

Through email only



THE HIGH COURT OF KERALA

email: ecc.kerala.nic.in

Kochi – 682 031

Phone No: 0484-2562553/2513

ECC4/111016/2017(II)

Dated: 31.12.2021

OFFICIAL MEMORANDUM

Sub : Implementation of e-Filing version 3.0 in the District Judiciary_reg
Ref : This Office OM of even number dated 24.12.2021

Inviting attention to the reference cited above, all the Principal District Judges are hereby informed that, in order to facilitate the implementation of e-filing version 3.0 in the District Judiciary, a Standard Operating Procedure (SOP) for eFiling has been prepared by the High Court and the same is enclosed herewith for information and strict compliance.

The Principal District Judges are requested to circulate the Standard Operating Procedure (SOP) for eFiling to all the Bar Associations in their respective districts and to publish the same in the District Court website.

(By order)

Encl : As above

Pradeep Kumar V. K

ASSISTANT REGISTRAR

To

S/

All the Principal District Judges (District Judges are requested to bring the contents of OM and SOP to the notice of all the Judicial Officers in their respective districts)

Copy to

1. All the Nodal Officers
2. CA to the Registrar (District Judiciary) & the Director (IT)
3. The Zonal Officers

Standard Operating Procedure(SOP) for e-filing in District

Judiciary

The SOP is intended to cover all cases filed by the Government and other public authorities in all case types and in the following case types filed by other parties subject to clauses 3 and 4 hereunder:

- (a) Suits for money filed by banks and other financial institutions;
- (b) complaints filed in respect of the offence punishable under section 138 of the Negotiable Instruments Act.
- (c) Petitions, Appeals, Revisions and Execution Petitions filed under the provisions of the Kerala Buildings (Lease and Rent control) Act, 1965;
- (d) Claim petitions for compensation filed under the provisions of Motor Vehicles Act, 1988;
- (e) Petitions and applications filed under the provisions of the Arbitration and Conciliation Act, 1996;
- (f) Petitions filed under the provisions of the Indian Succession Act;
- (g) Petitions filed in the District Court under the provisions of the Guardian and Wards Act;
- (h) Regular and anticipatory bail applications filed in the District Court:
- (i) Criminal Appeals and Criminal Revision Petitions; Civil Appeals including Civil Miscellaneous Appeals and in such other case types as decided in tune with the High Court **OM**

No.ECC4/111016/2017 dated 24.12.2021.

1. This SOP shall be effective from 01.01.2022 and shall be supplemental to the Electronic Filing Rules for Courts (Kerala), 2021 and other relevant Rules and procedure.
2. e-filing along with physical filing is mandatory for all categories of cases to which e-filing is applicable, including cases which are pending in courts as on 01.01.2022.
3. In all the Commercial Courts, E-filing of cases shall continue through the portal: <https://filing.ecourts.gov.in/pdedev/>
4. As pilot locations in the Paperless Court Project, all cases in Additional Chief Judicial Magistrate Court, Thiruvananthapuram and Judicial First Class Magistrate Court, Kolenchery shall be e-filed. E-filing of all case types shall be continued in Munsiff Court, Kolenchery.
5. For e-filing, one should visit the portal: <https://filing.ecourts.gov.in/pdedev/> and shall select the name of State as 'Kerala' and choose the appropriate role for registration(Viz.Advocate/Litigant/Govt.Pleader)

6. Registration as an Advocate or Litigant on the portal <https://filing.ecourts.gov.in/pdedev/> is required for e-filing of cases. Without registration, no one can e-file any case or pleadings or documents.

7. However, the data of advocates on the rolls of Bar Council of Kerala as of November 2021 is already imported. Those advocates who had given valid mobile numbers and email IDs with the Bar Council need not complete the process of registration on the portal. Once they click [New User ? Register here](#) link, a page for registration will open and after entering their Roll Number, their details will be fetched and displayed. They only need to set a password for their username and submit for OTP verification through their registered mobile number and email ID. Once OTP verification is completed and submitted, they can login using Bar Registration Number, Mobile Number, eMail ID or Unique Code sent to them and start e-filing.

