the Supreme Court on August 2, 2005 directed the High Courts to finalise the Rules for the purpose of dispensation of meaningful administration of justice to the litigating public. Pursuant to the directions of the Honourable Supreme Court and in the light of the report of the Honourable Committee, the High Court of Madras, hereby makes the following Rules in regard to "Case Flow Management in the Subordinate Courts."

1. Title, application and commencement :-

(1) These Rules may be called the Tamil Nadu (Case Flow Management in Subordinate Courts) Rules, 2007.

(2) These Rules shall apply to all suits and civil proceedings before the Subordinate Civil Courts and Tribunals under the control of the High Court.

(3) These Rules shall come into force from the date of their publication in the Official Gazette.

2. Definition :-

In these Rules, unless the context otherwise requires-

(a) "Court Officer" means the Registrar of the City Civil Court and Small Causes Court and Ad-hoc Officers appointed for that purpose in the other Civil Courts.

(b) "Order" means Orders in the First Schedule to the Code of Civil Procedure.

(c) "Section" means Section of the Code of Civil Procedure.

3. Categorisation of suits and other proceedings :-

(1) The Presiding Officer of the Court shall categorise the suits and proceedings in his Court into Track-I, Track-II, Track-III and Track-IV, at the time when they are taken on file.

(a) List of Cases to be dealt under Track-I:

(1) Maintenance cases

(2) Child custody cases

(3) Cases relating to appointment of Guardian and Wards

(4) Adoption cases

(5) Cases relating to Visiting rights

(6) O.Ps. relating to Letters of Administration

(7) Succession Certificate O.Ps.

(8) Rent control O.Ps.

(9) Civil Miscellaneous Appeals

(10) Rent Control Appeals

(11) Money suits including Small Causes Suits and Recovery of Rent

(12) Mental Health O.Ps.

(13) Transfer OPs.

(14) O.Ps. by indigent persons

(i.e. *informa pauperis* O.Ps.)

(15) E.S.I O.Ps.

(b) List of cases to be dealt under Track-II:

(1) Execution cases except those for attachment and sale of

(1) Execution cases, except those for attachment and sale of immovables

(2) All matrimonial cases

(3) Ejectment suits

(4) All injunction suits (temporary/mandatory / permanent injunction)

(5) MACT OPs.

(6) LA.OPs

(7) SFC.OPs.

(8) Arbitration O.Ps.

(9) O.Ps. under Public Premises Act

(c) List of cases to be dealt under Track-III :

(1) Partition suits

(2) Suits seeking Declaration

(3) Suits For specific performance

(4) Suits for possession

(5) Appeals other than CM.As. and R.C.As.

(6) Suits Tor damages

(7) Easementary suits

(8) Cases relating to Trademarks & Passing Off. Copyrights, Patents

(9) Cases relating to Intellectual Property rights

(10) Trust property cases

(11) insolvency cases

(12) Suit for Accounts

(13) All other category of execution proceedings other than the one mentioned under Track-II.

(14) Suits for altering or cancelling or adding entries in the Registers

(d) List of cases to be dealt under Track-IV:

Such other matters not included in Track-I to Track-III shall be posted In Track-IV.

(2) The Presiding Officer shall endeavour to dispose of the cases within the lime frame as under:

(i) Track-I :- within 6 months

(ii) Track II :- within 12 months

(ii) Track-II :- within 12 months

(iii) Track-III and Track-IV :- within 24 months.

The commencement of time shall be reckoned from the date when the cases are included in List-I. (Note: The time prescribed for disposal of the suits/proceedings is the maximum time limit.)

(3) Notwithstanding the above, the Presiding Officer at the request of the parties and for valid reasons, can dispose of the case early, irrespective of the Track norms prescribed.

(4) Notwithstanding the time stipulated in the categories at cases in the Tracks mentioned above, where the time is stipulated for disposal of any Case/Suit/Proceeding in the Civil Procedure Code / Statute / Rule / Regulation / Government Order / High Court Circulars, such case / Suit / Proceeding is to be disposed of as stipulated in the Civil Procedure Code / Statute / Rule / Regulation / Government Order / High Court Circulars.

4. Summons :-

(1) The summons/notices issued in suit or proceeding, shall indicate maximum of 30 days for filing written statement/counter statement/ objection from the date of service, as per Order VIII Rule 1, C.P.C.

