

HIGH COURT OF MADHYA PRADESH, JABALPUR

An overview of the updated scheme for rationalization of assignment cum listing of cases before the Benches of the High Court of Madhya Pradesh

INTRODUCTION

The number of cases being filed in the High Court of Madhya Pradesh has been constantly on the rise and listing of cases is becoming acutely unwieldy. In order to meet the ever increasing demand for listing of cases for hearing, considering the working available Judges strength, streamlining the listing procedure, better court case management, ensuring timely disposal, transparency, accountability, consistency, make the process litigants and lawyers friendly and to subserve the aspirations of the stakeholders, scheme for rationalization of listing of cases before the Benches of the High Court of Madhya Pradesh was conceptualized and introduced on 6/12/2013. This scheme was modified from time to time to meet the exigencies and to remove the difficulties experienced during working of the system, keeping in mind suggestions given by the stakeholders.

Now seven months have elapsed since introduction of the scheme. The Bar Associations have demanded taking up final hearing on regular basis.

The principal object of the scheme of roster/assignment is to strengthen the system and make it transparent, rational, responsive and also for enhancing efficiency in docket management especially of Motion hearing matters for dispensing quality justice to the litigants.

The salient features of the updated scheme may be summed up as under :

ADMISSION (MOTION HEARING)

1. **No admission matter shall remain undated.** In that, every admission matter shall bear some date, either given by the Court or auto-generated by the computer.

2. The matters notified on the daily/weekly Board/list alone would be treated as assigned to the concerned Court, not the rest of the pending matters of that category.
3. Work load shall be equally distributed amongst the available Judges on day to day basis.
4. The auto-generated programme has been designed to address relative urgency of different types of cases as per the Court listing policy.
5. Ordinarily, upto 100 main cases (excluding order matters) will be listed before the Benches (SB / DB) sitting for full day.
6. Cases in which computer generated dates are given are also to be listed within the specified number (100 main cases), after listing of fixed date and freshly filed cases, if the space so permits. If because of Court given date cases/fresh cases daily list gets oversized, the computer generated dates “after notice admission cases of the same type” will be listed chronologically in suitable lots after four weeks and such dates shall be rescheduled and notified in the daily/supplementary list.
7. Court dated cases shall be listed on fixed dates and shall not be left out.
8. Fresh Habeas Corpus Petitions shall be listed in the daily cause list on the next Court working day after removal of office objections, if any. In case any of these matters could not be taken up on the assigned date for any reason, the same will be notified on the next Court working day in the supplementary list.
9. Fresh admission cases filed after coming into force of this listing policy shall be listed on third working day from the date of removal of office objections, if any.
10. Not reached/left over **fresh admission** matters shall be listed in the following week. The left over **after notice** cases which could not be taken up on the notified date will be assigned auto-generated returnable dates spread out in suitable lots after four weeks, so that the supplementary cause

list does not get oversized. The returnable dates of concerned cases will be notified on the High Court official website in the case status of that case as also on the list/board for the next Court working day, for the information of the litigants and lawyers. **In either case, if the Court orders to the contrary in exceptionally urgent matters, the Court given date will prevail.**

11. Fresh matters under Sections 438 & 439 of Code of Criminal Procedure, 1973 shall be listed before Court on 5th Court working day from the date of removal of defaults, if any, under caption "Bail Matters".
12. Criminal Appeal and Criminal Revisions shall be listed for 'admission' accompanied by petition for suspension of sentence / bail filed under section 389 Cr.P.C.
13. The left over bail matters will be listed on second following Court working day.
14. All bail applications under section 438 & 439 Cr.P.C. arising from the same crime number of the same Police Station and application for suspension of sentence under section 389 Cr.P.C. arising from the same judgment filed by the different applicants separately will be listed before the same Hon'ble Judge(s). **However, if the same Hon'ble Judge(s) is/are not available, the subsequent fresh bail application of co-accused persons will be listed before available senior most Hon'ble judge(s).**
15. The advance daily list for the entire next week will be published on the previous working Friday or last Court working day of the previous week, as the case may be, latest by 7:00 p.m. and will be displayed on the official website of the High Court.
16. Any urgent / left over matter/fresh for admission matter required to be listed on the next Court working day after preparation of final list will be included in the **supplementary list**. The supplementary list shall indicate the serial number when the matters of given category included in the supplementary list will be called out for hearing.

