

**NOTIFICATION BY THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NOTICE**

Notice is hereby given that the Hon'ble High Court is contemplating to amend the Bombay High Court Service Of Processes by Electronic Mail Service (Civil Proceedings) Rules, 2017 as detailed herein below. Any person interested in lodging any suggestion / objection may do so only by an e-mail addressed to the Registrar (Legal and Research) at rule-section@bhc.gov.in on or before 15.06.2025. Suggestion(s) / Objection(s) received till said date shall be taken into consideration by the Hon'ble High Court, thereafter in due course. The proposed amendment rules are as follows:-

**DRAFT**

**Bombay High Court Service Of Processes by Electronic Mail Service  
(Civil Proceedings) (Amendment) Rules, 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 (such analogous provision may be made depending on the nature of rules and their area of operation).

**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’.

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

**“Application.—**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 .”

**7.** Renumber existing sub-rule (a) of rule 4 of Principal rules as sub-rule (ac) and insert following three 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-litum of a party or of a person proposed to be impleaded as a party, a witness or any other person whose presence, the Court or the High 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.”

**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 State 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.** Substitute sub rule (b) of rule 4 of the Principal rules with —

“(b) “High Court” means the High of Bombay.”

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

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

**11.** 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.”

**12.** 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 Court or the High Court, directly by automation or by human intervention or by hybrid mode.”

**13.** After sub-rule (e) of the Principal Rules, insert-

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

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

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

**15.** 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 Court or the High 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.”

**16.** Delete rule 5(c) of the Principal rules.

**17.** Substitute rule 6 of the Principal rules, with-

**“6. Service of process—**

(a) The Court or the High Court may direct that a process be served upon an addressee to the civil proceeding before it, by courier, fax or electronic mail service or short messaging service or instant messaging services viz. ‘Sandes’, ‘WhatsApp’, and ‘Telegram’.

(b) Where the Court directs the service of process by short messaging service or instant messaging services, it shall also direct the service of such process simultaneously as per the Code.

(c) Where the service of process is effected by short messaging service or instant messaging service, the party effecting the service shall file an affidavit

with supporting documents explaining the manner in which the service is effected.”

**18.** After existing Rule 7 of the Principal rules, insert:

**“7A. Transmission of Process--**

- (1) High Court may transmit process together with documents if any, to the Court by electronic mail for the purpose of service upon the addressee.
- (2) Such Court may take a print-out thereof, seal it with its seal and serve the process in the manner in which process emanating from such Court is served.
- (3) Service report of such process shall be sent by the Court to the High Court by electronic mail at such dedicated electronic mail address as may be specified by the High Court.
- (4) Unless otherwise directed, such service report shall for all purposes be accepted without the requirement of filing the original physical service report.
- (5) Courts may adopt the procedure specified hereinabove in sub-rule (1) to (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, short messaging service or instant messaging service, such Court shall adopt the protocol as specified hereinafter.”

**19.** After the existing rule 8 of the Principal rules insert-

**“9. Practice directions.-** The Chief Justice may issue practice directions as warranted from time to time in respect of these Rules.”

**20.** Delete the entire clause titled as ‘OBJECT’ in the PROTOCOL of the Principal rules.

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

“(3)(a) The party desirous of serving process by Electronic Mail Service 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, not exceeding charges payable for obtaining certified copies as per the extant rules, or as may be specified by the High Court from time to time, for scanning of the required documents.

(b) The party desirous of serving process by instant messaging service shall serve the process on the addressee only through such instant messaging address as has been provided to the Court in the affidavit under sub-rule (a) of rule 5.”

**22.** Substitute existing Clause (8) of the Protocol of the Principal rules, with -

“(8) In order to keep track of such electronic process, one main folder shall be created with the name as “Electronic Process” on the local computer system of the concerned Court. The main folder shall contain distinct sub-folders for each case identified by case number. Each such sub-folder will contain the following sub-folders.

- (a) ‘Processes with reports’
- (b) ‘Documents’.”

**23.** In existing Clause (9) of the Protocol of the Principal rules, substitute the words “**Summons / Notices**” with “**Processes with reports**” and delete the word “**Report**” appearing after the word “sub-folder”

**24.** Substitute existing Clause (10) of the Protocol of the Principal rules with -

“(10) The concerned Clerk shall transmit process and the documents in PDF to the Writ Cell of Judicial Branch of the High Court or Nazarat Branch or Process Department of the concerned Court, as the case may be, along with the email address of the addressee through Local Area Network/Internet.”

