

MEMORANDUM TO COUNSEL AND ATTORNEYS

(No. 1 of 2020)

COURT BUSINESS AS FROM 2 JUNE 2020

In order to ensure the smooth continuity of court operations, a number of steps and measures are being taken to safeguard the health and safety of practitioners, officers of the courts and all court users. The measures which are being put in place for the resumption of court operations and services are set out below:

1) HEALTH AND SAFETY MEASURES

A strict health protocol will be implemented to ensure the health and safety of court users:

- There will be a single controlled entrance to all courts with a mechanism to check body temperature.
- Every court user shall wear a protective face mask failing which access to the court premises will be refused.
- At the entrance post of every court, the name, address and contact details of all court users will be logged in a special register which will be used in the event of contact tracing exercise.
- Physical distancing rules will have to be observed at all times in all parts of the court premises. The necessary path-drawings have been put in the yard and on the floor to guide court users for the observance of physical distancing.
- Admissions to court rooms and chambers will be limited and restricted in order to implement the enforcement of safe distancing rules.
- Every court user shall be required to apply hand sanitizers which will be made available at the entrance point.
- In order to avoid overcrowding and ensure the health and safety of all court users, attorneys and counsel are requested to avoid as much as possible the presence of parties/litigants, pupils and attorney's clerks in court.
- Senior or leading counsel must, where required, arrange to appear in court assisted by not more than one junior counsel.

2) COURT SITTINGS

During the first week following the present confinement, i.e. from **2nd to 5th June 2020**, there will be no court sittings at any Court, **except for the Supreme Court**, which will hear the cases as scheduled in its Weekly Cause List as from the 2nd of June 2020. The first weekly Cause List of the cases scheduled before the Supreme Court as from 2nd of June 2020 will be posted on the website of the Supreme Court on Friday 22 May 2020.

Court sittings in all the other courts shall resume as from 8 June 2020. Access to all the other courts including the Family Division of the Supreme Court, the Intermediate Courts, the Industrial Court and the District Courts will during the first week of June be restricted and limited only to the attending of urgent cases in order to ensure an efficient crowd control.

The courts will sit at staggered hours, thus affording greater flexibility for the hearing of cases. There will generally be two hearing sessions - morning session and afternoon session - at almost all the courts.

The courts will as much as possible make use of telecommunication technologies in order to reduce the physical presence of practitioners and/or parties in court.

3) SUPREME COURT

A. Case Management

- All cases which could not be heard before the Supreme Court from 20 March to 31 May 2020 due to the COVID-19 curfew, will be re-scheduled for hearing. All communication in respect thereof will be made via e-mail and phone as indicated at **Table A** for the Family and Commercial Divisions of the Supreme Court and at **Table B** for all other cases before the Supreme Court.
- As from 2nd of June 2020 and until further notice:

- there will be no trial of cases involving the hearing of witnesses except before for the Commercial and Family Divisions;
- there will be no Assize/Jury trial or hearing before the Criminal Division of the Supreme Court except in cases where there is a guilty plea.
- In cases where a settlement/agreement has been reached between the parties or where the claimant no longer intends to go ahead with his claim/application, the matter may, upon joint request, be called before the Court for an earlier disposal of the case.
- Prior to the hearing of any matter, counsel and attorneys are advised to communicate their briefs and written submissions by e-mails or other technological means to the Judge/Court as may be directed by the Judge/Court. Practice Directions may be issued governing the electronic submission of documents/briefs/written submissions.
- On the hearing dates, counsel and attorneys are requested to attend court at least 30 minutes prior to the time scheduled for Hearing in order to liaise with the Judges' Secretaries and Court Registrars with a view to ensure that documents and pleadings have been duly filed and the briefs are in order for the hearing to start.

Table A: Information/Communication – SUPREME COURT (Family Division and Commercial Division)

The following court officers on duty may be contacted by phone or e-mail as from **Wednesday 20 May 2020**.

