

For Private Circulation: Educational Purposes only (P- 968)

NATIONAL JUDICIAL ACADEMY



CONFERENCE ON THE FUNCTIONS OF REGISTRAR (JUDICIAL) (P-968)

FEBRUARY 01-03, 2016

Rapporteur: Ms. P. S. Chandralekha

10th Semester, B.A., LL.B (Hons.)

National Law University, Assam

Objectives of the Seminar

The main objective is to see if we can come to any common and accepted principles regarding role and functions of Registrar Judicial and model can be proposed to CJ & CM conference. So that I can be adopted. Administration side always need some focus o skilled and techniques.

People change and but designations remain there. Futuristic prospective rules. Model management rules.

Resource Persons

Day 1 & 2: Hon'ble Mr. Justice A.C.Upadhyay, Director, National Judicial Academy, Assam (NEJOTI)

Day 1 & 2: Hon'ble Justice Dhanidhar Jha, Former Judge Patna High Court

Session 1 & 2: Ms. Prof. Parul Rishi, Asst. Prof. Indian Institute of Forest Management, Bhopal

Session 3 & 4: Mr. Sampat Iyenger, Marshall Goldsmith Stakeholder Centered Coaching, BlueTiger Learning Services Pvt. Ltd

DAY 1: 01 February 2016

PANELISTS

Hon'ble Mr. Justice A.C.Upadhyay , Director , National Judicial Academy, Assam (NEJOTI)

Dr.Geeta Oberoi, Director National Judicial Academy, Bhopal

Hon'ble Justice Dhanidhar Jha, Former Judge Patna High Court

Ms. Prof. Parul Rishi, Asst. Prof. Indian Institute of Forest Management, Bhopal

SESSION 1& 2: 9:00 AM – 11:30 AM

Leadership Skills

The speaker initiates the session with a beautiful caveat “*we are not Doctors to prescribe. We just give basket of choices to choose from*”. That said, she proceeds with a personality profile test. The questionnaire of the same is attached as annexure I.

The test was basically to analyze as to which category of personality one belongs to. The categories were: A hardcore, AB, B, and B hardcore. The reason behind the test was to make the Registrar Judicial are about the different personality types, since there job profile includes extensive handling of the people from broadest array.

Leadership Process

- Direct and coordinate the activities
- Non-coercive influence
- Organized group

The job of a good leader is to coordinate and not order and get things done.

There are two categories of people when it comes to motivation towards work, one is intrinsic and the other is extrinsic.

Intrinsic: the motivation to do work comes from inside

Extrinsic: the motivation to do work comes from outside. One completes the work in the enticement of some consideration in return.

Buffer activities are important to keep our work more efficient.

Objective:

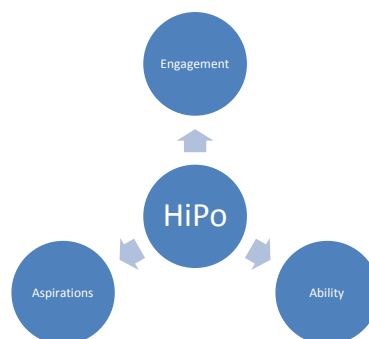
- Taking time for ourselves is to make our life better.
- It's not wasting of time.
- Social activity and long term orientation is also important in life.

To keep sitting and not to do anything, you have to be at the top.

Leadership v Manager

The essential difference between the two is that leadership is a skill where a person coordinates and manages to make all cooperate under various circumstances. Whereas in case of manager it is mainly a controlling authority who directs the subordinates to perform their respectively work efficiently.

E2A HiPo Model



Emotional Intelligence (EQ)

- One must know where, when and how to express their emotion(s)
- There are two kinds of emotions (a) identity emotion; and (b) faking emotion.
- EQ is the fundamental key to success.
- The ability to handle situation and expressing proper emotions.
- Work and success essentially depends upon 20% on IQ and 80% on EQ.
- IQ- gets you hired; EQ- gets you success and higher in life.

The emotional quotient is responsible for both personal and social competence.

There is a fine line between aggression and assertiveness. While in position of an authority people should know the difference and behave in an appropriate manner without being misunderstood.

Escalating Assertion

Every individual is passive, aggressive and assertive. It can't be that a particular individual only have a specific character and based on that a particular personality. Every individual possesses all kind of characteristics within; the one which is dominating or what we are the most at times is what decides what we are.

SESSION 3 & 4

Team Building Skills

The session was dominantly based on small anecdotes followed by the morals out of it. Various real life examples were quoted and quotes and proverbs were used to teach the leadership skill lessons to the Registrar Judicial.

- If we are good human beings and have fantastic life. Everything will fall into play.
- If an investment doesn't have great returns, then it's not a great investment.
- Nature is best teacher.
- Kids take things naturally. But we put boundaries & become judgment every now & then.
- Knowing is nothing, doing is everything.
- Simple is not easy. But doing it multiple times it becomes easy. 21 days consecutive days becomes a habit.

There are two kind of babies that come to the world. One is Reason babies and another is Result babies – come what I may will do it anyhow. Reason are always ours. It's ours choice.

“You can't impress yourself, you don't impress others.”

“Yesterday is a history, tomorrow is a mystery, today is the gift. So we call it present.”

Do anything you want to do today.

It's not that you all are having fun and I look funny.

Assume and Ask theory.

According to this all the problems in human life are created by this default setting sin human mind called assumption. Life would be very simple if people start communicating to each other more and in case of doubt start seeking clarification from the right person concerned rather than assuming things. The solution to such is ASK. Every time there is a doubt or a query or a confusion do ask rather than assuming.

Assume- is owner of all problems in life. The solution to which is Ask rather than assuming.

“Promise is for others. Commitment is always to ourselves”

Eg: in performance tests the level of efficiency is measured by sigma.

6 sigma = excellent and/or 8 sigma = brilliant / par excellence

Eg: great team work: dabba wala in Bombay and other cities

Other examples : High Court , family, our body, a blockbuster movie, hospital surgery

Traits of good team work

- Cooperation ,
- coordination,
- clarity,
- communication,
- commitment

A team is great when you are strengths are highlighted. Contribution in the area of your strengths

- Ego should be completely zero %.
- And lack of all the above

Replace ego with humbleness. Because one up in the Ladder of leadership; the humbleness expected is more and more. More people are down there to pull you down. So make every conscious effort to be humble and not to make foe.

Que: when somebody is jealous of us, what we feel?

Ans: Happy

Definition of Jealous: a disguised appreciation

A lack of courage to go and ask or appreciate that person. Muster the courage to go to the person and say it.

“When you speak from heart people sink in you . when you speak from mind, people start thinking.”

TEAM

T- together

E- everyone

A – achieve

M- more.

Que: who are we to judge somebody?

If a chai wala can be PM and a fisherman son can be most saluted President. Then why can anyone can't be anything that he/she wants to be. So, never judge anyone. Never be judgmental .

- When you ask you get to learn what you want to learn. When you assume you learn what the other person wants you to learn.
- Appropriate leadership according to the type of people you are dealing with.
- Either you learn pro-actively or life will teach you. – choice is yours.

GAME- how to learn learning.

Ask don't assume.

In life what I give is what I get.

By virtue you may require less support or more. But you need support.

It means in life no single work can be completed or performed individually without the help of others. (Think and analyse)

Barrack Obama example: USA president Barack Obama once said in an interview; I am the leader of my house when my wife is not there; my daughters are not there, my in-laws are not there and my pets are not there. So basically I am the boss when no-one is there at home. Essentially the statement means that no matter how powerful a person is, there are times you have to subdue your position before somebody.

“Improvement is a journey, and not a destiny, There is always scope for improvement.”

Difference between outsourcing and delegation.

Delegation still answerable and have to make sure it is done whereas, outsourcing is give up the work and leave it on others shoulder.

The only way to win an argument is not to start one.

Argument separate people and discussions bring people together.

DAY 2: 10:00 AM – 1:00 PM

Deliberation on Best Practices on the High Courts across the Countries

Allahabad High Court.

- The High Court is coming up with software which will update the dates of the matters/cases before the court automatically.
- Petition for listing of a matter to be heard in urgency is to be filed before the Chief Justice.
- 12 lakh pendency of cases
- Allahabad – no allocation of particular courtroom to judges
- Average 150 cases per court room.
- You get the fresh cause list every evening along with record.
3 types - cause list; fresh cause list; supplementary cause list
- Since Registrar Judicial is mainly related to filing of cases so best practice w.r.t filing of cases according to present justice.
- All petitions filed are immediately updated in soft copy as well.