17. Order matters which can be disposed of by common order will be notified on the Board separately with the proposed order to be passed therein with the returnable dates for the concern matters.
18. Once a matter is listed under caption 'Common Order' and the default is not removed within specified time, such matter(s) will be listed under caption 'Order' in respect of such default on the returnable dates.
19. The motion hearing list will have separate heads of cases in the following order of precedence:-

S.No.	Particulars of Heads
A.	Common Order
B.	Settlement
C.	Personal Appearance
D.	Bail Matters :- i) Bail applications u/s 438 Cr.P.C. ii) Bail applications u/s 439 Cr.P.C. iii) Suspension of sentence u/s 389 Cr.P.C. in admitted matters.
E.	Direction Matters
F.	Orders
G.	Top of the list (for admission)
H.	Admission matters more than five years old
I.	Fresh (for admission) i) Civil ii) Criminal
J.	After notice (for admission) i) Criminal ii) Civil
K.	Final Disposal at admission stage i) Civil ii) Criminal

20. Interlocutory applications filed in pre-admission (matter yet to be formally admitted by the Court) shall be ordinarily listed along with the main matter on its returnable date. **However, application for vacating ex-parte interim relief will be listed under caption "ORDER" on the fifth Court working day from the date of removing office objections, if any.**

21. All connected matters shall be listed under one serial number (with sub numbers thereof) in the daily/weekly list and not separately.
22. Cases of outstation Advocates will be listed on a particular day of the week as per administrative directions issued in this behalf by Hon'ble the Chief Justice.
23. The cases to be listed before DB-I at the Principal Bench as well as the Benches, will be as per the separate assignment for DB-I.

MENTIONING OF MATTERS

24. Mentioning for urgent listing or change of assigned dates of all D.B./S.B. matters not notified in the Daily / Weekly List shall be entertained only by DB-I at the respective Benches. However, mentioning of matters already notified in the Daily / Weekly List can be made before the concerned Hon'ble Division / Single Bench, where the matter is so listed.
25. Every fresh admission matter will be automatically listed without need for mentioning on the third Court working day from the date of removing the office objections.
26. Mentioning of pre-admission matters to which specific date has already been assigned by the Court or auto-generated date, must be avoided except in matters which cannot wait till the assigned date, for pre-poning the date or for change of date, if the same is not convenient to the Advocate or the parties.
27. Mentioning of SB Arbitration/Company/Taxation/Election matters be made before the designated Judge(s).
28. To streamline the procedure for mentioning and to obviate the Court pressure for mentioning of matters, the mentioning memo should be first presented between **10:30–11:30 a.m.** before the Registrar (J-II) at Principal Seat, Jabalpur and before the Principal Registrar at Benches at Indore and Gwalior respectively, who shall make endorsement on the mentioning slip about (a) date of institution (b) date of removal of office objection (c) last date of the listing of the case (d) type of case – Fresh / After Notice / Final

Hearing (e) if Final Hearing case, whether ready for hearing and the serial number in the concerned category of the quarterly list (f) the assigned returnable date given by the Court or generated by the computer, as the case may be. **However, most urgent matters can be mentioned on the same day before the Hon'ble mentioning Court (i.e. DB-I).**

29. The concerned Registrar shall send all mention memos to the Reader of the Court in the evening on the same day.
30. Advocates/Litigants must peruse the endorsement of the Registrar in the next morning before 10:30 a.m. Only those matters be mentioned by presenting the mentioning memo bearing endorsement of the concerned Registrar, before the Court taking up such matter, in which the assigned date is not acceptable to the party.

FINAL HEARING

31. After taking up cases notified for motion hearing assigned to the concerned Bench, the cases for final hearing will be taken up ad seriatim by that Bench.
32. A Consolidated Quarterly List of final hearing cases is displayed on the official website of the High Court. This list consists of matters in the given category chronologically which are ready for final hearing. The relative position of matters included in the Consolidated Quarterly List of the given cases will be indicated in the case status of that case.
33. A weekly list shall be drawn from the Consolidated Quarterly List. This list shall consist of proportionate lots of cases of categories in chronological order assigned by Hon'ble the Chief Justice to a particular Bench. The cases notified in the weekly list will be commensurate with the inter-se ratio of the pending cases of categories in the quarterly list as worked out by auto-generated computer programme.
34. As per policy, if in a given category, there are only five or less than five cases available for listing in the week, all such cases will be included in the weekly list.

35. If a case older than the oldest of a given category listed in the Weekly List is left out or included in wrong category resulting in loosing its seniority, litigants / advocates are requested to bring that to the notice of the Registrar (Judicial) so that corrective measures can be taken.
36. Part heard / specially assigned matters (except election petitions and Full Bench matters) would cease to be part heard/specially assigned with change of assignment of cases of the concerned category, unless a request for continuation of the matter is made by the parties and the same is approved by Hon'ble the Chief Justice.
37. The Election Petitions will be heard as priority cases by the concerned Judge to whom the case has been assigned, keeping in mind the statutory requirement of disposal of such cases within six months.

**SPECIAL ASSIGNMENT FOR COMPANY, ARBITRATION,
TAXATION AND ELECTION MATTERS**

38. Special assignment for company, arbitration, taxation and election matters shall be notified in the assignment.

E-SERVICES

39. In case of default in a freshly filed case, auto generated SMS/email will be sent to the registered mobile number/email address of the advocate and/or litigant. Similar services will be provided regarding listing of the cases.

Note:-The above scheme is flexible and open to suitable modifications to address issues of stakeholders and administrative exigency and is operated by in house customized auto generated computer programme.

Sd/-
(VIRENDER SINGH)
PRINCIPAL REGISTRAR (JUDICIAL)
18.07.2014

APPROVED

Sd/-
CHIEF JUSTICE
18.07.2014