

7. After Order XV of the Code, the following Order shall be inserted, namely:—

Insertion of Order XV-A.

“ORDER XV-A  
CASE MANAGEMENT HEARING

1. The Court shall hold the first Case Management Hearing, not later than four weeks from the date of filing of affidavit of admission or denial of documents by all parties to the suit.

First Case Management Hearing.

2. In a Case Management Hearing, after hearing the parties, and once it finds that there are issues of fact and law which require to be tried, the Court may pass an order—

Orders to be passed in a Case Management Hearing.

(a) framing the issues between the parties in accordance with Order XIV of the Code of Civil Procedure, 1908 after examining pleadings, documents and documents produced before it, and on examination conducted by the Court under Rule 2 of Order X, if required;

(b) listing witnesses to be examined by the parties;

(c) fixing the date by which affidavit of evidence to be filed by parties;

(d) fixing the date on which evidence of the witnesses of the parties to be recorded;

(e) fixing the date by which written arguments are to be filed before the Court by the parties;

(f) fixing the date on which oral arguments are to be heard by the Court; and

(g) setting time limits for parties and their advocates to address oral arguments.

3. In fixing dates or setting time limits for the purposes of Rule 2 of this Order, the Court shall ensure that the arguments are closed not later than six months from the date of the first Case Management Hearing.

Time limit for the completion of a trial.

4. The Court shall, as far as possible, ensure that the recording of evidence shall be carried on, on a day-to-day basis until the cross-examination of all the witnesses is complete.

Recording of oral evidence on a day-to-day basis.

5. The Court may, if necessary, also hold Case Management Hearings anytime during the trial to issue appropriate orders so as to ensure adherence by the parties to the dates fixed under Rule 2 and facilitate speedy disposal of the suit.

Case Management Hearings during a trial.

6. (1) In any Case Management Hearing held under this Order, the Court shall have the power to—

Powers of the Court in a Case Management Hearing.

(a) prior to the framing of issues, hear and decide any pending application filed by the parties under Order XIII-A;

(b) direct parties to file compilations of documents or pleadings relevant and necessary for framing issues;

(c) extend or shorten the time for compliance with any practice, direction or Court order if it finds sufficient reason to do so;

(d) adjourn or bring forward a hearing if it finds sufficient reason to do so;

(e) direct a party to attend the Court for the purposes of examination under Rule 2 of Order X;

(f) consolidate proceedings;

(g) strike off the name of any witness or evidence that it deems irrelevant to the issues framed;

(h) direct a separate trial of any issue;

(i) decide the order in which issues are to be tried;

(j) exclude an issue from consideration;

(k) dismiss or give judgment on a claim after a decision on a preliminary issue;

(l) direct that evidence be recorded by a Commission where necessary in accordance with Order XXVI;

(m) reject any affidavit of evidence filed by the parties for containing irrelevant, inadmissible or argumentative material;

(n) strike off any parts of the affidavit of evidence filed by the parties containing irrelevant, inadmissible or argumentative material;

(o) delegate the recording of evidence to such authority appointed by the Court for this purpose;

(p) pass any order relating to the monitoring of recording the evidence by a commission or any other authority;

(q) order any party to file and exchange a costs budget;

(r) issue directions or pass any order for the purpose of managing the case and furthering the overriding objective of ensuring the efficient disposal of the suit.

(2) When the Court passes an order in exercise of its powers under this Order, it may—

(a) make it subject to conditions, including a condition to pay a sum of money into Court; and

(b) specify the consequence of failure to comply with the order or a condition.

(3) While fixing the date for a Case Management Hearing, the Court may direct that the parties also be present for such Case Management Hearing, if it is of the view that there is a possibility of settlement between the parties.

**7. (1)** The Court shall not adjourn the Case Management Hearing for the sole reason that the advocate appearing on behalf of a party is not present:

Provided that an adjournment of the hearing is sought in advance by moving an application, the Court may adjourn the hearing to another date upon the payment of such costs as the Court deems fit, by the party moving such application.

(2) Notwithstanding anything contained in this Rule, if the Court is satisfied that there is a justified reason for the absence of the advocate, it may adjourn the hearing to another date upon such terms and conditions it deems fit.