Q. How do you handle defective filing?

A. Number is generated and displayed in notice board. Separated display section for filing sections.

Andhra Pradesh High Court.

- Common court for Telangana and Andhra Pradesh.
- 350 Cases per Judge.
- They SMS update system to both lawyers and parties.

Bombay High Court.

- Investment of amount deposited
- Bombay High Court specifically classifies what a Registrar is, power and what are excluded from it.

- Duties. 25 powers
- Bombay high Court- 2 sets of Rules i. e. Original Jurisdiction and Appellate Jurisdiction.
- notary and court masters.
- Committee formed by Chief Justice for categorized powers been given to the Registry.
- CMR system it can be followed.
- Automatic date allocation system.
- Android App for cause list and update of the cases.
- software can be interconnected. Not internet app, but internet.
- Current position of cases through SMS to Advocates.
- It is available in display monitor but in some High Courts available via SMS as well.

Chhattisgarh High Court.

- Separate list of petition of defective cases.
- If not corrected, it is listed/ gets before the Bench.

Jammu and Kashmir High Court.

- 2 benches one at Srinagar and another in Jammu.
- 2 Registrar (Judicial).
- Roster is prepared by Registrar.
- Binding of cases are concerned. It is listed on a daily basis. Infectious cases.
- More than 1 Lakh cases are pending.

Guwahati High Court.

- 3 Benches @ Itanagar, Aizwal and Kohima.
- Hon'ble Judges Roster
- Regarding Filing 6 reporters' rotation basis immediately after reporting if defect is found.
- To Hon'ble Court as defective cases
- Regarding cases immediately filing Tuesday and Thursday.
- Urgent matter- urgency is made out by Judge.
- Daily cause list, supplementary cause list, hearing list.

- 14 Judges.
- Lists are provided a day in advance so that the advocate cannot take excuse of adjournment.
- Chapter 2 Rule 2 as registrar not Registrar Judicial .
- Allocation of duties of all bind of Judges. A notification had been made recently.
- Public Information Officer – for RTI matters.
- Not yet approved the advocate at the time of filing petition. The petition number is taken and will update and informed through SMS. Software for this has been developed.

Gujrat High Court.

- 1960- Gujrat and Bombay separated. So almost same.
- Time frame is given in Rules to disposal of the petition,
- Party in person- local language. Issue.
- There should be a committees of *RJ* and Registrar General to scrutinize and certify what the person is fit for party in person.
- Computerization is going to be very fast. All the matter are maintained electronically.

Jharkhand High Court.

- States instituted in 2001.
- Monitoring of filing system.
- No specific role for *RI*.
- List and Computer Patna and Jharkhand.
- Patna High Court framed rules in 2013 regrading judicial work of Registrar-in list of Computer.
- Uniformity in nomenclature as well among all the High Courts.
- Registrar list and computer is same as *RI*.

Karnataka High Court.

Function of the Registrar Judicial:

- Separate Chapter is there i.e. Chapter 4.
- Officer of the court- Chapter 4.
- Chief Justice issues separate orders for allocation of work to all Registrars including all Registrars.
- Filing counter and all information is updated in system.
- Grouping of cases. Classifying the cases and grouping. i. e. civil scrutinizing; criminal scrutinizing; writ scrutinizing.
- If urgency is there the case will be immediately listed.
- 3 weeks is given for notification. 6 weeks total is given after that before *cast*.
- Advance list; Warning list; Separate list and Daily list are given to the judges.
- Principal Benches in Hubli-Dharwad, Gilbarga and Bangalore.

Subject Roster:

- Patna High Court is the first court to start computerization and the Karnataka High Court as well. Justice initiated the system.
- SMS –update system in Karnataka High Court. There exists an android app.
- Suggests not all High Court have uploaded High Court rule. Good if it can be made available in public domain.
- Committee of Judges for High Court rule.
- Every 2 months roster changes.
- E- Cast bench of the Supreme Court in The High Courts of respective States.
- Case: Tripura and Shillong Bench of High Court of Guwahati. E- Court made in Guwahati High Court and Bench. Justice Upadhyay.

Madhya Pradesh High Court.

- 2 days often –no defect, 3 days in defect matter and 5 days in Bail matters.
- Pre-emption order is paned- if defect is not removed- matter would be dismissed.
- Delhi High Court has all technologies. The computer of Advocates and Judges would be interfaced and both can see what then other wants to tell/show.
- Cite a judgement and it can be seen by the Judge in *eve dide*.

- Madhya Pradesh High Court weekly list- out of it daily list is prepared. Supplementary list is always there.
- Chief justice has prepares a scheme of listing cases. Motion case and Final Hearing cases.

Madras High Court (Madurai Bench).

- 2 sets of rules for 2 benches i. e. appellate and Original.
- Registrar 2 i. e. Judicial and Administration.
- Skype system introduced: Judge in Madras and Petitioner in Madurai.
- Defective filing-2-3 notice is given then if not done. Judge will see to the matter.
- Daily and weekly cause list. Grouping system.

Manipur High Court.

- Registrar filing.
- Guwahati High Court Rule adopted.

Odisha High Court.

- Records in computer as soft copy.
- Defect-to courts if defect is not removed.
- *RI*: Appointment, promotion and purchase of stationery.
- *RI* is also Member Secretary of Legal Aid Section.
- Digitization scheme is in process of adoption.
- Assam, Odisha almost same structure is adopted as adopted by Bihar.

Punjab and Haryana High Court.

- Registrar and Joint Registrar Judicial.
- All the cases are scanned.
- Dates of the cases are given to advocate by SMS.
- 10+10+10+10- 40 days defect not removed prepared a list. If then also not amended placed before Hon'ble Bench.
- 1, 60, 000 copies of petitions in one year.
- No specific rule with regard to *RI* in High Court.

- Diary number is allocated to the file.
- Case number is given to advocate and *litigant* whose matter is on next day.

Uttarakhand High Court.

- Chief Justice K M Joseph.
- First part of *RI* in Uttarakhand.
- 4 counter 2 for miscellaneous and 2 for other.
- Case is filed categorization is made.
- 10 am to 1:15 pm filing time (unique feature).
- Stamp reporter and officer.
- Find out defects
- Defects to party by officer.
- 3:30 Pm the defect is informed to the part by court.
- If removed then matter is placed for tomorrow.
- If not removed placed later
- If still not removed, then it is placed before the court.
- PIL application to RJ and be placed before Chief Justice and then listed as PIL in court
- Appellate authority of RTI.

DAY 3 – 10:00 AM – 1:00 PM

Drafting of best practices of the High Court to be adopted across the Country

The Registrar Judicial of the High Court's present in seminar was segregated into three groups based on the magnitude of similarity among the rules prevailing in High Courts.

Group wise deliberations was made and on a common consent proposal was submitted to the Chairs from all the three groups.

The proposals can be found in the annexure I, II and III.

GROUP-A

REGISTRY

(A) Powers, Duties and Functions of the Registrar

1. (1) The following powers in relation to civil and criminal proceedings, in addition to those conferred by other rules are delegated to the Registrar –
 - (a) to refund security deposit, after disposal of a case, where no order to the contrary has been passed by the Court;
 - (b) to return documents filed in the High Court, after disposal of the case, in accordance with order XIII rule 9 of the Code of Civil Procedure, 1908;
 - (c) to decide all matters relating to service of notice or other processes and to pass orders dispensing with notice under order 41 rule 14 (3) (Madhya Pradesh High Court Amendment dated 16-9-1960) or (4) of the Code of Civil Procedure, 1908 or under any other enactment for the time being in force;
 - (d) to allow an application under order XXII rules 2, 3 & 4 and 10 of the Code of Civil Procedure, 1908 and to amend the record, if necessary, except in cases under appeal to the Supreme Court of India;
 - (e) to decide an application for the correction of memorandum of appeal, application for revision or petition as regards the description of a party as major or minor;
 - (f) to decide an application to appoint or discharge a next friend or guardian *ad litum* of a minor or a person of unsound mind, to correct the record accordingly and to direct deposit and furnish accounts of funds for the conduct of the proceedings;
 - (g) to call for further deposit under order XLV rule 10 of the Code of Civil Procedure, 1908, when the deposit already made by the appellant in an appeal to the Supreme Court is inadequate to defray the cost of preparing the record;
 - (h) to order payment of interest accruing on the security deposited under order XLV rule 7 of the Code of Civil Procedure, 1908 and to order a refund of balance, if any, under order XLV rule 12 of the Code of Civil Procedure, 1908 or any other enactment for the time being in force;

- (i) to direct in which of the news-papers the publication referred

to in order XLV rule 9-A of the Code of Civil Procedure, 1908, shall be made, unless specifically directed by the Court;