8. In cases where there is no mobile number or email ID or the mobile number and email ID are incorrect or inactive, they need to update the same and complete the process of OTP verification and submission after setting a password for login. Even though the advocate could login to the portal, it will ask for OTP verification of mobile number and email ID. They shall upload a Copy of **Enrollment Certificate** for verification.(In Kerala, this document alone is considered valid for verification) After verification of the Certificate by the Authorities, they can start

e-filing on the portal. Advocates registered may enter the “**Update Practice Locations**” tab for adding districts to enable e-filing in courts in those districts.

9. Litigant registration is the same as in the case of advocate registration. Verification is required only if the litigant wishes to file cases as a party in person (without an advocate). For verification, he shall upload his ID proof and after verification by the authorities, he can e-file cases. Verification process shall be completed as expeditiously as possible.

10. For registration of Government Pleader, one shall register as an advocate. In cases where the Government Pleader or Assistant Public Prosecutor/Public Prosecutor has suspended or surrendered the Bar Enrollment, the name and details may be submitted to the courts concerned with a proof of their appointment as Government Pleader or Assistant Public Prosecutor/Public Prosecutor for registration.

11. The pleadings, documents, vakalath etc shall be as per the relevant rules and shall be filed electronically in conformity with the Electronic Filing Rules for Courts (Kerala), 2021.

12. For uploading pleadings/documents, File name of the PDF document to be uploaded should not contain special characters, except underscore (_).

13. The court fees and other fees payable shall be paid as in the case of conventional filing, unless otherwise notified.
14. E-filing in pending cases (physically filed cases) can be done by using the “**Search Cases**” tab under the icon, “**Portfolio**” on the dashboard and can be added to “**My Cases**” in the same menu. Once the case is added to “**My Cases**”, documents can be uploaded and submitted.
15. Once e-filing is accepted, the filing number will be notified to the Advocate or litigant in person by SMS and/or email.
16. Interlocutory Applications (I.As) and Vakalaths to be filed along with fresh cases shall be uploaded after scanning the duly signed and stamped Applications/Vakalaths by using the tab, “**Uploading Pleadings**” as pleadings along with the main proceedings.
17. The Chief Ministerial Officer or such other officer authorised in this behalf shall verify the Interlocutory Applications (I.As) filed as above (as pleadings along with new case) and after numbering of the main case, it shall be numbered and registered as I.As.
18. If Complaint alleging offence u/s 138 of Negotiable Instruments Act, 1881 is filed along with a delay condonation petition, the delay condonation petition and the complaint shall be numbered

as petitions as per the existing procedure and only if the delay is condoned and cognizance is taken, the complaint shall be registered and numbered.

19. The facility for e-filing through the web portal shall be available twenty-four hours of each day, subject to uptime and maintenance downtime or other emergencies. Exemption from e-filing shall be as per Rule 10 of the Electronic Filing Rules for Courts (Kerala), 2021.

20. In cases where e-filing is exempted, and physical filing is done, it shall be mandatory that the pleadings and other documents filed physically be uploaded on the e-filing portal in the same manner as described in Clause 14 and subject to Clauses 22 and 23 of this SOP.

21. The time of electronic filing for the purpose of computing the period of limitation shall be as per Rule 13 of the Electronic Filing Rules for Courts (Kerala), 2021.

22. Physical copies (pleadings and originals of documents finally submitted and accepted for registration) of e-filed cases shall be filed on the same day of e-filing, and as far as possible, within the physical filing time specified by such courts under the applicable rules.

23. In cases where urgent and immediate reliefs are sought, even before physical production of the pleadings and documents

e-filed, on an application stating the reason with an undertaking that physical filing will be done within the time prescribed by the court, the courts are not prohibited from passing urgent orders after recording its reasons for the same and ordering physical filing within such time as may be prescribed by the court.

This SOP only addresses the technical aspects and requirements of e-filing as a guide for e-filing and does not extend to substantive matters such as enquiries, trials and evidence.