



सत्यमेव जयते

महाराष्ट्र शासन राजपत्र

असाधारण भाग चार-क

वर्ष ११, अंक ३१ (२)]

गुरुवार, ऑगस्ट २८, २०२५/भाद्रपद ६, शके १९४७

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असाधारण क्रमांक ४७

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाव्यतिरिक्त इतर वैधानिक प्राधिकाऱ्यांनी तयार केलेले
(भाग एक, एक-अ व एक-ल यांमध्ये प्रसिद्ध केलेले वैधानिक नियम व आदेश यांव्यतिरिक्त इतर)
वैधानिक नियम व आदेश; यात भारत सरकार, उच्च न्यायालय, पोलीस आयुक्त, आयुक्त (राज्य उत्पादन शुल्क),
जिल्हादंडाधिकारी व निवडणूक आयोग, निवडणूक न्यायाधिकरण, निवडणूक निर्णय अधिकारी व निवडणूक आयोगाखालील
इतर प्राधिकारी यांनी तयार केलेले वैधानिक नियम व आदेश यांचा समावेश होतो.

HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

NOTIFICATION

Bombay High Court Service Of Processes by Electronic Mail Services (Civil Proceedings) (Amendment) Rules, 2025

No. Rule/P.0703/Notification No. 12/2025.— In exercise of the powers conferred under Order V, and Section 122 of the Code of Civil Procedure, 1908 and all other enabling powers in that behalf, the High Court of Bombay upon previous publication and with previous approval to the extent necessary under Article 227, 230 and 231 of the Constitution of India, hereby pleased to make rules to amend the Bombay High Court Service Of Processes by Electronic Mail Services (Civil Proceedings) Rules, 2017, namely:

1. Short title and commencement:

(1) These rules may be called the Bombay High Court Service Of Processes by Electronic Mail Service (Civil Proceedings) (Amendment) Rules, 2025.

(2) These rules shall come into force on such date as the Chief Justice, by notification, appoint and different dates may be appointed for different provisions of these rules, and any reference in any such provision to the commencement of these rules shall be construed as a reference to the coming in to force of that provision.

2. Definitions: Unless the context otherwise require, 'Principal rules' means the 'Bombay High Court Service Of Processes by Electronic Mail Service (Civil Proceedings) Rules, 2017'.

(१)

3. Delete the words “**and Chapter VI of the Code of Criminal Procedure, 1973**” in the preamble to the Principal rules.

4. Substitute the word “**SERVICES**” in the title appearing below the preamble to the Principal rules, with the word “**SERVICE**”.

5. Substitute the words “**(Civil Proceeding)**” in rule 1 of the Principal rules, with the words “**(Civil Proceedings)**”.

6. Substitute rule 3 of the Principal rules with-

3. Application.—

(1) These Rules shall apply to all civil proceedings in the High Court and the Courts under the supervisory jurisdiction of the High Court and all Commercial disputes under the Commercial Courts Act, 2015.

(2) Provisions of these rules shall be in addition to and without prejudice to the manner and mode of service of process as prescribed in the Bombay High Court (Original Side) Rules, 1980.

7. Renumber existing **sub-rule (a)** of rule 4 of Principal rules as **sub-rule (ac)** and insert following sub-rules above the said sub-rule:

(a) “**Addressee**” means a party to the proceeding and includes a third party, a person proposed to be impleaded as a party to the proceeding, legal heir of a party, guardian-ad-litem of a party or of a person proposed to be impleaded as a party, a witness or any other person whose presence, the High Court or the Court deems it to be necessary before such Court.

(aa) “**Case Information System (CIS)**” means the system software currently in use by the High Court or the other Courts and includes such other software as may be specified by the High Court from time to time.

(ab) “**Chief Justice**” means the Chief Justice or the Acting Chief Justice of the High Court.

(ac) “**Code**” means Code of Civil Procedure, 1908.

8. Insert sub-rule **(ad)** after sub-rule (a) of the Principal rules, (**renumbered as sub-rule (ac)**) -

(ad) “Court” means all Civil Courts in the States of Maharashtra, Goa or Union Territory of Dadra and Nagar Haveli and Daman and Diu, which are subordinate to the High Court and to whom provisions of the Code are applicable.

9. After **sub-rule (b)** of rule 4 of the Principal rules, insert sub-rule-

(ba) “**digital signature**” means a Digital Signature as defined under section 2(p) of the Information Technology Act, 2000.