**8.** Where any party fails to comply with the order of the Court passed in a Case Management Hearing, the Court shall have the power to—

(a) condone such non-compliance by payment of costs to the Court;

(b) foreclose the non-compliant party's right to file affidavits, conduct cross-examination of witnesses, file written submissions, address oral arguments or make further arguments in the trial, as the case may be, or

Adjournment  
of Case  
Management  
Hearing.

Consequen-  
ces of non-  
compliance  
with orders.

(c) dismiss the plaint or allow the suit where such non-compliance is wilful, repeated and the imposition of costs is not adequate to ensure compliance.”.

**8.** In Order XVIII of the Code, in Rule 2, for sub-rules (3A), (3B), (3C), (3D), (3E) and (3F), the following shall be substituted, namely:—

Amendment  
of Order  
XVIII.

“(3A) A party shall, within four weeks prior to commencing the oral arguments, submit concisely and under distinct headings written arguments in support of his case to the Court and such written arguments shall form part of the record.

(3B) The written arguments shall clearly indicate the provisions of the laws being cited in support of the arguments and the citations of judgments being relied upon by the party and include copies of such judgments being relied upon by the party.

(3C) A copy of such written arguments shall be furnished simultaneously to the opposite party.

(3D) The Court may, if it deems fit, after the conclusion of arguments, permit the parties to file revised written arguments within a period of not more than one week after the date of conclusion of arguments.

(3E) No adjournment shall be granted for the purpose of filing the written arguments unless the Court, for reasons to be recorded in writing, considers it necessary to grant such adjournment.

(3F) It shall be open for the Court to limit the time for oral submissions having regard to the nature and complexity of the matter.”.

**9.** In Order XVIII of the Code, in Rule 4, after sub-rule (I), the following sub-rules shall be inserted, namely:—

Amendment  
of Order  
XVIII.

“(IA) The affidavits of evidence of all witnesses whose evidence is proposed to be led by a party shall be filed simultaneously by that party at the time directed in the first Case Management Hearing.

(IB) A party shall not lead additional evidence by the affidavit of any witness (including of a witness who has already filed an affidavit) unless sufficient cause is made out in an application for that purpose and an order, giving reasons, permitting such additional affidavit is passed by the Court.

(IC) A party shall however have the right to withdraw any of the affidavits so filed at any time prior to commencement of cross-examination of that witness, without any adverse inference being drawn based on such withdrawal:

Provided that any other party shall be entitled to tender as evidence and rely upon any admission made in such withdrawn affidavit.”.

**10.** In Order XIX of the Code, after Rule 3, the following Rules shall be inserted, namely:—

Amendment  
to Order  
XIX.

“4. (1) The Court may, by directions, regulate the evidence as to issues on which it requires evidence and the manner in which such evidence may be placed before the Court.

Court may  
control  
evidence.

(2) The Court may, in its discretion and for reasons to be recorded in writing, exclude evidence that would otherwise be produced by the parties.”.

5. A Court may, in its discretion, for reasons to be recorded in writing—

Redacting or  
rejecting  
evidence.

(i) redact or order the redaction of such portions of the affidavit of examination-in-chief as do not, in its view, constitute evidence; or

(ii) return or reject an affidavit of examination-in-chief as not constituting admissible evidence.

Format and guidelines of affidavit of evidence.

6. An affidavit must comply with the form and requirements set forth below:—

(a) such affidavit should be confined to, and should follow the chronological sequence of, the dates and events that are relevant for proving any fact or any other matter dealt with;

(b) where the Court is of the view that an affidavit is a mere reproduction of the pleadings, or contains the legal grounds of any party's case, the Court may, by order, strike out the affidavit or such parts of the affidavit, as it deems fit and proper;

(c) each paragraph of an affidavit should, as far as possible, be confined to a distinct portion of the subject;

(d) an affidavit shall state—

(i) which of the statements in it are made from the deponent's own knowledge and which are matters of information or belief; and

(ii) the source for any matters of information or belief;

(e) an affidavit should—

(i) have the pages numbered consecutively as a separate document (or as one of several documents contained in a file);

(ii) be divided into numbered paragraphs;

(iii) have all numbers, including dates, expressed in figures; and

(iv) if any of the documents referred to in the body of the affidavit are annexed to the affidavit or any other pleadings, give the annexures and page numbers of such documents that are relied upon.”.

Amendment of Order XX.