(2) (a) The plaintiff/petitioner shall file copy of the plaint, interlocutory application, list of documents along with the plaint, for service on the defendant respondent.

(b) The plaintiff/petitioner shall furnish the correct postal address of the parties in the pleadings as required under Order VI Rule 14A. C.P.C- In the absence of the same. The office shall not take it on file until necessary compliance is made.

(3) (a) When the State/Union Government/Public Servants or State/Union Government in official capacity, are parties to the suit or proceeding, in such cases, in addition to the summons/notice under sub-rule (1) to Rule (4) above, the summons or notice along with the copy of the pleadings, shall be served on the Government Pleader, as the case may be. as contemplated under Order XXVII Rule 4, C.P.C, before filing and after obtaining necessary endorsement in proof of such service.

(b) In respect of statutory bodies and Corporations owned or controlled by the Government, the summons or notice along with the copy of the pleadings, in addition to the summons/notice under sub-rule (1) to Rule 4 above, shall be served on the authorised agents or on the Standing Counsel representing such statutory bodies and Corporations, before filing and after obtaining necessary endorsement in proof of such service.

(c) The summons or notice along with the copy of the pleadings, so served on the Government Advocate or Pleader or authorised agents or the Standing Counsel, as the case may be. shall be deemed to be a valid service.

(d) E-Service can also be effected through Internet/E-mail/Fax, subject to the proof of such service to the satisfaction of the Court.

(4) The process for service shall be paid within three days from the date of order, failing which, the case will be posted in List-I for dismissal for non prosecution. On request, the Court may extend the time for payment of process.

(5) The process if paid in time for service through Court or Post, the case be posted not later than 21 days if service is to be effected within the same District and in other cases, 30 days, from the date of issuance of summons or notice, for appearance.

(6) If the service of notice is issued to the plaintiff/petitioner under Order V Rule 9A, C.P.C., the report of the service shall be filed

before the Court with necessary acknowledgement of service along with an affidavit.

The above service shall be in addition to the service which may be effected through Post as contemplated under Order V Rule 9, C.P.C.

(7) Whenever notices/summons issued to defendant/respondent is reported as refused, it shall be dealt with as stipulated under Order V Rule 9. Sub-Rule (5), C.P.C.

(8) In any case, if the defendant/respondent appears, he may be permitted to appear before the Court on the next day.

(9) When the service of summons/notices through Courier is refused, the responsible Officer of the Courier shall swear to an affidavit containing details about the fact of Such refusal. On consideration of such affidavit, the Court may place the defendant/respondent ex-parte.

5. Calling of cases :-

(1) The stages of the suit or proceeding shall be as follows:

(a) Steps for service of summons/notices.

(b) Appearance of the parties

(c) Filing of written statement / counter statement/ objections.

(d) Hearing of interlocutory applications.

(e) Reference to "Arbitration, Mediation or Conciliation/Lok Adalats"

(f) Framing of issues (for suits).

(g) Evidence;

Examination-in-chief,

Cross-examination;

and

Re-examination.

(h) Arguments

(i) Judgment.

(2) The Presiding Officer shall cause preparation of two cause-lists of the cases for the calling work every day.

(3) The case at the stage of hearing interlocutory applications, reference to Arbitration, Mediation or Conciliation/ Lok Adalat. framing of issues, evidence including the examination-in-chief, cross-examination and re-examination of witnesses, arguments and judgment, shall be listed in Cause List-I.

(4) (a) The case at the stage of steps for service of summons/notices, appearance of the parties, filing of written statement, counter statement or objections, shall be listed in Cause List-II.

(h) Under List-II, the relevant papers should be filed and necessary steps should be taken by the Advocates or the parties concerned during the working hours of the Court. All the papers including

plaint, written statement, counter statement, objections, documents, etc., filed in Court should be acknowledged by the Court Staff concerned by issuing receipts in the prescribed format signed by the Court Staff with their name and designation, as under:

(i) Name of the Court.

(ii) By whom presented.

(iii) Particulars of Documents in brief and

(iv) the date and time of presentation.

- Name, Designation and

Signature of the Court Staff.

Only one acknowledgement need be given for all the papers filed at one time.