	Contact Person	Status	Telephone Number	Email address
Family Division	Mr Shadanand Dhunoo	Court Officer	58074404(M) 2102310 Ext 1518	familydivision@govmu.org
Commercial Division	Mrs Pratima Devi Ramkaun	Senior Court Officer	57532722 (M) 2132616 (office)	servicebureau-ejud@govmu.org

Table B: Information/Communication – SUPREME COURT (All Other Cases)

	Contact Person	Status	Telephone Number	Email address
For the fixing and re-scheduling of trials, appeals and other cases	Mr Vinnay Ramjuttun	Senior Court Officer	2106360	supctcasemanagement@gmail.com
Criminal Division	Mr. Veekash Purang	Senior Court Officer	52543454(M) 2075741(office)	vikpurang@gmail.com
Registry Supreme Court (For the filing of documents and briefs)	Mrs Saraswatee Bulatoo	Senior Court Officer	57703877 (M) 2123122/ 2120574(office)	registrysupt@gmail.com
Judges' Secretaries Office	Mr Raj Jhuboo	Chief Court Officer	58141050(M) 2075729(office)	jsosupremecourt@gmail.com
Judge in Chambers	Mr Ricardo Ciceron	Principal Court Officer	59772841(M)	ricardociceron@gmail.com
Legal Aid	Mrs Kavita Cheemontoo	Senior Court Officer	57751796(M) 2102310	sectionlegalaid@gmail.com

B. Formal matters/Motions before the Chief Justice on Mondays

- In order to avoid overcrowding in Court, attorneys are advised to designate, from among themselves, a pool of attorneys for the purpose of replacing their confrères in court. However, it is advisable that all prior arrangements regarding instructions, communication of documents and stand to be taken in court, are communicated in advance to the attorneys designated to appear in Court. It would not be possible to provide access to Attorneys' clerks in Court.
- Communication between attorneys prior to the calling of formal matters should be encouraged. In matters where it is agreed between legal advisers on the course of action to be followed, they are advised to communicate with the court via joint e-mail prior to the date fixed for formal matters and to arrange

for the filing of original documents at the Registry without any need for calling such cases in court. Counsel and attorneys will be informed by email of the date on which the case will be called anew.

- Attorneys are requested to inform their clients to abstain as far as possible from attending court unless their physical presence is necessary.
- Attorneys and counsel may contact the Secretary to the Chief Justice on phone number 2133925/2075840 and/or by email at gangdhurmea@hotmail.com and Mrs. Premila S-Gopynauth, Senior Court Officer on 207 5738 and/or by email at pgopynauth@govmu.org concerning the management of formal matters/Motions before the Chief Justice.

C. Formal matters before the Judge in Chambers

Counsel and attorneys are requested to liaise with the Judges' Secretaries in advance, either by phone or email, concerning formal matters and hearings before the Judge in chambers and to proceed as far as possible in the same manner as suggested above for formal matters before the Chief Justice.

D. Formal matters before the Master and Registrar

There will be no court sitting with respect to formal matters before the Master until the 10th of June 2020.

There will, until further notice, be no court sitting with respect to Sale by Levy, Sale by Licitation and Division in Kind proceedings.

All cases which could not be heard before the Master's Court will be re-scheduled. All communication in respect thereof will be made via email and phone as indicated at **Table C** below.

The Master’s Court will sit at the following staggered hours from Tuesdays to Fridays in order to deal with formal matters:

- From 10.00 hours to 11.00 hours
- From 11.15 hours to 12.15 hours
- From 13.15 hours to 14.15 hours

The Cause List will set out the time slot for the scheduled cases. As stated at 3(B) above, the same arrangements should be contemplated by the attorneys for the constitution of a pool of designated attorneys who would be present in court to conduct formal matters on behalf of all the attorneys involved in the cases that would be called before court. Likewise, prior to attending court, the designated attorneys should obtain all the necessary instructions in advance from their confrères as it would not be possible to admit Attorneys’ Clerks/parties in Court.

For all information concerning the cases before the Master, legal practitioners are requested to contact the officers as set out in Table C below

Table C: Information/Communication – Cases before the Master and Registrar

	Contact Person	Status	Telephone Number	Email address
Management of formal matters before the Master	Mr Sanjeeve Bhowon	Principal Court Officer	57829505(M) 2115784	formalmnr@gmail.com
Master’s Court (Sale by levy, Division in kind, etc)	Mr Akhilesh Boojhawon	Senior Court Officer	2075840 EXT 181	Masteroffice09@gmail.com

4) CROWD CONTROL AT THE NEW COURT HOUSE, PORT LOUIS

The use of lifts for gaining access to the first and second floors will be limited to disabled and elderly persons only. Only 4 persons will be allowed to enter a lift at a time and will be required to observe the distancing rules as marked inside the lift.

Only the cash counter accessible from the court yard along Pope Hennessy Street will be operational.

5) SWEARING OF AFFIDAVITS

As from 2nd of June 2020 all affidavits relating to cases lodged or meant to be lodged at the Supreme Court, except the Family Division, will be sworn/solemnly affirmed at the office designated for that purpose at the Commercial Division of the Supreme Court. The entrance giving access to that office will be from Pope Hennessy Street only.