- (j) to require any memorandum of appeal, petition, application or other document presented to the Court or to the Registrar to be amended in accordance with the procedure of the Court;
- (k) to require any person or party to file an affidavit with respect to an application or the matter in respect of which the Registrar has power to exercise any discretion or to make any order;
- (l) in the absence of any direction of the Court to the contrary, to withhold at his discretion, delivery of certified copy of order granting interim relief or stay of any other nature affecting the rights of the opposite party, to any person, who has failed to pay process fee or to take any other step directed by the Court;
- (m) to call for records and documents from subordinate Courts or any tribunal in accordance with these Rules;
- (n) to dispose of requisitions by subordinate Courts for records and documents;
- (o) to dispose of applications for copies of pending records or parts thereof;
- (p) to pass an order under order XLI rule 22 (3) of Code of Civil Procedure, 1908, for the service of a copy of the cross objection on the party;
- (q) to make a reference to the Court for renewal of bank guarantee, fixed deposit receipts and other deposits/securities made under the orders of the Court, a month before the date of its/their expiry;
- (r) to decide application for substituted service;
- (s) to dispose of an application for delivery of documents from the record of a pending case, to the commissioner appointed by the Court, after complying with the provisions of order XIII rule 9 of the Code of Civil Procedure, 1908;
- (t) to decide applications by third parties for return of documents in accordance with order XIII rule 9 of the Code of Civil Procedure, 1908;

- (u) to decide applications for the issue of a certificate regarding any excess Court fee paid under a mistake;
- (v) to decide an application for engaging a translator or interpreter from the panel approved by the Chief Justice;
- (w) to allow an application for change or discharge of advocate;
- (x) to reconstruct the record with the approval of the Chief Justice, in case the record is lost or irretrievably misplaced;
- (y) to pass orders in all matters in civil and criminal cases pertaining to default of process fee, paper book costs, furnishing of address in respect of service of notice, non-compliance with Registrar's orders in respect of office matters ; submission of service report on affidavit in case of 'humdust' service; default of identical copies, default of security amount, service of notice, default of publication charges and non-compliance of the Court's orders and default of appearance of accused persons who are on bail, provided that every such case in which the Registrar is of the opinion that the default should not be condoned shall be placed for orders before the appropriate bench;
- (z) to pass orders on non-appearance of accused persons on bail:

Provided that every such case in which the Registrar is of the opinion that the default should not be condoned shall be placed for orders before the appropriate bench;

- (aa) to dispose of an application for condonation of delay upto 30 days in payment of process fee, except in case of peremptory orders and in cases where an interim relief has been granted *ex-parte*;
- (ab) to scrutinize all cases containing elements of settlement with a view to ascertain as to whether there is any possibility of settlement through any of the modes provided in Section 89 of the Code of Civil Procedure, 1908;
- (ac) (i) to decide an application for dispensing with the production of more than one certified copy of the judgment/order, in terms of proviso to rule 16 (4) of chapter X of these Rules,
 - (ii) to decide an application for dispensing with the

production of more than one copy of order passed on one bail application where more than one bail applications have been filed in respect of that order.

- (2) Where any of the directions of the Registrar, made under sub-rule (1) is not complied with, the Registrar shall post the matter before the Court, which may, if deemed fit in the circumstances of the case, extend time for rectification of the defect.
- (3) The Registrar may, at his discretion, refer any matter under sub-rule (1) to the Court for orders.
- (4) Nothing in this rule shall be deemed to authorize the Registrar to make an order of dismissal of a proceeding for default or for any other reason or empower the Registrar to decide a contested application.

In the event of a written contest to such application, it shall be placed before the Court.

(B) Taxing Officer

2. The Taxing Officer shall decide finally all questions relating to Court fees.

3. When the scrutiny assistant considers that any document filed in the presentation centre is insufficiently stamped, he shall record his opinion with reasons therefor. This report shall be brought to the notice of the advocate representing the party concerned who will note thereon whether he accepts or disputes the accuracy thereof. If he raises a dispute, the matter shall be placed before the Taxing Officer, notice of the date being given to the advocate concerned.

Thereafter the Taxing Officer shall, after hearing the advocate, decide the dispute and such decision shall be final, except where the question, in the opinion of the Taxing Officer, is one of general importance. In that case, he shall refer it for final decision to the Taxing Judge.

4. Whenever the scrutiny assistant or any officer of the Court discovers that a document which ought to bear a stamp under the Court Fees Act, 1870, has through mistake or inadvertence been received in a lower Court without being sufficiently stamped, following procedure shall be adopted-

- (1) The scrutiny assistant or the officer, as the case may be, shall record his opinion with reasons therefor and submit the same to the Taxing Officer.

- (2) The Taxing Officer, on being prima facie satisfied as to the correctness of the opinion, shall bring it to the notice of the advocate, representing the party.
 - (3) After hearing the advocate, if the Taxing Officer considers that the opinion recorded is correct, he shall cause the case to be laid before the appropriate bench for decision on the question of deficiency in the Court-fee paid in the lower Court.
5. (1) Whenever the Court-fee payable on any document in respect of which the question of limitation arises is found deficient, the Taxing Officer will pass an order either certifying that in his opinion the understamping is or is not bonafide or stating that he is not in a position to decide the point. If the deficient fees are paid before the limitation expires, the document will be treated as properly stamped. If the deficient fees are not paid before limitation expires, the case will be placed before the Court after a week from the date of Taxing Officer's order. If in that time the party filing the document or his advocate files an application under Section 149 of the Code of Civil Procedure, 1908, to the Court which shall, in cases where the Taxing Officer certifies the under-stamping to be bonafide, normally extend the time.
- (2) Whenever a case is put to the Court in accordance with the above, a statement in the following form shall be endorsed on the order-sheet over the Registrar's signature.
- (a) Court fees paid Rs.....
 - (b) Court fees payable Rs.....
 - (c) Difference Rs.....
 - (d) Time expired
 - (e) The Taxing Officer –
 - (i) certifies the deficiency as bonafide.
 - or
 - (ii) certifies the deficiency as not bonafide.
 - or
 - (iii) was not able to grant a certificate.
 - (f) Application under Section 149 Code of Civil Procedure,

filed withindays from Taxing Officer's certificate.

6. (1) The Registrar may permit clerical errors in any memorandum of appeal or memorandum of objections under order XLI rule 22 or 26 of Code of Civil Procedure, 1908 or in any application, petition, return, rejoinder, reply or affidavit produced in any proceedings in the Court to be corrected on an application supported by affidavit of the affiant. Such correction shall be made in the case of –
- (a) an affidavit, by filing a fresh affidavit of the affiant;
 - (b) a document, by the party or advocate producing the document.
- (2) Every correction made under sub-rule (1) shall be attested by the Registrar permitting the correction.

- **If the matter is not in conformity with the requirement of the law/rule, the Registrar may refuse registration of such matter.**
- **Any order passed by Registrar under these rules is subject to the Revision of the court.**
- **The Registrar may exercise all the powers of a court under section 152 of the civil Procedure code in respect of his own orders.**

PRESENTATION OF APPEALS

AND APPLICATIONS

- Presentation of Proceedings.-All matters which are to be instituted in the High Court shall be presented in the office of the [Registrar General]¹ to such person as the [Registrar General]¹ may by special or general order authorise ordinarily between [10:30 A.M. to 4:00 P.M.]² Matters presented on the last day of limitation, matters requiring urgent orders of matters presented by parties in person, may be accepted after [4:00 P.M.]² upon an order in that behalf made by the Assistant Registrar. Matters requiring urgent circulation for the next day should ordinarily be filed in the office before [2:00 P.M].

- Presentation of proceedings in person by parties. – The presentation of any matter or proceedings by the person not represented by an Advocate shall be made by such person personally.

- Norms for Presentation of proceedings in person by parties.-
 1. A Committee of two Officers of the Registry, who are working on deputation from the State Judicial Service, to be nominated by the Honourable the Chief Justice, shall scrutinise the matter/proceedings filed by Party-in-Person so as to ensure that the Party-in-Person has complied with the requirements of the Gujarat High Court Rules, 1993, and shall certify that the Party-in-Person is 'Competent' to assist the Court in person.

 2. In case of a Party, who wishes to defend his matter/ proceedings in person as respondent / opponent, the above Committee shall ensure and certify that such person is 'Competent' to assist the

Court in person.

3. (a) If the certificate is not issued in both the cases mentioned at Norm No. (1) and (2) and the party-in-person is lawfully entitled to be referred to the High Court Legal Services Committee in accordance with law, the same will be referred to the _____ Committee for offering legal services to the concerned litigant.