10. Substitute **sub- rule (c)** of rule 4 of the Principal rules, with-

(c) “**District Judge**” means the Principal District Judge of a District and includes the Principal Presiding Officer of the Court for the purposes of these Rules.

11. Substitute **sub-rule (e)** of Rule 4 of the Principal rules, with-

(e) “**Electronic Mail Service**” means the service of process to the addressee through designated electronic mail address of the High Court or the Court, directly by automation or by human intervention or by hybrid mode as the case may be.

12. After **sub-rule (e)** of the Principal Rules, insert following sub-rules-

(f) **“electronic signature”** means an Electronic Signature as defined under section 2(*ta*) of the Information Technology Act, 2000.

(g) **“hybrid mode”** means use of mechanization and manual procedure.

(h) **“instant messaging address”** means a unique identifier that allows individuals to communicate with each other in-real time through an instant messaging service.

(i) **“instant messaging service”** means a service that enables real-time text based communication between two or more users over the internet or mobile network.

(j) **“process”** means summons, notices, writs, citations and includes summons to a witness or summons for production of documents or other material objects or such other communications (except warrants) issued by or under the directions of the High Court or the Court concerning the civil proceedings filed before such Courts, in such manner and in such form as has been prescribed by the rules applicable to such proceedings or Courts from time to time.

(k) **“Process Department”** means the branch, cell or section of the High Court or the Court which prepares and / or dispatches processes concerning such Court.

(l) **“Sheriff”** means the Sheriff of Mumbai.

13. In the **heading of rule 5** of the Principal rules, substitute the words **“other party”** with the word **“addressee.”**

14. Substitute **rule 5(a)** of the Principal rules, with-

(a) A party desirous of serving process to the addressee by Electronic Mail Service or instant messaging service, shall provide electronic mail address or instant messaging address of the addressee and shall file an affidavit with supporting documents in the High Court or the Court, as the case may be, stating:

(i) that the electronic mail address or instant messaging address of the addressee given by her/him is correct to the best of her/his knowledge, and

(ii) that in correspondences prior to the filing of the case, the addressee has accepted and responded to communication at that electronic mail address or the instant messaging address, or

(iii) that the addressee has a website or portal and on which contact electronic mail address or the instant messaging address is displayed, or

(iv) that the electronic mail address or instant messaging address as provided in an agreement between the party and the addressee or in any instrument or writing sent or forwarded by the addressee.

15. Substitute **rule 5(b)** of the Principal rules with-

(b) Where the addressee is a company, partnership, body corporate or other legal entity required by law to maintain an electronic mail address under the law under which it is registered, or under any applicable taxation statute, such entity shall be required to accept service of process via the Electronic Mail Service on such electronic mail address then, it shall be sufficient only to furnish such electronic mail address without the necessity of filing an affidavit under sub-rule (a).

16. Substitute **rule 5(c)** of the Principal rules with-

(c) The High Court or the Court as the case may be, may, upon considering the affidavit, with the supporting documents, if any, direct the service of process by electronic mail service or by instant messaging service viz ‘Sandes’, ‘WhatsApp’ or ‘Telegram’ at the address so provided.

17. Transpose **Rules 6 and 7** of the Principal Rules, from **CHAPTER-3 (MISCELLANEOUS)** to **CHAPTER-2 (SERVICE BY ELECTRONIC MAIL SERVICE)** in seriatim.

18. Substitute rule 6 of the Principal rules, with-

6. Service of process-

(a) Where the Court directs the service of process by instant messaging service, such service shall be effected by the party and shall be in addition to the service as per the Code;

(b) Where the service of process is effected by instant messaging service, the party effecting the service shall file an affidavit with supporting documents explaining the manner in which the service is effected.

19. In **CHAPTER - 3** of the Principal rules, insert following rules above **rule 8-**

7A. Transmission of Process-

(1) The High Court may transmit process together with documents, if any, to the Court or the Sheriff, as the case may be, by electronic mail for the purpose of service upon the addressee.

(2) Such Court may take a print-out thereof, affix its seal and serve the process, in the manner in which process emanating from such Court is served.

(3) The Sheriff may take a print out thereof and serve the process in the manner in which process emanating from the High Court is served.

(4) The service report of such process shall be sent by the Court or the Sheriff, as the case may be, to the High Court by electronic mail at such dedicated electronic mail address as may be specified by the High Court.

