**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 SEEKING PERMISSION TO FILE ELECTRONICALLY SIGNED AND NOTARISED AFFIDAVITS AND VAKALATNAMA**

1. That the instant suit is being filed by the Plaintiffs before this Hon’ble Court. The Plaintiffs rely upon the contents and averments made in the plaint, the same may kindly be referred to, which are not being repeated herein for the sake of brevity.

2. That because of certain pressing commitments of Plaintiff No. 1’s authorised representative (the Deponent herein), he/she is unable to immediately visit a notary officer. However, for facilitating the timely filing of the present suit, the Plaintiff No. 1’s authorised representative virtually appeared before a qualified Notary officer (in Delhi) and the affidavits along with the vakalatnama of the Plaintiff No. 1’s authorised representative have been electronically signed and notarised in support of instant suit, thereby complying with the mandate of the rules and procedures. The signing and notarisation process adopted / followed for signing and notarising the affidavits is elaborated hereinbelow:-

a. The Deponent uploaded a PDF of the Deponent’s Aadhaar card and then a PDF of the Affidavits on the online notarisation platform “NotarEase”. He/she/The Deponent’s counsel then booked an online appointment with the Notary.

b. The Notary and Deponent joined a video conferencing call.

c. The Affidavits were visible on NotarEase simultaneously to both the Deponent and the Notary.

d. The Notary verified the identity of the Deponent by comparing the details on the uploaded Aadhaar card with the Aadhaar card shown by the Deponent in the video call.

e. Once the identity of the Deponent was confirmed, the Notary initiated the e-signature process, which takes place through eMudhra. The Deponent respectfully submits that 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.*”

f. The Affidavits were stamped with the Notary’s details.

g. The Deponent e-signed the Affidavits using his/her Aadhaar card number on eMudhra. He/she entered his/her Aadhaar number on the eMudhra e-sign webpage, after which he/she received an OTP to his/her Aadhaar linked mobile number. Upon entering the correct OTP, the Affidavits was successfully e-signed by the Deponent.

h. The Notary then e-signed the Affidavits in the same way, using his Aadhaar card number on eMudhra and then entering the correct OTP.

3. That similarly, the supporting Affidavit with the instant Application and the Vakalatnama have also been electronically signed and notarised. Screenshots from the video call along with a copy of the certificate issued by eMudhra, evidencing the procedure adopted, have been reproduced hereinunder:

<Insert screenshots and certificate>

4. It is most humbly submitted that the process followed by the Plaintiff No. 1’s authorised representative as mentioned and demonstrated hereinabove, is in conformity with the rules and procedures for swearing of affidavits before a Notary. It is respectfully submitted that permitting such electronic / virtual procedure for swearing of affidavits 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. It deserves acceptance by the orders of this Hon’ble Court.

5. It must be noted that in the electronically signed affidavits, 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 Affidavits are being retained by the counsel for the Plaintiffs and can be demonstrated to the Hon’ble Court in the event so required for the same reason.

6. 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 Affidavits on behalf of the Plaintiff No. 1’s authorised representative herein.

7. That 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**

8. 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:

a. Allow this Application, thereby permitting the Plaintiff No. 1’s authorised representative to file electronically signed and notarised affidavits filed along with the present suit, the Vakalatnama as well as with this instant Application;

b. Exempt the Plaintiff No. 1’s authorised representative from filing physically signed affidavits, along with the present suit, the Vakalatnama as well as with this instant Application; and

c. Pass such other order(s) as this Hon’ble Court may deem fit and proper in the facts and circumstances of the present case.

**Plaintiff No. 1 Plaintiff No. 2**

**Through,**

**<Advocates name and details>**

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

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