(b) If the concerned litigant is not entitled under law to get assistance of Legal Services Committee, he will be asked to appoint a lawyer to represent his case.

4. The Party-in-Person shall give an Undertaking that he shall maintain decorum of the Court and shall not use objectionable and unparliamentary language during the course of hearing in the Court.

(4)(A) These Rules will not apply, if the concerned Court before whom the concerned litigant wants to move the matter, permits such litigant to appear in person.

Provided further that these norms will not apply in cases of applications for temporary bail, parole, furlough and habeas corpus.

²[Provided further that this Rule will not apply to an Advocate having registration of the Bar Council, who intends to appear in person.]

5. The Party-in-Person shall file his matter/proceedings with the leave of this Honourable Court by filing an application

in this behalf.

6. If the Party-in-Person fails to abide by his Undertaking as above, Contempt Proceedings may be initiated against him or/and appropriate costs be imposed on him.”]
- Presentation of proceeding by Advocate.—The presentation of any matter or proceeding on behalf of a party by an Advocate shall be made by such person personally or by another advocate on his behalf or by his recognised clerk.

(1) The presentation shall be in the Form prescribed as Appendix 'A' hereto with the Advocate's Checklist, Appendix 'B' hereto, duly completed and signed by the advocate himself. A vakalatnama presented separately may be presented in Form 'C'.

(2) The matter presented shall be registered and numbered subject to compliance with the requirements.

(3) Notwithstanding anything to the contrary contained in these rules, no matter will be circulated for urgent orders, if it is —

- (i) not with the above duly completed presentation Form 'A' and Check List 'B';
- (ii) not within limitation;
- (iii) not with proper Court fees;
- (iv) without—

²[(a) Full Name (i.e. First Name, Middle Name and Surname), Age, Sex, Mobile Number and E-mail address and in case of short name having initials (eg. J.K. Patel), full name (i.e. surname, name and father's name) mentioned in bracket additionally, the full and proper Index, Chronology of Dates, Events and Documents ³{(submission of mobile number and e-mail address is optional);}]

- (b) Formulated points;
- (c) List of citations;
- (d) Vakalatnama duly signed;

(e) English translation of accompaniments to appeal or application;

unless the Court has by a written order on an application of the advocate, suspended/dispensed with for a definite time, the requirements of Sub-rule(3)

- The advocates shall comply with the requirements within such definite time, failing which the matter shall stand dismissed for non-prosecution, and ad-interim relief if any, granted, or any other order made, shall stand vacated automatically, unless the time granted earlier is extended on a fresh application.

- (4) The presentation form, the check list and other forms may be added and/or modified by orders of the Chief Justice from time to time.

- (5) The aforesaid Appendix 'A', 'B' and 'C' be placed at the end of the Chapter IV (and re-numbered the said three pages as page Nos. 27-A, 27-B and 27-C, respectively.)

- (6) The provisions contained in Rule 32A shall also apply mutatis mutandis to criminal matters.]

- Production of Vakalatnama by Advocate.—An Advocate presenting an appeal or application shall (a) produce a Vakalatnama signed by the appellant or petitioners authorising him to do so and accepted by the Advocate in writing under his signature or (b) when he has appeared on behalf of the appellant or petitioner in the lower court, file memorandum of appearance signed by him stating that he was an advocate on record appearing on behalf of the appellant or petitioner and that he is authorised to present the appeal or application or (c) make a statement in writing that he has been authorised by the appellant or petitioner to present the appeal or application with an undertaking to produce a regular Vakalatnama within 2 weeks from the date of presentation. The address of the advocate shall be stated in such Vakalatnama, memorandum of appearance or statement

in writing and any subsequent change in the Advocate's address during the pendency of the appeal or application presented by him shall immediately be communicated by the Advocate to the Office. Communications sent by post by the office to the said address shall be presumed to have been received by the Advocate. It would not be necessary for an Advocate to file fresh Vakalatnama if he has filed the same in the lower court/courts on behalf of respondent/opponent provided he files a note of appearance in the concerned appeal in the HighCourt.

Explanation :—A separate Vakalatnama ¹[* * * *] shall be filed in each of several connected proceedings notwithstanding that the same advocate is retained by the party in all the connected proceedings.

- Vakalatnamatobeaendorsementofacceptanceby Advocate.—Every Vakalatnama specified in rule 34 shall, before it is filed in the Court, bear an endorsement of acceptance signed by the Advocate concerned. ² [* * * *]
- Power of Attorney to be produced.—When an appeal or application or other proceeding is presented by or on behalf of a person purporting to act as a power of attorney on behalf of a party, the power of attorney shall be produced at the time of presentation and file a certified copy of the said power of attorney with an appeal or application or other proceedings as the case maybe.
- Memoranda of proceedings by Advocates to be in English.—
MemorandaofappealsorApplicationpresentedbyAdvocates shallbeintheEnglishlanguage.
- Memorandum of proceedings by party may be in Gujarati or English.—A memorandum of an appeal or application presented by a party personally shall be either in Gujarati or in English.

APPEALS

- Certified copies of judgments or orders and decrees of lower courts to accompany appeals.—Every memorandum of appeal shall be accompanied by certified copies of (a) the decree or order and (b) judgment under appeal and in the case of an

appeal from an appellate decree also by certified copies of (a) the decree or order (b) Judgment of the trial court and (c) of the grounds of the appeal, and cross-objections, if any, in the lower appellate court ³[and (d) Pleading of the parties and the documents on which the reliance is placed shall also be supplied, along with such appeals, no documents shall be referred which is not produced along with the appeal].

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- Simple copies to accompany appeals.—When presenting any appeal, an additional typed copy or ⁴ [Clear legible] zeroxed copy of memorandum of the appeal, and in appeals which are required to be placed before a Division Bench, a set of typed copies of the judgments of the Lower courts paged in accordance with the certified copies, shall be supplied.
- Memorandum of appeal or cross-objections to show and explain value of the claim.—The value of the claim in appeal or in cross-objections shall be shown in the memorandum of appeal or cross-objections at the time of the presentation of such memorandum and it shall, where necessary, be stated how the valuation has been arrived at.
- Difference in valuation in Lower court and in High Court to be explained.—When the court fee paid on, or the valuation stated in the memorandum of appeal differs from that paid or stated in the Lower Court, the difference shall be accounted for in foot-note to the memorandum of appeal at the time of the presentation of such memorandum and the party or the Advocate shall also at the same, time furnish all information and material necessary to explain the difference.
- Accompaniments to appeals in execution proceedings.— Appeals in execution proceedings shall, in addition to the accompaniments prescribed, be accompanied by certified copies of application for execution and the decree or orders under execution unless the filing of such copies is dispensed with by the Court.

- Accompaniments to Appeals from orders.—Appeals from orders under Section 104 and Order XLIII, rule 1 of Code of Civil Procedure shall, in addition to the accompaniments stated above, be accompanied by certified or ordinary copies of all other relevant documents on which the appellants wish to rely, unless such copies or any of them are dispensed with by the court.

CIVIL REVISION APPLICATIONS

- Accompaniments to Civil Revision Applications.—
 - (1) Every application in exercise of the revisional jurisdiction of the High Court shall be accompanied by a certified copy of the judgment and decree or order complained of, and if the order sought to be revised is an appellate decree or order or an order in a revision Application, by certified copies of the decree or order and judgment of the trial Court on grounds of appeal or revision application and cross objections, if any, in the lower appellate or revisional Court. ¹[Pleadings of the parties and the documents on which, reliance is placed shall also be supplied along with such applications. No documents shall be referred which are not produced along with the application].
 - (2) Every application in exercise of the revisional jurisdiction of High Court directed against orders passed in summary suits on summons for judgment shall, in addition to accompaniments to be filed under Rule 44(1), be accompanied by copies of the plaint, affidavit in reply and affidavit-in-rejoinder if any, such copies shall be certified to be true copies by the advocate for the petitioners and by the party in person, if the petitioner is not represented by an Advocate.
- Statements of facts in revision applications to be supported by affidavits.—Every fact stated in an application for the exercise of the revisional jurisdiction not set out in the order or judgment sought to be revised shall be supported

by an affidavit.

- Period of limitation for revision applications.—
 - (i) Applications for the exercise of the revisional jurisdiction of the High Court for which no period of limitation is prescribed by any law, shall be presented with in 90 days from the date of the decree or orders sought to be revised.
 - (ii) The provisions of Sections 4, 5 and 12 of the Limitation Act, 1963, shall apply to the Revision applications mentioned in sub-rule (i) above.