(5) Unless otherwise directed, such service report shall, for all purposes, be accepted without the requirement of filing the original physical service report.

(6) The Court may adopt the procedure specified hereinabove in sub- rule (1), (2) and (4) for transmission of processes which are required to be served at place beyond its jurisdiction.

7B. Procedure.- Wherever the High Court or the Court directs service of process through electronic mail service or instant messaging service, all the concerned shall adopt the protocol as specified hereinafter.

20. After the existing **Rule 8** of the Principal rules insert following rules -

9. Dedicated email address.— There shall be one or more unique electronic mail addresses for the process department which shall be exclusively used for service or transmission of processes.

10. Service report.—

(a) The Process Department shall ascertain the status of service of process sent by electronic mail and shall place the report before the concerned Court or such authority to whom the service reports are ordinarily sent, as per the extant rules applicable to the High Court or the Court.

(b) Where the process is served by the Sheriff through electronic mail service, the Sheriff shall furnish the status of service of process together with his report through the dedicated electronic mail address to the High Court or the Court, as the case may be, from which the process was received for service.

(c) The Court issuing process shall consider Delivery Status Notification (DSN) or Delivery Report or Read Receipt, or Response, if any, to the process sent by electronic mail service, hold such inquiry as it thinks fit and may declare that the process has been duly served or order such further service, as may, in its opinion be necessary.

(d) In the case of service of process by instant messaging service, the Court shall, upon considering the affidavit of the party serving the process, together with system generated indication of delivery or response to the process sent by instant messaging service, if any, hold such inquiry as it thinks fit and may declare that the process has been duly served or order such further service, as may, in its opinion be necessary.

11. Process sent by electronic mail and its record shall be preserved in such form and for such period as per the extant rules or as may be specified by the High Court from time to time.

12. The High Court or the Court or employees of such Court shall not be responsible for any loss, damage, claim, expenses, cost or liability, statutory or otherwise whatsoever (including in contract, tort or negligence) arising in respect of or in connection with the service of the process sent by electronic mail service.

13. No suit, prosecution or other legal proceedings shall lie against the High Court, the Court or any officer of the Court or any other person exercising any powers or discharging any functions or performing any duties under directions or by the orders of the Court, for non-delivery, insufficiency or failure of service or incorrect service of processes for any reason whatsoever.

14. Practice directions.- The Chief Justice may issue practice directions as warranted from time to time in respect of these rules.

21. Delete the entire clause titled as '**OBJECT**' in the **PROTOCOL** under the Principal rules.

22. Substitute existing **Clause (3)** of the Protocol under the Principal rules, with-

(3) (a) Where the High Court or the Court directs the service of process as per rules 5, 6, or 7, the party shall provide all documents which are required to be sent with such process in Portable Document Format (PDF) with Optical Character Recognition (OCR) or deposit charges in lieu thereof, which shall not exceed charges payable for obtaining certified copies as per the extant rules, or as may be prescribed by the High Court from time to time, for scanning of the required documents.

(b) Where the High Court or the Court directs service of process by instant messaging service as per rule 5, the party shall serve such process.

23. Delete **Clauses (4), to (10)** of the Protocol under the Principal rules.

24. Renumber **clause (11)** of the Protocol as **Clause (4)** and substitute with—

(4) Officer authorised in this behalf by the High Court or the District Judge as the case may be, of the concerned Court shall digitally or electronically sign the Process.

25. Delete **clauses (12) to (21) and Entire DISCLAIMER CLAUSE** of the Protocol under the Principal rules-

High Court of Judicature at Bombay

Appellate Side, Bombay.

Dated : 22nd August 2025.

I/c. Registrar General.

HIGH COURT OF BOMBAY*NOTIFICATION*

No. Rule / P.0703 / Notification No. 17/2025.— In exercise of powers conferred under sub rule (2) of Rule 1 of the Bombay High Court Service Of Processes by Electronic Mail Services (Civil Proceedings) (Amendment) Rules, 2025, the Hon'ble the Chief Justice appoint **25th August, 2025** to be the date from which **“The Bombay High Court Service Of Processes by Electronic Mail Services (Civil Proceedings) (Amendment) Rules, 2025”**, shall come into force in the State of Maharashtra.

High Court of Bombay,

Date : 22nd August, 2025.

I/c. Registrar General.