

No. R(J) 119/2021

High Court of Karnataka,
Bengaluru,
Dated: 12/11/2021.

CIRCULAR

Pursuant to the order dated 22/01/2007 passed by the Hon'ble Court in RSA No.283/2002, a Circular No. HCE. 226/2007 dated 13.02.2007 was issued, which reads as under;

"There is considerable variation in the matter in which the registry processes the papers filed by the learned counsel for the parties. Even though there is a rule that copies of the application filed in any pending matter should be served on the learned counsel for the other side, in several matters papers are being put up even though copies have not been served on the other side. This is one such matter. Registrar concerned is directed to verify why such lapses occur and to ensure that it does not recur in future".

In this context, attention is drawn to Rule 7 of Chapter X of the High Court of Karnataka Rules, 1959, which reads as follows;

"In appeals and petitions in which notice to respondent has already been issued, an Interlocutory application shall not be numbered or posted unless parties to the appeal or petition affected by the application who are represented by Advocates have been served with notice of the application by delivering to each of such Advocates a copy of application together with a copy of the supporting affidavit or memorandum of facts and the written acknowledgment with the signature of each such Advocate or his registered clerk is taken either by endorsement on the application or otherwise and is filed in the Court along with the application. If, however, the applicant's Advocate makes an endorsement on the application that such service on Advocate was either refused to be accepted or could not be effected in spite of due diligence, the Registrar may direct that the application be numbered and posted. Wherever, it is intended to move the application as an emergent application, the copy of the application served on every Advocate under this Rule shall contain an endorsement stating that the application is

intended to be moved as an emergent application on the day specified in the endorsement”.

Further, the Hon'ble Court has passed the order in WP 3644/2016 (KLR-RES) vide order dated 27.09.2021 and has made certain observations, which reads as under;

“1. The Learned Counsel for the petitioner submits that he is not been served with the copy of I.A.No.2/2021. In fact, that is the objection raised on I.A.No.2/2021. The learned counsel for the respondent seeks for two weeks time to furnish a copy of the same to the learned counsel for the petitioner.

2. The Registrar (Judicial) to look into the matter as to issuance of necessary circular as regards acceptance of applications where the same is not served on the other side thereby saving unnecessary listing of the matter before the Court and adjournment thereof.

3. Re-list on 15.11.2021”.

Therefore, while reiterating the directions issued in Circular No. HCE 226/2007 dated 13.02.2007 and directions issued in WP No. 3644/2016 (KLR-RES) vide order dated 27.09.2021, the officials working on the Judicial side at Principal Bench, Bengaluru, Benches at Dharwad and Kalaburagi are hereby directed that before posting any Interlocutory Applications for orders before the Hon'ble Court, they should invariably ensure the compliance of Rule 7 of Chapter X of the High Court of Karnataka Rules, 1959, i.e., regarding acceptance of applications only after service of the same on the other side of the counsel.

Any lapse in this regard would be viewed seriously.

BY ORDER OF THE HON'BLE COURT

Sd/-

**(K.S.BHARATH KUMAR)
REGISTRAR (JUDICIAL)**

COPY TO:

1. The Additional Registrar General, High Court of Karnataka, Dharwad Bench and Kalaburagi Bench for necessary action and circulation among the concerned staff.
2. The Central Project Co-ordinator (CPC), with a request to web-host the circular
3. All Joint Registrars and Deputy Registrars on Judicial side, for information.
4. The Assistant Registrars / Section Officers of Scrutiny and Pending Branches on the Judicial side to circulate among all the staff members with an instruction to strictly follow the above directions.
5. Office copy.

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