• Accompaniment to revision applications against interlocutory orders.—Revision applications against interlocutory orders shall, in addition to the accompaniments prescribed in rule 44 be accompanied by copies of all other relevant documents on which the applicant wishes to rely, unless such copies or any of them are dispensed with by the court.

APPLICATION FOR REVIEW

- Accompaniments to review applications.—
 - (i) Every application for review shall be accompanied by a typed copy of the judgment and decree or order sought to be revised, and in a case where a review application is required to be heard by a Division Bench by two sets of two such copies which shall be certified to be true copies by the Advocate for the applicant and by the party in person if the applicant is not represented by an advocate.
 - (ii) When an application for review proceeds on the ground of discovery of fresh matter or evidence, the documents, if any, relied upon, shall be annexed to the application, with list in Form No. 5, in Appendix H, Schedule I of the Code of Civil Procedure, together with an affidavit setting forth the circumstances under which such discovery has been made.

CIVIL APPLICATIONS

- Affidavits in respect of applications other than Revision Applications and Registrar's power to dispense with affidavits.—
 - (i) All Civil Applications shall be supported by affidavits.
 - (ii) The Registrar may by general or special order dispense with affidavits in particular cases, or particular classes of cases, except in Special Civil Applications under Articles 226, 227 and 228 of the Constitution.

GENERAL

- Provision of law under which appeal made to be stated.— The provision of law under which an appeal or application is made shall be stated prominently at the top of the memorandum of appeal or application at the time to its presentation.
- Parties in Appeals and Applications.—
 - (i) All parties to the proceedings from which the appeal or application arises shall ordinarily be made parties to the Appeal or Application. If any such party is not made a party to the appeal or application, an explanation in this regard shall be made in a foot note below the memorandum of appeal or application.
 - (ii) If any person who is not a party on the record of the proceedings in the Lower court, is made a party to an appeal or application against any decree or order in such proceedings, the appeal or application shall be accompanied by a regular stamped application supported by affidavit for making such person a party to the appeal or application.

- (iii) The provision of Sub-rule (ii) above, shall apply where the legal representatives of any party who has died pending the presentation of the appeal or application were not brought on the record of the proceedings in the Lower court but are made parties to the appeal or application.
- Registrar's power to dispense with supply of certified copies of judgments, orders or decrees.—The Registrar may dispense with the filing of certified copies of judgments, orders or decrees which are required to be filed under these rules when such copies or the original thereof are already on the record of the High Court.
 - English Translation to be supplied when prescribed accompaniments are not in English.—When any of the accompaniments to an appeal or application are not in the English language, typed copies of translations of such accompaniments ¹[****] except decrees certified to be true translations by the Advocate or by an authorised translator shall be annexed therewith.
 - Neat copies to be supplied when original accompaniments are hand written or illegible.—If any of the original documents or certified copies presented with an appeal or application are hand written or not legibly typed, clear and neatly typed copies thereof shall be supplied with the memorandum of the appeal or application.
 - Documents or copies produced or supplied by advocates or parties to be neatly typed and clearly legible.—
 - (i) All memoranda of appeals and applications, affidavits, copies and notes supplied by the Advocates or parties, whether for the use of the court or for service on opposite parties, shall be neatly typed on durable foolscap paper leaving a margin of 2 inches, whenever copies are supplied, such copies shall correspond page to page with the original.
 - (ii) In every Court matter, i.e. appeals/Civil revision applications/ review applications/Civil applications (other than revision applications), the appellant/petitioner/or applicant as the case may be shall file a sheet of a copy of title of respective appeal memo/petition/or application etc. in

duplicate.

- Office may refuse illegible or badly typed copies and judgments.— The office may refuse to accept any such papers which are not typed and prescribed or which do not conform to the requirements of Rule 55 above and such office objection shall be removed or complied with in time prescribed in the rule.
- Statement of Registered addresses of opposite parties.— Every memorandum of appeal or cross-objections or application arising from a suit or proceeding to which the Code of Civil Procedure applies, shall set out in the title the last Registered Addresses of the Opposite parties i.e. the addresses for service given by opposite parties in the Court below under the provisions of Rules 19 to 24 of Order VII or Rules 11 and 12 of Order VIII Civil Procedure Code.
- Appellant or applicant to state his Registered address.— The appellant, the applicant or the respondent filing cross-objections shall state in the memorandum of appeal or application or cross-objection his address at which service of notices, at summons copies or other process may be made on him. Such address shall be deemed to be his Registered address under the provisions of Rules 19 to 24 or Order VII and Rules 11 and 12 of Order VIII of Code of Civil Procedure.
- Certificate from Mamlatdar to accompany when exemption from the Court fee claimed.—
When any memorandum of appeal or cross-objections or application, or Vakalatnama or certified copy is presented by or on behalf of a person who claims exemption from payment of court fees or process-fees on the ground that he belongs to a Scheduled Tribe exempted from payment thereof under any Government Notification, he shall produce at the time presenting it a certificate from the Mamlatdar or other competent authority certifying that he belongs to such Scheduled Tribe:

Provided that when such a certificate has been produced in the Court below he may produce a certified copy thereof.

- Separate Civil Application for excuse of delay in presentation, to accompany memorandum of appeal or cross-objections.— When a memorandum of an appeal or cross-objection or revisional application is presented beyond the time prescribed for the presentation thereof by any law or rule for the time being in force, a regular stamped application for excuse or delay setting out the grounds on which the delay is sought to be excused shall be made. Such an application shall be supported by an affidavit.
- Statement as to previous appeal or application in the High Court.— A party or Advocate presenting a memorandum of cross-objection or application shall state therein whether any other appeal or memorandum of cross-objections or application has been filed by him in respect of the same matter and if filed, how that appeal or memorandum of cross-objections or application has been disposed of and how the appeal or cross-objections presented is competent.
- Application or amendment to be accompanied by particulars.— Every application or note for amendment of the memorandum of appeal, cross-objections or application shall be accompanied by a typed draft stating precisely the amendment sought to be made.

PROCEDURE AFTER PRESENTATION,
REMAND

OF

OFFICE OBJECTI

- Cancellation of stamps. — The stamps on all appeals, applications and other documents presented in the office shall be cancelled on the date of presentation or within a reasonable time from the date of presentation, but invariably before the document is filed or registered.
- Inquiry regarding sufficiency of Court fees. — When the court fee paid on an appeal is found to correspond with the court fee paid and accepted in the court below, no further enquiry need be made unless from the paper

filed with the appeal, or on account of any amendment of the law relating to court fees, it appears that the court fee has not been correctly assessed on the appeal and that a stamp of different amount is required on the appeal.

- Procedure for examination of proceedings by office before Registration.—

(i) Every Civil Appeal or Application or Memorandum of cross-objections filed in any appeal shall be examined by the office as soon as possible after it is presented and the examination shall be completed within ten days from the date of presentation, provided that, in respect of the matters presented in the first week on the re-opening of the High Court after the summer vacation, the examination may be completed within twenty one days of the date of presentation.

(ii) When the office finds that such appeal or application or memorandum of cross-examinations is incomplete or that there are other objections to the registration of the same, the office shall, as soon as the examination is complete, prepare in duplicate a memorandum of all such objections. Where the objection relates to the valuation of the claim in any memorandum of appeal or cross-examinations or in any application, or to the court fee to be paid thereon any copy of a document presented therewith, the office shall state what in its opinion is the correct valuation and what is the correct amount of court fee payable.

(iii) (a) When the duplicates of the memorandum of objections prepared under sub-rule (ii) above in any matters are ready, the office shall within two days put up on the Notice Board a notice showing all such matters by their Stamp number, the District form which each matter arises and the name of the Advocate appearing in each matter. The notice shall bear the date on which it is out on the Notice Board and require the Advocates

concerned to take delivery of the duplicates of the memorandum or objections from the office and to remove the objections within 15 days from the date of the Notice. The date of the notice shall be prominently noted in the presentation form. A copy of the notice shall be supplied to the Gujarat High Court Advocate's Association. The posting of the notice on the Notice Board shall be deemed to be sufficient notice thereof to the Advocates and the parties. Save as otherwise provided in these rules all the office objections shall be removed within 15 days from the date of the notice.

(b) A party not represented by an advocate presenting a memorandum of appeal, cross objections or application shall give an undertaking in writing on the presentation form to attend the office on a day stated by the office for receiving a copy of the memorandum of office objections. The office shall keep the duplicate copy of the memo of office objection ready and deliver it to the party if he attends on the stated day. If the party fails to attend on the day stated, the office shall immediately put up a Notice as prescribed in clause (a) of the Rule and the same obligations and consequences shall follow on the putting up of the notice as are specified in the said clause (a).

