

HIGH COURT OF JAMMU AND KASHMIR AT SRINAGAR

ORDER**No: 325 of 2021 | R9****Dated: 20.05.2021**

The Jammu and Kashmir High Court has territorial jurisdiction over two Union Territories of Jammu & Kashmir and Ladakh. The High Court is one indivisible court having two places of sitting (wings) – one at Jammu and the other at Srinagar. The Chief Justice allots work to Judges sitting at Jammu wing and the Srinagar wing. The work available at Jammu wing may also be allotted to the Judges sitting at Srinagar wing and vice-versa. The Headquarter of the Chief Justice during winter is at Jammu and during summer at Srinagar.

Without compromising the indivisibility of the High Court but, for ensuring equal distribution of work among the Judges sitting in two wings of the High Court, by orders of the Chief Justice circular No. 06 dated 18.12.2010 has been issued by the Registrar General of the High Court which provides that all matters related to the Jammu Wing of the High Court shall be filed, heard and decided at the Jammu Wing and the matters related to the Kashmir and Ladakh at the Srinagar Wing. It further provides that in exceptional circumstances where it is not practicable to file a matter in the Wing concerned, it may be filed at the other Wing with the leave of the Chief Justice or in his absence, the senior most Judge available at the Headquarter. Subsequently, another circular No. 104 dated 14.03.2019 partially modified Circular No. 06 dated 18.12.2010 and provided that cases of all nature relating to Leh district of Ladakh Division shall be filed, heard and decided in Jammu wing of the High Court and those cases related to Kargil district of Ladakh Division shall be filed, heard and decided in Srinagar wing of the High Court.

In circular No. 06 dated 18.12.2010, there is mention of all Writ Petitions/ Public Interest Litigation/ Appeals/ Arbitration Applications/ Misc. Applications etc. related to Jammu wing shall be filed, heard and decided at Jammu wing and such matters related to Srinagar wing shall be filed, heard and decided at Srinagar wing of the High Court. The expressions “related to Jammu wing” and “related to Srinagar wing” in the said circular are not defined and are thus defined as follows:



Related to Jammu wing would mean all Writ Petitions/ Public Interest Litigation/ Appeals/ Arbitration Applications/ Misc. Applications etc. in which the subject matter is situate or cause of action arises or parties to the lis reside in any part of the revenue limits of Jammu Division of UT of J&K comprising districts of Jammu, Udhampur, Kathua, Doda, Poonch, Rajouri, Samba, Reasi, Kishtwar, Ramban and also in which the subject matter is situate or cause of action arises or parties to the liss reside in the revenue limits of district Leh in UT of Ladakh.

Related to Srinagar wing would mean all Writ Petitions/ Public Interest Litigation/ Appeals/ Arbitration Applications/ Misc. Applications etc. in which the subject matter is situate or cause of action arises or parties to the lis reside in any part of the revenue limits of Kashmir Division of UT of J&K comprising districts of Srinagar, Budgam, Anantnag, Pulwama, Baramulla, Kupwara, Kulgam, Ganderbal, Shopian and Ganderbal and also in which the subject matter is situate or cause of action arises or parties to the lis reside in the revenue limits of district Kargil in UT of Ladakh.

Circular No. 94 dated 07.12.2018 clarifies that whenever permission is granted to file a case, pertaining to one Wing of the High Court, in the other Wing of the High Court, the concerned Registrar Judicial shall, after entering it in the register maintained for the purpose, send the record of the case to the Wing to which the matter relates to, where it would be given a proper registration number with reference to the classification of the case. It further provides that in cases where urgent ex-parte relief is sought, the record shall be digitally conveyed for hearing through video conferencing by the Court concerned as per the roster.

The aforesaid circulars unequivocally make it clear that in ordinary course a case related to a particular wing of the High Court has to be filed in that wing alone, however, in case of any difficulty/impracticability in filing a case in the concerned wing, the Chief Justice grants permission to file it in other wing but, for hearing and decision of the case in the concerned wing where it was to be filed in the ordinary course, the record would be transmitted to the said wing.

