

PRL. DISTRICT & SESSIONS COURT, VIJAYAPURA.

CIRCULAR

DATED: 27.6.2020.

During the period of limited functioning of the Courts due to pandemic COVID 19, the payment of compensation amount to litigants and especially the claimants and victims in MVC cases, Workmen's Compensation Act, 1923 cases and claimants in Land Acquisition Compensation etc., is stopped.

The Hon'ble High Court of Karnataka, Bengaluru vide Order dated: 24.06.2020 passed in W.P.No. 7338 of 2020 issued following guidelines all the Courts for making payments in the above mentioned cases during the limited functioning of the Courts during the pandemic of COVID-19.

- i) The litigant who is entitled to receive the amount shall file an application giving all the details including the details of the decree/order of the Court under which he/she is entitled to withdraw the amount.
- ii) The litigant shall furnish the application along with documents such as first page of the bank pass book showing the details of the bank account, name of the bank, account number, name of the account holder and IFSC code etc., If the first page of the pass book does not contain photograph of the account holder, a certificate of the Manager of the concerned Bank bearing photograph of the account holder and containing account details shall be produced.
- iii) The account must be in the name of the person who is entitled to withdraw the amount as per the Court order.
- iv) The litigant shall furnish the bank pass book, PAN card/form No.16, address proof and photo copies of the authentic identification documents such as Aadhar or election voter ID or driving licence etc., The photo copies of the documents shall be self-attested as well as attested as true copies by his/her Advocate, if the applicant is represented by an Advocate.
- v) Along with the application, an affidavit in support shall be filed by the applicant containing all the account details, which are necessary for transfer of money. A latest photograph of the applicant shall be affixed near the signature of the affidavit. The affidavit must affirm the correctness of the documents produced along with the application. Along with the application and affidavit, the applicant shall submit a blank voucher for payment of judicial deposit duly signed by him. If there are more than one applicant, affidavits of all of them are necessary. The signature on the voucher shall be identified by an Advocate by affixing his/.her signature below the words "signature of the claimant" or below the place for affixing the revenue stamp. Below the Advocate's signature for identification, he/she shall mention the Bar Council enrolment number. Few copies of the blank vouchers shall be made available by the Principal District Judge to the Bar associations so that the members of the Bar can take photo copies of the same. The affidavit in support of the application must contain the statement that the blank voucher is signed by the applicant.

vi) The applicants shall be placed before the concerned Court for passing necessary orders. The Court will peruse the records and ascertain as to whether the person who has made the application is entitled to receive the amount and whether there is a stay order of the higher Court. In the event the Judicial Officer concerned finds the applicant is entitled to receive the amount, he/she shall verify the documents for ascertaining whether all the bank account details have been furnished, whether the bank account stands in the name of the applicant etc., The physical presence of the party who makes an application for the purposes of such verification is not necessary. Only when the Court entertains a serious doubt about the genuineness of the documents or finds discrepancies, which could not be explained by the Advocate for the applicant, only in such cases, the Court may insist on the presence of the person making the application either through video conferencing or by procuring physical presence. In case where the personal presence is required, the Court will pass an Order for issuing entry pass to the person concerned to appear before Court on relevant date. The physical presence of a person making application should be secured only when it is absolutely necessary;

vii) If the Court is satisfied on perusal of the application and the documents furnished that the applicant is entitled to receive the amount, the Court will pass an order directing transfer of the amount to the specific account of the applicant through K-2 process;

viii) Thereafter, the Court office/accounts section after logging on K-2 portal, will generate bank mandate form. Print out of the bank mandate form shall be handed over to the Advocate for the applicant for the purpose of obtaining the signature of the party on the mandate form and the concerned Advocate shall countersign the same by verifying the signature of the party. He/she shall mention his/her Bar Council enrolment number below his/her signature. Physical presence of the party in the Court for signing the mandate form is not required. The mandate form must be returned with the maximum period of three days. Thereafter, the mandate form shall be signed by DDO. Further steps shall be taken by the Court office for generation of miscellaneous bill. As the mandate form containing all the account details is signed by the applicant, his/her signature on the miscellaneous bill is not required. Subsequently, all the procedure required by K-2 shall be followed and the requisite amount will be transferred directly from the judicial account in K-2 to the bank account of the concerned party.

ix) The Courts cannot insist on the person receiving the money affixing his/her signature or any register.