(iv) (a) If the advocate does not remove the office objections within the time prescribed under sub-rule. (iii)(a) of this rule, the office shall place the matter before the court not later than a week after the expiry of the said period.

(b) The Court may grant extension of time for or excuse delay in removing office objections having

(v) When the last day for removing any office objections falls during a vacation, it shall be removed on or before the re-opening day after the vacation.

- Office objections regarding filing of decree or order for valid presentation.— The office shall note in particular whether a copy of the decree or order against which an appeal or application is presented and which is a necessary accompaniment for the valid presentation of the appeal or application is presented within the period of limitation prescribed for such an appeal or application. If the office finds that such a copy is not presented within the period of limitation prescribed for an appeal or application, the office shall make a note of objection that such appeal or application showing sufficient cause as contemplated by Rule 60 has been presented, it shall issue notice in the manner prescribed in Rule 65 (iii) (a) above. Such objection shall be dealt with in the manner prescribed in Rule 67 below.

- Procedure in regard to office objection as to limitation.—

(i) When an appeal, application or memorandum of cross-objection is presented after the expiry of the period of limitation specified therefore, shall be accompanied by separate application for condonation of delay.

(ii) If objection is raised by the office to the registration of an appeal or application or memorandum of cross objections on the ground of its being beyond time, a separate regular stamped application for excusing delay in presenting the same shall be made within 15 days from the date of the notice under Clause (a) or as the case may be, clause (b) of sub-rule (iii) of Rule 66 above, or where the duplicate of the office objections has been delivered to the party in person under clause

(b) of the said sub-rule (iii) from the date of receipt thereof by him, failing which the office shall place the matter before the court for orders not later than a week after the expiry of period prescribed under sub-rule (iv) (a) of Rule 65.

(iii) Notwithstanding that the objection as to delay in filing the matter has not been finally decided, the party or Advocate shall be required to remove all other objections within the time specified in sub-rule (iii) of rule 65.

(iv) If no application for excuse of delay or note for revision of the Registrar's order is filed within 15 days from the date of the order of the court under sub-rule (iii), the matter shall without any delay, be placed for orders before the Registrar and the Registrar shall pass orders refusing to Register the matter.

(v) When an application for excusing delay is made under any of the provisions of this Rule, the Appeal or application shall be registered provided no other objection survives.

- Procedure in cases of objection relating to deficiency of Court Fee.—

(i) When notice has been given under sub-rule (iii) of Rule 65 of objection in regard to valuation or deficiency of court fee to be paid on any memorandum of appeal or cross-objections or on any application or with the application, the party or the Advocate shall, unless, he accept the correctness of the office objection, state in writing endorsed on the date of the notice under clause (a) or as the case may be clause (b) of sub-rule (iii) of Rule 65 above or where the duplicate of the office objections has been delivered to the party in person, under clause (b) of the said sub-rule (iii) from the date of the receipt thereof by him that he disputes the same.

(ii) If the endorsement of the dispute is not made within the time specified in sub-rule (1), the office objections relating to valuation and

court fee shall be deemed to have been accepted by the party or Advocate concerned, unless the Registrar, on a regular application, duly stamped made within 15 days from the expiry of the period prescribed in sub-rule (i), excuses delay and grants leave to dispute the said office objections.

- If no dispute payment of deficit court fee.—If the party or the Advocate accepts or is deemed to have accepted the correctness of the office objection regarding court fee and valuation, he shall remove the same within the time specified in rule 65, and if the deficit court fees is not paid or the valuation is not corrected, as the case may be, within the time specified, the procedure prescribed in Chapter XII shall be followed.
- Dispute regarding court fee to be referred to the Taxing Officer.—
 - (i) If the party or the Advocate make an endorsement as prescribed in Rule 68(i) or is granted leave by the Registrar under Rule 68 (ii) or by the Court to dispute the correctness of the office objections, the dispute shall be referred to the Taxing Officer, for his decision within seven days or the endorsement or the leave granted by the Registrar or the court as the case may be. However that the party or the advocate, shall remove all objection except that relating to court fee and valuation within the time specified in Rule 65, failing which the procedure prescribed in Chapter XII shall be followed..
 - (ii) When a matter has been referred to the Taxing Officer under sub-rule (i) above and he decides that there is a deficiency in the court fee paid or defect in the valuation, stated, the party or his advocate shall, if the decision is not disputed, pay the deficit court fee or rectify the valuation according to the decision of the Taxing Officer within 15 days from the date on which the said decision is communicated to such party or Advocate. Any decision of the Taxing Officer adverse to the Government revenue in

any matter in which
Government is not the disputing party
shall be communicated to the Government
Pleader immediately.

(iii) When a party or an Advocate disputes, and intends to apply in Revision against the decision of the Taxing Officer, under section 5(2) of the Bombay Court Fees Act, 1959, he shall within 15 days from the date of the communication of the said decision of the Taxing Officer, state in writing that he is filing an application for revision thereof. If no such writing is given within the said period of 15 days, it shall be deemed that the decision of the Taxing Officer is accepted and the matter shall be dealt with accordingly.

(iv) When an application for revision of the Taxing Officer's decision has been made, it shall be notified for hearing before the Court within 10 days from the date of its filing and the deficit court fee, if any, payable under the orders of the Judge deciding the said application, shall be paid and the valuation rectified within 4 weeks from the date of the order of such time as the Judge may allow.

- Registrar to refuse registration when deficit court fee not paid in time.—If in the case contemplated in sub-rules (ii), (iii) and (iv) of rule 70 above, the deficit court fee is not paid or the valuation not rectified within the time prescribed or enlarged under Sec. 148 of the Code of Civil Procedure, the appeal, memorandum of cross objections or application shall be placed within seven days before the Registrar for orders and the Registrar shall pass orders refusing registration of the appeal, cross-objections or application under Rule 8 of Chapter II of these Rules.
- Re-examination on conversion of nature of proceeding.—

When a proceeding of one kind-is, before it is admitted to the register, converted into a proceeding of another kind under the order or with the permission of the court or the Registrar the office shall prepare a fresh memorandum of objection in regard to the converted proceeding, as if the converted proceedings was presented on the date of its conversion and the procedure prescribed under Rules 65 to 71 above shall apply to such converted proceeding:

Provided that no office objections shall be taken to the converted proceeding on the ground that on the date of its conversion it was barred by limitation.

- Refund of excess or exempted court fee.—
 - (i) If while assessing the court fee payable in accordance with the preceding rules, or the Court Fee Act or the law for the time being in force relating to court fee, it appears that stamp of a greater value than ' is required has been affixed to the memorandum of appeal, cross objections or application, a refund certificate for the excess shall, after obtaining the order of the Taxing Officer, be granted to the party or the Advocate concerned before admitting the matter to the appropriate register.
 - (ii) If as a result of one kind or proceeding being converted into another under the order or with the permission of the court or Registrar, a lower Court, fees becomes payable on the converted proceeding, a refund certificate for the amount of difference in the amount of court fee paid on the original proceeding and that payable on the converted proceeding shall, after obtaining the order of the Taxing Officer, be granted to the party or the Advocate concerned before admitting the converted matter to the appropriate register.

(iii) if it is found that in any case a party entitled to any statutory exemption in respect of court fee has paid any court fee, which the party was exempted from paying, a refund certificate for the amount of court fee covered by the exemption shall, after obtaining the order of the Taxing Officer, be granted to the party or the Advocate concerned before admitting the matter to the appropriate register.

(iv) When a matter in which a refund certificate should have been issued under sub-rules (i), (ii) and (iii) above, has been registered before the issue of the refund certificate, the Registrar may on a note filed by the party or the Advocate concerned, issue the necessary refund certificate on the Taxing Officer certifying that the refund is admissible under this rule.

(v) No refund certificate for a sum less than Rs. 10/- shall be granted under this rule in any one case.

(vi) Whenever a refund certificate is granted in respect of the whole or a part of any court fee, a statement of the amount refunded shall be endorsed under the signature of the Registrar on the document to which such stamps is affixed.

- Registers for classes of proceedings.—The office shall maintain a separate register for each of the following classes of proceedings for each calendar year:—
 - (1) First Appeals.
 - (2) Second Appeals.
 - (3) Letters Patent Appeals.
 - (4) Appeals from Orders.
 - (5) Civil Revision Applications.
 - (6) Special Civil Applications under Articles 226, 227 and 228 of the Constitution.
 - (7) Civil Applications for interlocutory orders.
 - (8) Miscellaneous Civil Application.
 - (9) Civil References.
 - (10) Proceedings under the Companies Act.
 - (11) Register of cases withdrawn before registration or in which registration is refused or which are

dismissed for default or non-prosecution before registration.