The difficulty/impracticability in filing a case in a particular wing of the High Court is comprehensible when filing is available only through physical mode but, this difficulty/impracticability is beyond imagination when e-filing is also



permitted whereby anyone can file his/her case in any wing of the High Court from anywhere. For last one year due to the prevailing situation having arisen because of the spread of COVID-19, the High Court has switched over to the hybrid mode of filing and hearing of cases in both wings of the High Court, whereby cases are also filed through e-mode. However, despite permitting e-filing of cases, the office of the Chief Justice is flooded with applications on administrative side for grant of leave to file cases pertaining to a particular wing in other wing of the High Court rendering the e-filing meaningless. The practice of seeking permission to file a case, pertaining to a particular wing, in other wing of the High Court must come to an end when cases are permitted to be filed through e-mode.

In the above backdrop, it is directed as follows:

1. In ordinary course filing shall be done in physical mode in the concerned wing of the High Court, however, e-filing is also permitted through any available digital mode.
2. In view of the availability of the facility of filing through e-mode as well in both wings of the High Court, no application shall be entertained for seeking permission to file a case, related to a particular wing, in other wing of the High Court.
3. In case a party opts for e-filing, for record purpose, such party shall also submit hard copy of the matter to the concerned wing of the High Court either physically or through any other available alternate mode like Registered Post, Speed Post etc with promptness.
4. The High Court shall establish "Vidhik Seva Kendra" in both wings of the High Court and also in each District of UTs of Jammu & Kashmir and Ladakh to facilitate the filing of matters in concerned wings of the High Court through e-mode. The "Vidhik Seva Kendra" shall also facilitate the litigants, who face any difficulty in filing their matters in the High Court, in forwarding the hard copies of their matters to the concerned wing of the High Court by Registered Post or Speed Post etc.
5. The litigants of Ladakh instead of travelling to Srinagar or Jammu for filing matters in the High Court, may approach to the "Vidhik Seva Kendra" in their district to avail the facility of filing their matters through e-mode with the help of "Vidhik Seva Kendra". The matters of Ladakh so filed may, if possible and convenient, be heard in the concerned wing through video conferencing.

6. The matters filed in physical mode would be processed by the Registry in the normal mode to be placed before the Bench concerned as per the roster and a soft copy of it would also be prepared for the record purpose. Similarly, where the matters are filed through e-mode, for facilitating immediate hearing of such matters, the Registry shall take print out of such matters and place it before the roster bench hearing the matter.
7. The print out so prepared in terms of the preceding condition may be destroyed without reference to any order or rule once the matter as a whole is decided, however, its soft copy shall be preserved for the purposes of the record.

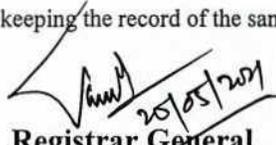
Sd/-
(Pankaj Mithal)
Chief Justice

Dated: 20.05.2021

No: 17771-817RG/GS

Copy to the:

1. Principal Secretary to Hon'ble the Chief Justice, High Court of J&K, Srinagar;
2. Secretary to Hon'ble Mr/Mrs. Justice _____
.....for information of His/Her Lordship.
3. Registrar Vigilance, High Court of J&K, Srinagar;
4. Director, Jammu & Kashmir Judicial Academy, Srinagar.
5. Member Secretary, Jammu & Kashmir Legal Services Authority, UT of Jammu and Kashmir.
6. Member Secretary, Ladakh Legal Services Authority, UT of Ladakh.
7. Registrar Computer, High Court of J&K, Srinagar;
8. Registrar Rules, High Court of J&K, Srinagar;
..... for information.
9. Registrar Judicial, High Court of J&K, Srinagar/Jammu;
.....for information & necessary action.
10. All Principal District Judges & Sessions Judges of the UTs of Jammu & Kashmir and Ladakh with the request to circulate the same among the Judicial Officers within their jurisdiction.
11. Administrative Officer, Office of the Advocate General, J&K, Srinagar.
12. President, all Bar Associations in UTs of J&K and Ladakh.
..... for information and compliance
13. I/C NIC for uploading the same on the official website of the High Court.
14. Incharge Library, High Court Wing Jammu /Srinagar for information and keeping the record of the same.


Registrar General