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Service under court online: what litigants need to know

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Gone are the days when a missing stamp or a misplaced proof of service could derail a filing. In its place is a system that appears faster, simpler and more efficient – at least on the face of it.

In this article, we will discuss how the court online system has changed the established rules governing service.

What the Amendments Provide

Uniform Rules 1A and 1B introduce and regulate the e-Justice system in courts where it is operational.

In summary:

- The e-Justice system applies to the issuing of process, service of documents, filing, access to court files, hearings, appeals and reviews.
- Parties who are registered users agree to receive documents electronically via the system.

- Where both the party effecting service and the party being served are registered users, service (other than service by the sheriff for initiating documents or by court order) must be effected through the e-Justice system.
- Subject to limited exceptions, service is deemed to have taken place when the e-Justice system generates a notification.

The Rules also amend the definition of "deliver" to include service and filing through the e-Justice system, making it clear that electronic delivery now stands on equal footing with conventional methods.

What This Means in Practice

The practical effect is that service is no longer tied to physical delivery or email. Once a document is uploaded to Court Online and the system generates a notification, service is complete for procedural purposes. Time periods begin to run from that point.

This removes many of the inefficiencies associated with physical service and reduces disputes about when documents were served. From a litigation strategy perspective, it is likely to save time and narrow the scope for technical objections based on defective service.

The Risk: Missed Notifications

The obvious risk under the new regime is that Court Online notifications are system-generated emails. In practice, these notifications often land in spam folders, particularly in corporate environments. The sheer volume of Court Online email notifications, including those triggered by logins and annexure uploads, creates an excessive volume of messages. This can result in critical notifications, such as document upload confirmations, being overlooked. The Rules make no allowance for these issues. Service is deemed to have occurred when the notification is generated, not when it is seen.

As a result:

- A party may be procedurally served without actual awareness.
- Deadlines may expire before documents are noticed.
- Explanations based on non-receipt are unlikely to carry much weight given the deeming provisions.

Best Practice for Litigants and Practitioners

Given this paradigm shift, legal practitioners should take practical steps to manage their risk:

- Ensure that registered email addresses are monitored daily and not linked to a single individual.
- Avoid relying on personal or director-only email addresses for system notifications. Legal practitioners should consider using a dedicated Court Online email address, shared among relevant team members, to ensure effective and continuous monitoring of notifications.
- Put internal processes in place to check Court Online directly, rather than relying solely on email alerts.
- Ensure clients who are registered users understand that failure to monitor notifications may have immediate procedural consequences.

Conclusion and Next Steps

The amendments to the Uniform Rules of Court significantly simplify service, but they also move responsibility for monitoring and compliance squarely onto registered users. The result is a greater administrative burden on practitioners to keep up to date with Court Online updates without being explicitly informed. Court Online is no longer an administrative convenience. It is the primary mechanism by which service is effected and time periods are triggered.

Litigants and practitioners who adapt their systems and practices accordingly are likely to benefit from faster, more predictable litigation. Those who do not may find themselves out of time, with limited recourse.



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