- (12) Presentation and Stamp Register.
- (13) Register of Affidavits.
- (14) Register of process fees and printing charges.
- (15) Register of Applications for taking down simple copies and for search.
- (16) Register of refund of court fees, process fees and printing charges.
- (17) Register of sale proceeds of prints.

- Registration of proceedings.—When all office objections are removed, order shall be taken from the Assistant Registrar for admission of the matter to the file after which the matter shall be immediately entered in the appropriate register. Such matters shall be entered in the register and shall be numbered in accordance with the serial numbers of the sequence of the entries in the register.
- Registration of appeals under special Acts.—Appeals presented under Special Acts, such as the Indian Succession Act XXXIX of 1925, the Guardians and Wards Act, VIII of 1890 etc. shall be registered in the ordinary way as First or Second Appeals, as the case may be. The office shall, however, permanently note on the title sheet and farad the name of the Act or Acts under which the appeal or application is filed which shall also be entered in the register.
- 1[* * **]
- Removal of objections in matters registered.—
 - (i) Notwithstanding anything contained in these rules, when any matter placed before the Court under rule 77 above, is admitted, the office shall notify all the office objections within 7 days from the date of the order of the court admitting the matter and the advocate or party shall remove all the objections within 15 days from the date when the same are notified. If any interim relief is

granted by the Court in such matter, the Office shall prepare the memorandum of office objections and notify the office objections forth with and in any case not later than the day next after the day of the order of the Court and the Advocate or party shall remove all office objections within 15 days from the date of such notification, failing which the matter shall be placed before the Court which may extend time for removal of office objection, dismiss the matter for want of prosecution or discharge the stay, injunction or other interim relief granted or pass such other order as it may deem proper.

(ii) When no interim relief has been granted by the Court in any such matter, and if office objections are not removed within the time permitted, the procedure prescribed in Chapter XII shall be followed.

(iii) If any matter placed before the Court under rule 77 above is summarily dismissed by the Court, all office objections excepting the objection relating to court fees or valuation for Court fees may be waived by the Registrar.

- Return of papers when Registration refused.— Whenever registration of any appeal, memorandum of cross-objections or application is, for any reason refused by the Registrar, or the appeal, memorandum of cross objections or applications dismissed for default or allowed to be withdrawn before it is registered, the papers, excepting the memorandum of appeal, cross objections or application and Vakalatnama, may, on the request of the advocate or the party who presented them, be returned after making an entry in the Register of cases withdrawn before registration or in which registration is

refused. The remaining papers shall be sent to the Record

roomandclassifiedas'C'paperfordestructioninduecourse.

- **Recovery of deficit court fees matters registered Subject to Office Objection summarily dismissed.—**
 - (i) When any matter registered subject to office objections under rule 77 above is summarily dismissed, any deficit court fee found to be payable therein shall be paid within the time prescribed in rules 69 and 70 in this chapter, or within such time as the Court may, on a regular application filed in this behalf, grant for payment of the same.
 - (ii) If the deficit court fee is not paid within the time prescribed above, if any, on a certificate of the Registrar, be recovered as an arrear of land revenue from the appellant or applicant with the permission of the Chief Justice.
 - (iii) If deficit court fee is not paid, despite undertaking given by the advocate as provided in Rule 77, the matter shall be placed before the Court for appropriate action.

ROSTER

- 1.** A Judge shall ordinarily sit singly or in a bench of two or more at the place of sitting (Jabalpur, Indore or Gwalior) assigned to him and dispose of Civil or/and Criminal work in accordance with the roster approved by the Chief Justice.
- 2.** A bench comprising three or more Judges shall be notified by a special roster.
- 3.** (1) The roster shall be prepared by the Registrar in accordance with

directions of the Chief Justice.

- (2) The roster may contain general or special instructions for assigning work of a bench which is not available, to another bench.
 - (3) The roster shall be notified to all Judges, Advocate General and the concerned Bar Associations and shall also be ported on the official web site of the High Court.
4.
 - (1) In order to meet contingencies, the Chief Justice may from time to time direct the Registrar to prepare roster instructions or amendments for redistribution of judicial work.
 - (2) The roster instructions and amendments shall be prepared in such a manner as to ensure that no judicial time is wasted.
 - (3) After approval, such roster instruction /amendment shall be notified to all Judges, Advocate General and the concerned Bar Associations and shall also be ported on the official web site of the High Court.
5. Where a bench directs listing of a case before –
 - (1) another bench, the Registrar shall place the matter before the Chief Justice for orders;
 - (2) a particular bench and the case can be listed before that particular bench according to roster, rules or a binding precedent; the Registrar shall list the case before that bench, otherwise he shall place the matter before the Chief Justice for orders; or
 - (3) an appropriate bench as the Registry had erred in listing the case before that bench, the Registrar shall determine the bench before which the case ought to be listed as per roster, rules or a binding

precedent; otherwise he shall place the matter before the Chief Justice for orders.

6. Except as provided in the rule 30 of chapter XIV or unless specifically directed by the Chief Justice in writing, no case, other than a tied up matter, shall be listed before a bench in contravention of the roster.

LISTING OF CASES

1. (1) The Registrar shall list the cases before benches in accordance with the provisions contained in this chapter and as per the directions of the Chief Justice.
- (2) All cases, so listed, shall be published in a cause list under the signature of the Registrar. The Section Officer/Assistant, cause list section shall be responsible for preparation of such cause list.
- (3) The cause list shall be published in the Court Notice Board. A copy of cause list shall be sent to the Chief Justice, Advocate General and the concerned High Court Bar Association. A copy of the cause list for respective benches shall also be sent to the concerned Judge and his Reader.

The cause list shall, as far as possible, be posted on official web-site of the High Court. A copy of the cause list shall also be sent to the concerned branch of the office.

2. Publication in the cause list shall be the only mode of intimation of listing of a case. No advocate shall be entitled to intimation by any other mode unless directed by the Chief Justice in a particular class of cases on administrative side or by the Court on judicial side, notwithstanding the fact that all or any of the advocates are not stationed at the place at which the case is to be heard.

Provided that a party unrepresented by an advocate shall be entitled to intimation of listing of a case by means of a service post card (S.P.C.) issued as far as possible, 15 days ahead of the date of hearing.

Motion Hearing

3. A daily cause list of motion hearing cases shall consist of fresh and pending main cases -
 - (1) fresh cases shall be sent by the presentation centre, and
 - (2) pending cases shall be proposed to be listed by the Dealing Assistants.
4. Unless otherwise directed by the Chief Justice –
 - (1) motion hearing cases shall be listed on Monday, Wednesday, Friday and Saturday subject to rule 10(4) of this chapter;
 - (2) Tuesday and Thursday of a week shall be reserved ordinarily for final Hearing of cases;

- (3) on Tuesday and Thursday, only bail matters, fixed date cases and cases wherein mention memo have been issued, shall be listed in motion hearing.
5. (1) A daily list of motion hearing cases for Monday, Wednesday, Friday and Saturday shall be issued by the Registry on previous day at 1.00 P.M. Cases in which proposals for listing have been sent to cause list section by 11.00 A.M. that day, shall be included therein.
- (2) This List shall also include left over (“not reached”) cases from previous motion hearing day. However cases leftover on a Friday, which is not followed by a working Saturday for the Registry, shall be included in the daily list for following Wednesday.
- (3) Motion Hearing cases shall be included in the Daily List under following four sub-heads:
- (a) Fresh Matters. (With or without application for interim relief);
 - (b) Interim matters (including consideration of interlocutory applications);
 - (c) Miscellaneous matters (such as default matters and matters listed for further orders);
 - (d) After notice matters; and
 - (e) Final hearing at motion stage matters.
- However, the cases shall be listed *ad seriatum*, i.e. maintaining one Serial Number for the entire list. “Not reached” cases shall be included at the top under the respective sub-heads.
- (4) If necessary, a supplementary daily list may be issued at 5.00 P.M. However, this supplementary list shall only include cases in which mention memo are issued, or a fixed date is given by the Court.
- (5) Number of all motion hearing cases, including cases left over on previous motion day but excluding default matters, taken together, should not exceed such number of cases as directed by the Chief Justice by an order in writing:
- Provided that identical matters shall be treated as one matter.
- Provided further that matters listed before a special bench on Friday shall be exempted from the limit.
- (6) There shall be only one daily cause list for motion hearing cases, unless preparation of supplementary list becomes

necessary.

6. Fresh motion hearing cases shall be included in the daily list of motionhearing cases in chronological order, i.e. in order of institution, as soon as they are processed and are ripe for listing before the bench.