2) In the event of the applicants are not represented by an Advocate, the payments cannot be made unless the applicants personally appear in the Court. In such cases, entry passes will be issued to them. But, the Courts shall ensure that second visit of the litigant is avoided and all the formalities are completed during one visit.

3) In case of orders pertaining to payment of maintenance in matrimonial matters, it will be appropriate if the concerned Courts issue directions for payment of maintenance by way of RTGS or in any other mode of direct transfer by the person who is liable to pay the maintenance to the account of the person who is entitled to receive the maintenance.


4) Due to pandemic of COVID-19, the litigants are not able to receive the payments for the last three months and therefore, all the Courts shall make an endeavor to dispose of the applications made for payment at the earliest and see that the eligible litigants can get the amounts at the earliest. The Courts cannot restrict the payments per day to a particular number of cases. Further it is the duty of the Courts to ensure that the amounts are paid to those who are entitled to it.

It is also informed that on many occasions, K-2 is not easily accessible due to server issue and in such events the claimants are requested to co-operate with the Courts.

The draft format of entry pass to be issued to litigants is enclosed for ready reference.

Place: Vijayapura.

Date: 27.6.2020.


**Pr. District & Sessions Judge,
Vijayapura.**

Copy for information and necessary action to:

1. The I/II/III/IV Addl. District and Sessions Judge, Vijayapura.
2. The Prl. Judge, Family Court, Vijayapura.
3. The 1st Addl. Prl. Judge, Family Court, Vijayapura.
4. The Presiding Officer, Labour Court, Vijayapura.
5. The Prl. Sr. Civil Judge & CJM, Vijayapura.
6. The Member-Secretary, DLSA, Vijayapura.
7. The I Addl. Senior Civil Judge and CJM, Vijayapura.
8. The II Addl. Senior Civil Judge, Vijayapura.
9. The III Addl. Senior Civil Judge and JMFC, Vijayapura.
10. The Senior CJ & JMFC, Indi/Sindagi/B.Bagewadi/Muddebihal.
11. The Addl. Sr.CJ & JMFC, Sindagi/B.Bagewadi.
12. The Prl. Civil Judge, Vijayapura.
13. The I/II/III/IV/V Addl. Civil Judge and JMFC, Vijayapura.
14. The CJ & JMFC, Indi/Sindagi/B.Bagewadi/Muddebihal.
15. The Addl.CJ & JMFC, Indi/Sindagi/B.Bagewadi.
16. The President, Bar Association, Vijayapura/Indi/Sindagi/B.Bagewadi/Muddebihal.
17. The Public Prosecutor/Sr.APP/APPs in Vijayapura Unit.
18. The D.G.P., Vijayapura, with a request to circulate the copy of this Circular to all AGP & other Govt. Counsels/Special Counsels for UKP in Vijayapura Unit.

(The concerned Courts are requested to circulate the copy of this circular to Bar Associations/ offices of Pps/Sr.APP/DGP/AGP).

No. Adm./

/2020

By Order,

Chief Administrative Officer,
District Court, Vijayapura.

Format of Pass to be issued by respective Prl. Judges.

PRL. DISTRICT & SESSIONS JUDGE COURT, VIJAYAPURA

ENTRY PASS FOR THE LITIGANTS.

Case No. _____

Date: _____

Name of the Litigant/s 1) _____

2) _____

3) _____

Permitted to enter the Court Precincts & appear
before the Court of _____ on: _____

(Seal of Court)

Place:

Date : - -2020.

Note: This entry pass is issued to the litigant/s subject to production of medical certificate issued by concerned Govt. Hospital regarding **“asymptomatic to COVID-19”**. Further such litigant/s shall wear mask, maintain social distancing, use sanitizer and to follow the guidelines issued in the SOP by Hon'ble High Court of Karnataka, Bengaluru. After the purpose of entry to Court is over, the holder/s of this pass shall leave the Court Precincts immediately. Violation if any in this regard will be viewed seriously.

II) This pass pertains to the litigants whose cases are pending/disposed off in District Courts, Vijayapura. The Principal Judges of the respective Courts shall issue similar passes to litigants whose cases are pending/disposed off in their Courts by modifying the format of this entry pass.