(5) The case at the stage of appearance of the parties and steps at the request of the Advocate or party, be posted in List.I for necessary orders for expeditious service of summons/notices.

(6) The cases listed in Cause List No.1 shall be-called in Open Court.

(7) The Court Officer shall attend to the cases listed in Cause List No.II.

(8) The cases posted in List No.II shall be made available to the Advocates or party for attending to the calling work during the

working hours of the Court

(9) The parties and the Advocates shall file vakalat, take steps and file written statement or counter statement or objections before the Court Officer.

(10) The Court Officer can extend time for filing written statement or counter statement or objections, for a maximum period of 90 days from the date of service of summons/notices. Thereafter, the case shall be posted in List-I for necessary judicial orders

(11) Whenever the Advocate/party fails to attend or take steps in the case posted in List-II and does not seek extension of time or whenever such extension is refused, the case shall be posted in List-I for necessary judicial orders on the next working day.

(12) The cases to be posted in List No.1 for cross-examination shall not be less than 10 cases.

(13) The party/Advocate shall take the posting of the case for cross-examination in List No.1 strictly and shall produce evidence without seeking adjournment.

6. Procedure regarding interlocutory applications and interim orders :-

(1) In a suit or proceeding, if only notice is ordered in the interlocutory applications, the applications shall be posted for hearing in the List-I immediately on the appearance of the defendant/ respondent.

(2) In a suit or proceeding, if an ex-parte interim order is granted on an interlocutory application, the same shall be posted in List No.I for disposal on merits immediately after the appearance of the defendant/respondent and the Court shall endeavour for disposal of the said application within 30 days from the date of the order.

(3) The applications filed for interim orders in respect of cases in List No.I may be filed on the date of hearing or in advance, after due notice to the other side.

(4) Any application seeking for emergent interim orders in any matter pending in List-II before the Court Officer, shall be posted before the Court.

(Note: Emergent interim orders shall depend upon the facts and circumstances of each case.)

7. Reference of cases to Arbitration/Mediation/Conciliation/Lok Adalat :-

(1) (a) The Presiding Officer shall explore the possibility of a "Settlement" and if there exists any element of Settlement, then the case shall be referred to Arbitration/Mediation/Conciliation/Lok Adalat, as the case may be, under Section 89 of the CPC for reference to the Alternative Disputes Resolution Forum as per the Rules prescribed by the Presiding Officer,

(b) The Court Officer shall explore the possibility of "Settlement" of the cases in List-II and if there exists any element of "Settlement", then the case shall be posted in List-I before the Presiding Officer and the Presiding Officer shall proceed in accordance with the procedure as stated in sub-rule (a) to Rule 7(1) above.

(2) Where a dispute has been so referred to for Arbitration / Mediation / Conciliation / Lok Adalat or for judicial settlement, such dispute is to be disposed of, in accordance with the provisions of the Arbitration and Conciliation Act, 1996. as amended and the Legal Services Authority Act. 1987, as amended, as the case may be.

(3) When the dispute is referred for Mediation and the Mediator

submits the terms of settlement entered into between the parties, which is reduced into writing in accordance with the Rules, the Court shall pass a judgment in terms of the settlement and in accordance with Order XXIII Rule 3, C.P.C., if the terms of settlement are lawful,

(4) When the case is not settled either by way of Arbitration/Mediation/Conciliation /Lok Adalat or judicial settlement, and the case is referred back to Court, the Court shall proceed with the disposal of the case, on merits and in accordance with law.

8. XXX XXX XXX :-

The procedure for catling work, grant of interim orders applicable to suits and civil proceedings, shall "mutatis-mutandis" apply to appeals.

9. Submissions of records by the trial Court in cases of Appeals :-

As and when an Appeal/First Appeal is filed, the Appellate Court shall call for the records from the Court of Original Jurisdiction (trial Court) within three days from the date of filing of the Appeal/First Appeal and the trial Court shall send the records to the Appellate Court within 30 days from the date of receipt of communication from the Appellate Court.

10. XXX XXX XXX :-

Whenever there is any inconsistency between the above Rules 1 to 9 and the provisions of the Civil Procedure Code / Statute / Rule / Regulation / Government Orders / High Court Circulars, the provisions laid down under the Civil Procedure Code / Statute / Rule / Regulation / Government Orders/High Court Circulars shall prevail.