**25.** Substitute existing Clause (11) of the Protocol of the Principal rules with -

“(11) 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.”

**26.** Substitute existing Clause (12) of the Protocol of the Principal rules with -

“(12) Officer authorised in this behalf by the High Court or the District Judge as the case may be, of the concerned Court shall maintain record of Electronic Process.”

**27.** Substitute existing Clause (13) of the Protocol of the Principal Rules with -

“(13) A separate unique official electronic mail address for each Writ Cell of Judicial Branch of the High Court and Nazarat Branch or Process Department of each Court shall be created.”

**28.** Substitute existing Clause (15) of the Protocol of the Principal rules with -

“(15) Process be sent to the electronic mail address of the concerned recipient through designated electronic mail address of Writ Cell of Judicial Branch of the High Court and Nazarat Branch or Process Department of the concerned Court. While sending such electronic mail, following steps be taken by Writ Cell of Judicial Branch of the High Court and Nazarat Branch or Process Department of the concerned Court:

(a) Sender be shown as In-charge of Writ Cell of Judicial Branch of the High Court and Nazarat Branch or Process Department of the concerned Court.

(b) Subject be mentioned as ‘Service of \_\_\_\_\_ (mention the kind of appropriate process as defined in rule 4(g) in \_\_\_\_\_ (mention Case Type and Case number).’ For eg. “Service of notice in Civil Writ Petition No. XXX of XXXX.”

(c) ‘Process’ and ‘documents’ be attached as “Attachment(s)” to the electronic mail.

(d) In the body of the mail, following particulars shall be filled:

(i) ‘Please find attached herewith process issued by the Court of \_\_\_\_\_ (Full address) in \_\_\_\_\_ (mention Case Type and case number.)’ and,

**(ii) DISCLAIMER.—**

The Court and its employees shall not be responsible for any loss, damage, claim, expense, cost or liability whatsoever (including in contract, tort including negligence, pursuant to statute and otherwise) arising in respect of or in connection with the service of the electronic process.

No suit, prosecution or other legal proceeding shall lie against 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 order of the Court, for non-delivery, insufficient or failure of service or incorrect service of electronic process for any reason whatsoever.”

**29.** Delete clause (16) of the Protocol of the Principal rules.

**30.** Substitute Clause (17) of the Protocol of the Principal rules with-

**“(C) DELIVERY OF ELECTRONIC PROCESS.—**

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

(b) 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 instant messaging service, if any, hold such inquiry as it thinks fit and may declare the process have been served or order such further service as may in its opinion be necessary.”

**31.** Substitute Clause (18) of the Protocol of the Principal rules with-

“(18) Where the electronic mail or message is not delivered, or the delivery of the electronic mail or message is disrupted and bounces back for any reason whatsoever or, a “return to sender” message, ‘bounce back message’ or ‘error message’ is received from the electronic mail server or messaging service provider, the Writ Cell of Judicial Branch of the High Court or Nazarat Branch or Process Department of the concerned Court, as the case may be, shall

immediately send the PDF of such bounced electronic mail or Non-Delivery Report (NDR) to the Court.”

**32.** Substitute Clause (19) of the Protocol of the Principal rules, with-

**“(D) MAINTENANCE AND PRESERVATION OF RECORD.--**

“(19) In-charge of Writ Cell of Judicial Branch of the High Court or Nazarat Branch or Process Department of the concerned Court shall store process sent through electronic mail service or short messaging service or instant messaging service and Delivery Status Notification (DSN) or Delivery Report or Read Receipt, or response to the process sent by electronic mail service or short messaging service or instant messaging service if any, or bounced electronic mail or Non-Delivery Report (NDR), in PDF format in sub-folder ‘Process with Reports’ created as per clause (8) above.

**33.** Substitute Clause (20) of the Protocol of the Principal rules with-

“Electronic process 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.”

**34.** Delete clause (21) and entire “DISCLAIMER” clause thereunder in the Protocol of the Principal rules.

**Mumbai.**

**Date: 12<sup>th</sup> June, 2025**

**Dhananjay A. Deshpande  
Registrar (Legal & Research)**