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RULES SUPPLEMENT TO PART-I
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NOTIFICATIONS BY GOVERNMENT

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LAW DEPARTMENT
(LA,LA&J-Home-Courts.A2)

AMENDMENT TO RULES TO REGULATE THE TRIAL OF ELECTION PETITIONS UNDER REPRESENTATION OF THE PEOPLE ACT, 1951 - INSERTION OF NEW RULE 11-A AFTER RULE 11 OF RULES TO REGULATE THE TRIAL OF ELECTION PETITIONS UNDER REPRESENTATION OF THE PEOPLE ACT, 1951.

[G.O. Rt.No.210, Law (LA,LA&J-Home-Courts.A2), 20th April, 2021.]

Under the provisions of Section 122 of Civil Procedure Code, 1908 and with the previous approval of the State Government, the High Court has made the following Amendment to Rules to Regulate the trial of Election Petitions under Representation of the People Act, 1951.

AMENDMENT

Insertion of new Rule 11-A, after Rule 11 of Rules to Regulate the trial of Election Petitions under Representation of the People Act, 1951:

“11-A: Evidence on Commission at Court’s discretion:**Commissions to examine parties & witnesses :-**

Notwithstanding anything contained in Order XXVI of the Code of Civil Procedure, 1908, the Court may, at its discretion, in any Election Petition, at any stage, direct that the parties and witnesses be examined on Commission. The evidence recorded on Commission shall be read as evidence in the Election Petition.

AMENDMENT TO CIVIL RULES OF PRACTICE AND CIRCULAR ORDERS, 1980 - INSERTION OF NEW RULE IN CHAPTER VIIA, AFTER RULE 82 OF CIVIL RULES OF PRACTICE AND CIRCULAR ORDERS, 1980 AS RULE 82-A REGARDING ELECTRONIC PROCESS SERVICE RULES.

[GO. Rt.No.211, Law (LA,LA&J-Home-Courts.A2), 20th April, 2021.]

Under the provisions of Section 122 of Civil Procedure Code, 1908 and with the previous approval of the State Government, the High Court has made the following Amendment to Civil Rules of Practice and Circular Orders, 1980.

AMENDMENT

Insertion of new Rule in Chapter VIIA, after Rule 82 of Civil Rules of Practice and Circular Orders, 1980 as Rule 82-A regarding Electronic Process Service Rules:

Rule 82-A : Civil Rules of Practice of Circular Orders, 1990 :**The method of service under Electronic/Digital Application.**

- (i) Once the service of process has been ordered by the Court, the parties or their Advocates on whose behalf such summons or notices are issued, shall deposit the prescribed process fee and forms.
- (ii) on such deposit of fee and forms, the office of the Court shall generate and issue the process
- (iii) on such generation or issuance of process, the process service Nazarath establishment shall transmit the manual (in hard copy form)

or electronic process to the Court within whose limits the proposed recipient of such process actually resides or works for gain.

- (iv) in the event the proposed recipient of process resides or works for gain within the limits of the court which has issued the process, the process serving establishment shall allocate the process to the process serving staff electronically as well as manually (in hard copy form) within 48 hours from the time of receiving such process into that establishment.
- (v) On receipt of such processes manually (in hard copy form) and electronically, the process server physically shall affect the service of such processes in any or all of the following modes:

- a) by tendering the original copy of process to the person to whom it is addressed and shall obtain the acknowledgment from the recipient and with the permission of such recipient, shall take the photograph showing the handing over of process.

Provided that if the recipient is a 'Pardanashin' woman, the service of process may be affected to any male member of her family and subject to the above, photograph may be taken to that affect.

- b) After service of such process, the process serving officer shall obtain the signature or thumb impression of the recipient on the physical copy and also obtain the signature or thumb impression digitally on the device entrusted to such process serving officer in electronic mode and shall save such photograph and signature or thumb impression taken.
- c) The process serving officer shall also draw the location as to the service of process on the addressee by using Geographical Positioning System tool in the device entrusted to him and shall save the location of service of such process.

- (vi) After completion of service of such process, the process serving officer shall save and upload the photograph as to the proof of service, electronic signature and Geographical Positioning System location together and shall make an endorsement in the device while submitting the service report to the establishment.
- (vii) In the event the house premises of the person to whom the process is proposed to be served is closed or locked, the process serving officer shall take the photograph showing such locked premises and shall make an endeavour to obtain the signature of a respectable inhabitant of that locality, as proof. The process serving officer shall also draw the Geographical Positioning System location of that closed premises in the aforesaid manner and shall submit a consolidated report to the process service establishment.
- (viii) In case of refusal of such process by the person on whom it is to be served, the process serving officer shall draw the Geographical Positioning System location of that place where he attempted the service and shall also make an endeavour to get attested his report by a respectable person of that locality.
- (ix) In case of affixture of such process at the outer door of the house premises of the person on whom the process is proposed to be served, the process serving officer shall take the photograph evidencing such affixture and shall make an endeavour to obtain the signature of at least one inhabitant of that locality and shall also draw the Geographical Positioning System location, as token of proof.
- (x) After submission of report by such process serving officer, the process service establishment shall make necessary endorsement manually and electronically and then shall forward the same to the court from which such process has been sent for service.
- (xi) The processes may also be served by other electronic mode by way of sending the same through e-mail service. WhatsApp/Telegram and other similar application as approved by the High Court from time to time. However, in such cases, it is for the sender of such process to prove the service.

- (xii) These Electronic Process Services Rules shall be construed as enabling provisions and shall operate not in derogation but in addition to the other process service rules provided in Civil Procedure Code, 1908 and the rules contained in this chapter and all other extant rules or circulars regulating the service of processes in Courts.

A. SANTHOSH REDDY,
Secretary to Government,
Legal Affairs, Legislative Affairs & Justice.

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