**IN THE HIGH COURT OF DELHI AT NEW DELHI**

**(ORIGINAL COMMERCIAL JURISDICTION)**

**CODE NO. 50000 and 50000.04**

**CS(COMM) NO. \_\_\_\_\_\_\_\_ OF 2024**

**IN THE MATTER OF:**

**<Plaintiffs’ Names> …Plaintiffs**

**Versus**

**<Defendant’s Names> …Defendants**

**APPLICATION UNDER SECTION 151 OF THE CODE OF CIVIL PROCEDURE, 1908 SEEKING PERMISSION TO FILE ELECTRONICALLY SIGNED AND NOTARISED AFFIDAVITS AND VAKALATNAMA**

1. The instant suit has been filed by the Applicant before this Hon’ble Court. The Applicant relies upon the contents and averments made in the suit aand the same may kindly be referred to, which are not being repeated herein for the sake of brevity.
2. The Applicant has filed this Application in the captioned suit, which is supported by the Applicant’s authorised Attorney with an electronically signed and notarised affidavit.
3. That the Applicant’s authorised Attorney utilised the online platform “NotarEase” for getting his Affidavit and Vakalatnama (hereinafter referred to as “Documents”) electronically signed and notarised, because it is time-efficient, and is also in full compliance with the relevant rules and procedures.
4. There are orders passed by courts where documents electronically signed and notarised using the platform “NotarEase” have been accepted.

The relevant orders accepting the process adopted by NotarEase for electronic signing and notarisation have been enclosed herewith as **Document-1 (Colly.)**.

1. Additionally, the platform “NotarEase” was also used by “Samadhan”, the official Mediation and Conciliation Centre of the Hon’ble Delhi High Court, for electronically signing and notarising a settlement agreement.
2. The platform “NotarEase” adopts a comprehensive process for electronically signing and notarising the documents. The detailed procedure followed by NotarEase for electronically signing and notarising the documents is provided hereinbelow:
	1. An online appointment was booked by the counsel for the Applicant by uploading the PDF of the Documents on the online notarisation platform “NotarEase”. The Applicant’s counsel chose the time slot and booked an online appointment with the Notary.
	2. The Notary and all the Applicant joined a video conferencing call.
	3. The Documents were visible on the NotarEase platform simultaneously to all the signatories.
	4. The Notary verified the identity of all the Deponents by comparing the details of the uploaded ID with the ID shown by the Deponents on the video call.
	5. Once the identity of the Deponents was confirmed, the Notary initiated the e-signature process, which takes place using eMudhra. eMudhra is a Certifying Authority, licensed by the Controller of Certifying Authorities (appointed by the Government of India u/s 17 of the Information Technology Act, 2000). Certifying Authorities are authorised to issue electronic signature Certificates under the scheme of the Information Technology Act, 2000 including Section 35 thereof. The legal recognition of electronic signatures is provided u/s 5 of the 2000 Act. For ready reference, Section 5 of the 2000 Act is reproduced as under: -

“***5. Legal recognition of electronic signatures –***

*Where any law provides that information or any other matter shall be authenticated by affixing the signature or any document shall be signed or bear the signature of any person, then, notwithstanding anything contained in such law, such requirement shall be deemed to have been satisfied, if such information or matter is authenticated by means of electronic signature affixed in such manner as may be prescribed by the Central Government.*

*Explanation. – For the purposes of this section, “signed”, with its grammatical variations and cognate expressions, shall, with reference to a person, mean affixing of his hand written signature or any mark on any document and the expression “signature” shall be construed accordingly.”*

* 1. The Documents were stamped with the Notary’s details.
	2. The Applicant electronically signed the Documents using eMudhra, in compliance with the Information Technology Act.
	3. The Notary then electronically signed the Documents in the same way, using eMudhra. Through this process, the Documents were electronically signed and notarised.
1. It is submitted that the process followed by the Applicant’s authorised Attorney, as provided above, is in conformity with the relevant rules and procedures. It is respectfully submitted that permitting such electronic / virtual procedure would be in furtherance of the steps taken by this Hon’ble Court towards expanding and facilitating the advancement in technology for overcoming delays, simplifying and rationalising the procedures.
2. It must be noted that in the electronically signed documents, upon any kind of modification (such as insertion of page numbering or merging as part of another PDF etc.), the electronic signature may or may not continue to appear on the page as it gets invalidated. Therefore, the original electronically signed documents are being retained by the counsel for the Applicant’s authorised Attorney and can be demonstrated to the Hon’ble Court in the event so required for the same reason.
3. In view of the above, the present Application is being filed seeking permission of this Hon’ble Court to file the electronically signed and notarised Documents on behalf of the Applicant herein.
4. The instant Application is being made *bona-fide* and in the interest of justice and no prejudice will be caused if the present Application is allowed; however severe prejudice will result if it is disallowed.

**PRAYER**

1. In view of the facts and circumstances, as stated hereinabove, it is most respectfully prayed that this Hon’ble Court may kindly be pleased to:
	1. Allow this application, thereby permitting the Applicant’s Authorized Attorney to file electronically signed and notarised affidavits filed along with the present suit, the Vakalatnama as well as with this instant Application;
	2. Exempt the Applicant’s authorised Attorney from filing physically signed affidavits with the present suit, as well as with this instant Application; and
	3. Pass such other order(s) as this Hon’ble Court may deem fit and proper in the facts and circumstances of the present case.

**Applicant,**

**Through**

**<Advocates name and details>**

**Place: \_\_\_\_\_\_\_\_\_\_\_**

**Date: \_\_\_\_\_\_\_\_\_\_\_\_**