All affidavits concerning cases before the Family Division and extra-judicial acts will continue to be sworn/solemnly affirmed at the New Court House.

6) INTERMEDIATE, INDUSTRIAL AND DISTRICT COURTS

(i) Backlog of cases scheduled from March to May 2020.

All the cases which could not be called before the courts during the confinement period will be re-scheduled.

Counsel and attorneys are requested to submit dates for the re-scheduling of cases by phone or via email by contacting the officers as listed out in **Table D**. Counsel and attorneys will be informed by email of the date on which the case has been fixed anew.

Table D: Information/communication – all other Courts except Supreme Court

Court	Contact Person	Phone numbers	E-mail addresses
Industrial Court	Mr Santosh Coomar Takoo	2113253	trial.industrial@gmail.com formal.industrial@gmail.com
Intermediate Court (Civil)	Mrs Leela Ghunasham	2101703	registrycivil.ic@gmail.com
Intermediate Court (Criminal)	Mrs Hitisha Gobin	2101143 2109874	intercriminal2@gmail.com
District Court of Port Louis (Division I)	Ms Pallavi Devi Kasory	2120983	portlouisfirstdivision@gmail.com
District Court of Port Louis (Division II)	Ms Sharmila Callychurn	2082019 2106339	deshitaparahoo@gmail.com
District Court of Port Louis (Division III)	Mrs Lutchmee Boojhawon	2121432	portlouissouthdistrictcourt@gmail.com
Bail and Remand Court	Mrs Prishni Ramchurn	2101967	dsha1912@hotmail.com brcregistry1@gmail.com
District Court of Mapou	Mrs Dushneebye Kaneeya	2437935	mapoudistrictcourt@hotmail.com
District Court of Pamplemousses	Ms Hema Boodhoo	2433521	pamplemoussesdc@gmail.com
District Court of Flacq	Ms Naiza Hossenally	4130434 4132534 4131068	districtcourtflacq@gmail.com
District Court of Grand Port (Mahebourg)	Mrs Vishista Seeboo-Seerutton	6315762 6310986	grandportdct@gmail.com
District Court of Savanne (Souillac)	Mr Kunal Motee	6255519 6255025	savananedistrictcourt@gmail.com
District Court of Black River (Bambous)	Mr Thanveer Ramkeesoon	4521635 4520171	blackriverdistrictcourt@gmail.com
District Court of Moka	Mrs Beebee Mariam Jaunbocus-Akim	4337987	courtmanagemokadc@gmail.com
District Court of Upper Plaines Wilhems (Curepipe)	Mrs Shalini Ramdawon	6743849 6751921 58929336	upwcurepipedistrictcourt@yahoo.com
District Court of Lower Plaines Wilhems (Rose Hill)	Mrs Soomayyah Jeetoo	4645331	rosehilldct@gmail.com

(ii) Post confinement cases

The Courts would, upon resumption, give priority to urgent applications, old standing and continuation cases, cases where accused parties are on remand and cases which do not involve a large number of witnesses.

The Courts will sit at staggered hours in order to accommodate counsel for the hearing of cases and to avoid overcrowding in Court.

(ii) Formal matters (civil cases)

- There will be no formal matters session in Courts before the District, Intermediate and Industrial Courts until 19 June 2020.
- As stated at paragraph 3(B) above, the same arrangement should be made by attorneys for a pool of designated attorneys to be present in court during formal matters sessions.
- Attorneys are encouraged to proceed with exchange of pleadings/documents prior to the date scheduled for formal matters.
- Attorneys will then arrange to file the originals of all such pleadings/documents at the Registry of the Court and to inform the Court accordingly through a joint email.
- In matters where attorneys have agreed on the course of action to be followed following an exchange of pleadings and the filing of the original documents at the registry, they may send a joint email prior to the date fixed for formal matters. They will then be informed by email of the date on which the matter has been fixed anew by Court and there would not be any need for attorneys to appear in Court on the date initially scheduled for formal matters.

(iii) Formal matters - Criminal

All formal matters which could not be called before the Courts during the confinement period will be re-scheduled. The accused parties and/or parties on bail will be warned by the police of the new scheduled date for their appearance in Court. Parties who have been warned personally to attend Court will undertake to put up an appearance on the scheduled date by signing the police memo.

20 May 2020

**A.A.Caunhye
Chief Justice**