

# World Trademark Review Daily

**Delhi High Court introduces measures to encourage better case management  
India - Ranjan Narula Associates**

**Court system**

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The Indian courts are currently grappling with a huge backlog of cases: according to a recent Law Commission report, 285 judicial positions are waiting to be filled in the country's 21 high courts, and 21.3 million cases are pending. The procedure that is generally adopted by the courts is contributing to the backlog, with many hearings taking place prior to trial, and parties waiting for court directions at every step. However, within the existing framework, the Delhi High Court has recently introduced a number of measures to encourage better case management and a speedier resolution of cases.

The most important development is that, at the first hearing, the judges have begun fixing a timetable and issuing the following detailed directions:

- A clear timeframe within which the defendant must file its response/written statement, together with a timeframe within which the plaintiff must file its reply.
- A timeframe for the filing and serving of documents on which each party intends to rely, and of any affidavits accepting or rejecting each of the documents relied on by the other party.
- The parties are directed to consider mediation, and the defendant is given liberty to apply to the High Court Mediation Centre (to encourage mediation, the Delhi High Court has set up a Mediation Centre, paying experienced lawyers to act as mediators).

This improved procedure is beginning to produce encouraging results. A fixed schedule for the completion of pleadings discourages adjournments and enables the court to ensure that cases progress more quickly; moreover, the fact that the parties are encouraged to mediate results in many cases being settled. It is expected that the court's continued intervention will, over time, lead to both a speedier resolution of cases and fewer cases proceeding to trial.

Where disputes cannot be settled, the court is encouraging parties to file an application for the appointment of a court commissioner to conduct the trial. Generally, the court appoints an experienced lawyer with more than 20 years' standing or a retired judge to act as court commissioner. Appointing a court commissioner has a number of advantages:

- Short timeframes fixed for the production of witnesses and cross-examination enable a speedy trial. Trials before a court commissioner are concluded in approximately six to nine months, compared to approximately three to four years for trials before the court.
- Having a dedicated person hearing the case results in fewer adjournments. A court commissioner is appointed for a specific case and devotes all his/her time to it. The case is listed at a date convenient to the parties, and the court commissioner is usually not willing to entertain last-minute adjournment requests. Where an adjournment is sought by either party, it is likely to be for the shortest possible period (ie, a maximum of 10 days); when a matter is adjourned by the court, it is likely to be adjourned for at least two to three months, given that the joint registrar's diary has more than 10 matters listed each day.

The measures introduced by the Delhi High Court are already producing results. As time goes on, it is expected that there will be a significant reduction in the number of cases waiting to be heard.

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