11. In Order XX of the Code, for Rule 1, the following Rule shall be substituted, namely:—

“(1) The Commercial Court, Commercial Division, or Commercial Appellate Division, as the case may be, shall, within ninety days of the conclusion of arguments, pronounce judgment and copies thereof shall be issued to all the parties to the dispute through electronic mail or otherwise.”.

DR. G. NARAYANARAJU  
*Secretary to the Govt. of India.*

# मध्यप्रदेश राज्य विधिक सेवा प्राधिकरण, जबलपुर

(सी-2, साउथ सिविल लाईन्स)

क्रमांक फा.नं.13/लो.अदा./राविसेप्रा/593/2016 जबलपुर, दिनांक 13.06.2016

## संशोधित पत्र

प्रति,

1. प्रिंसिपल रजिस्ट्रार/सचिव  
उच्च न्यायालय विधिक सेवा समिति  
खण्डपीठ इंदौर/ग्वालियर (म.प्र.)
2. रजिस्ट्रार/सचिव  
उच्च न्यायालय विधिक सेवा समिति  
जबलपुर (म.प्र.)
3. जिला न्यायाधीश एवं अध्यक्ष,  
जिला विधिक सेवा प्राधिकरण,  
जिला- समस्त (म.प्र.)

विषय:- वाणिज्यिक विवादों के सिविल एवं अपराधिक प्रकरणों को प्रीलिटिगेशन के अंतर्गत प्राथमिकता पूर्वक शामिल करने बावत्।

संदर्भ:- मध्य प्रदेश शासन, विधि एवं विधायी कार्य विभाग भोपाल के पत्र क्रमांक 2113/21-ब(एक)/2016 भोपाल दिनांक 08.06.2016 एवं इस प्राधिकरण का पत्र क्रमांक फा.नं.13/लो.अदा./राविसेप्रा/593/2015 जबलपुर, दिनांक 10.06.2016

उपरोक्त संदर्भित विषयान्तर्गत, म0प्र शासन की ओर से इस अधिकरण के समक्ष संलग्न पत्र दिनांक 08.06.2016 (अनुलग्न-ए) प्राप्त हुआ है, जिसके अंतर्गत वाणिज्यिक विवादों के सिविल एवं अपराधिक प्रकरणों को प्रीलिटिगेशन के अंतर्गत प्राथमिकता पूर्वक शामिल करने बावत् निर्देशित किया गया है।

कृपया, विधिक सेवा अधिनियम 1987, धारा 89 सी.पी.सी एवं अन्य संबंधित नियमों के प्रावधानों को दृष्टिगत रखते हुए उपरोक्त पत्र (अनुलग्न-ए) के अंतर्गत वाणिज्यिक विवादों के सिविल एवं अपराधिक प्रकरण जो प्रीलिटिगेशन स्वरूप के हैं उनको नियमानुसार संचालित की जाने वाली लोक अदालत में विचारार्थ रखे जाकर विधिवत निराकरण कराये जाने का कष्ट करें।

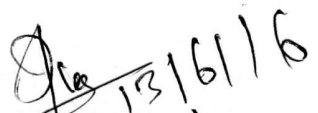
(नोट- यदि आपके यहां वाणिज्य कर के प्रकरणों के निराकरण के लिए विशेष अदालत गठित है तब उसी विशेष लोक अदालत को वाणिज्य कर से संबंधित, लंबित विवादित एवं प्रीलिटिगेशन के प्रकरण के निराकरण का अधिकार रहेगा।)

संलग्न:- उपरोक्तानुसार (कुल 05 पृष्ठ)

*sd*  
(दिनेश कुमार नायक)  
सदस्य सचिव

पृ. क्रमांक फा.नं.13/लो.अदा./राविसेप्रा/599/2016 जबलपुर, दिनांक 13.06.2016  
प्रतिलिपि:-

1. श्री आर0के0 वाणी, सचिव, मध्यप्रदेश शासन, विधि एवं विधायी कार्य विभाग, विध्यांचल भवन भोपाल की ओर विधि एवं विधायी कार्य विभाग भोपाल के पत्र क्रमांक 2113/21-ब(एक)/2016 भोपाल दिनांक 08.06.2016 के संदर्भ में सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

  
(दिनेश कुमार नायक)  
सदस्य सचिव