Mention Memo

7. (1) Any party or advocate desirous of out of turn listing or early hearing of a motion hearing case on the ground of urgency, may make a mention before the concerned bench at 10.30 A.M. by way of a mention memo in Form No. 15.
- (2) No mention memo shall be presented unless the concerned main case has been filed and institution number has been allotted to it.
- (3) It shall contain the institution number of the concerned main case.
- (4) The mention memo shall disclose –
- (a) the date of institution of main case;
 - (b) the date on which the defects, if any, were rectified; and
 - (c) whether any fixed date has been given by the Court.
- (5) The bench may, in its discretion, grant mention memo under its signature for out of turn listing or early hearing of cases in motion hearing.

The mention memo shall be issued by the Judge or under the authority of the Judge, by the Reader.

- (6) A case shall be listed on the basis of a mention memo only if it is issued by -
- (a) the bench which is hearing cases of that class as per the roster prevalent on the date on which it was issued;
 - (b) the bench to which the case is tied up;
 - (c) the bench to which the case has been assigned; or
 - (d) the Chief Justice.
- (7) Where the mention memo has been issued by a bench other than those mentioned above, the concerned Section Officer shall make an endorsement overleaf in following words for being placed before the bench issuing the mention memo.

“The case is cognizable by the bench comprising Hon. Shri Justice

Section Officer

Reader to Hon'ble Shri Justice.....
For being placed before His Lordship”

8. The Reader to the Court shall maintain a Register of mention memos issued by the bench. Such mention memos shall be forwarded to the concerned Section by the Reader immediately. The Section Officer shall also maintain a Register of mention memos received from benches.

Final Hearing

9. A weekly cause list of final hearing cases shall consist of pending cases proposed to be listed by the Dealing Assistants.

10. (1) The Registry shall prepare a class wise list of cases, ripe for final

hearing, in chronological order, i.e. in order of the institution, for a period of three months. This list shall also include cases which have been ordered by the Court to be listed for final hearing, out of turn and are to be listed during the quarter. This list shall be entered in the computer and posted on the web-site of the High Court. A copy of list shall also be sent to the concerned branches of the office.

(2) Out of the quarterly list of ripe cases, the Registry shall prepare a weekly list, in chronological order and the same shall be sent to the Advocate General and the concerned High Court Bar Association. This weekly list shall also be displayed on the Notice Board of the High Court and posted on the web-site of the High Court. A copy of list shall also be sent to the concerned branch of the office.

Provided that a case once included in the weekly cause list for final hearing of cases, shall not ordinarily be dropped from the list of subsequent weeks unless the case is heard or adjourned by the Court.

Provided further that the not reached cases from previous week shall ordinarily be listed in the same order at the top of the weekly cause list for the subsequent week. The cases included in the subsequent weeks shall be added below the not reached cases in chronological order.

(3) If any cases included in the weekly list are disposed of that week, other cases shall be taken from the quarterly list in chronological order and added to the weekly list of that week

by way of a supplementary list, as and when required.

- (4) The cases from weekly list of final hearing will be taken up for regular hearing by the concerned bench on Tuesday and Thursday and on other days, if time permits. There may be no daily list of final hearing cases.

Provided that at the end of every sitting day, intimation shall be sent to the Bar Association and Advocate General's office about the numbers of the cases in the weekly list which have been heard during the day.

11. (1) Notwithstanding anything contained hereinabove, the following categories of cases shall be accorded priority in matter of listing for final hearing –

- (a) part heard cases,
- (b) held up cases,
- (c) criminal cases where the accused is in custody for a period of more than 5 years,
- (d) cases of women prisoners having children with them in the prison,
- (e) cases where one of the parties is a senior citizen, i.e. above 65 years of age,
- (f) civil appeals and revisions under the Madhya Pradesh Accommodation Control Act, 1961, where ground of bonafide need is involved,
- (g) cases relating to retiral benefits,
- (h) cases relating to environmental pollution or disturbance in ecological balance, and
- (i) cases relating to service of members of the State Judicial Services.

- (2) Ordinarily part-heard cases shall be proceeded with on the following day or days till they are concluded.

A case which has been fixed by special order for hearing on a particular day before a particular Judge or Judges shall, however, take priority over all cases other than a writ of *habeas corpus*, a criminal reference (capital punishment) and a part-heard case which shall be placed at the top of the list for the day. Cases shall be heard in the order given in the daily list unless otherwise directed by the Court.

12. Any party or advocate desirous of early hearing of a final hearing case may move an application for such hearing. An application for early hearing shall be listed before the bench in motion hearing within a week.

13. As soon as an order is passed in a case, the Reader shall update it's status in the computer. The status of remaining cases shall be updated at the end of the day. The cause list for the following day shall be prepared accordingly.

14. No case shall be listed for hearing, unless it is certified as ripe for final hearing. Similarly, no case shall be listed for final hearing, if the lower Court record or any other record, requisitioned by the Court, has not been received.

15. A note shall be inserted in every cause list requesting the advocates to furnish a list of all books they intend to cite during the course of hearing, well in advance, to the Reader.

Special benches

16. All tied up cases shall, as far as possible, be listed on Friday or such other day as may be fixed by the Chief Justice before the benches to which such cases are tied up:

Provided that, where the bench to which a matter is tied up is available on other week days the office shall not wait for Friday to list such matter notwithstanding the fact that the concerned bench is hearing some other class of cases as per current roster.

17. The proposals for listing of tied up cases shall be submitted to the Section Officer/Assistant cause list Section who shall prepare a programme of special benches for every Friday or such other day as may be fixed by the Chief Justice and submit before the Registrar who shall vet the programme and place it before the Chief Justice for approval latest by Wednesday evening. After approval, the programme shall be notified to all Judges, Advocate General and concerned High Court Bar Association and shall also be ported on the web site of the High Court. A copy of the programme shall also be sent to writ, civil and criminal Branch of the office.

Adjustment as to Listing of Cases

18. (1) Where an advocate is not available to appear before the Court on a particular date or during a particular period, he may make an application, requesting that his cases be not listed on that date or during that period.

(2) An application for such adjustment shall be made 3 clear working days in advance before such date or commencement of such period and shall be addressed to the Registrar on administrative side.

- (3) Adjustment for a period of up to one month may be granted by the Registrar. An application for adjustment for a period exceeding one month shall be placed before the Chief Justice for orders.
- (4) Notwithstanding the fact that an application for adjustment has been allowed, ordinarily cases falling under following categories shall not be adjusted :
 - (a) Cases which are more than 7 years old,
 - (b) Fixed date cases,
 - (c) Cases in which a mention memo has been granted, and
 - (d) Cases placed in the fast track shall not be adjusted for a period exceeding one week.

A list of all adjusted advocates and a list of all those advocates who have moved an application for adjustment shall be appended to cause list of all benches.

- (5) Where an application for adjustment has been allowed, it shall be marked by the Registrar to the Section Officer/Assistant cause list section who shall cause it to be entered in the computer and circulated amongst the Section Officers/Assistants of Judicial Branch of the High Court, so as to ensure that cases of adjusted advocates are not listed.

Names of Senior Counsel not to be published

19. The name of a designated senior counsel shall not be published in the cause list. The name (s) of only the advocate (s) accepting vakalatnama from the party shall be published.

Hearing by Full Benches and Referee Benches

- 20.** (1) Hearing of a case by a full bench shall be published in the cause list of the Principal Seat and the Benches as far as practicable, a week in advance along with point (s) involved.
- (2) First hearing of a case by a division bench on a point of law referred by a single bench shall be published in the cause list of the Principal Seat and the benches as far as practicable, a week in advance along with the point (s) involved.
- (3) On an application being made in this behalf, the bench may permit an advocate to address the Court on a question of law.

21. Ordinarily a case, once published in the cause list shall not be dropped nor shall its order be changed by the Registrar.

22. No supplementary cause list shall be published on the date of hearing at the behest of the Registry, however a Judge, having the roster, may direct listing of additional cases for analogous hearing and in such an event the Registry shall prepare a supplementary list and place the cases before the said Judge for hearing.

Where the Registry has failed to list a fixed date Court ordered case or a case in which a mention memo had been issued for that date, a supplementary cause list may be published with prior permission of the bench concerned.

23. Ordinarily, a bench directing the listing of a case before another bench or appropriate bench or a particular bench shall not fix a date for such listing. Such case shall, however, be listed as expeditiously as possible.

GROUP – B

1. Check list giving full details of cases, such as list of events, precise case story.
2. Synopsis of case story
3. Categorization and sub categorization of cases.
4. Appointment of translators in High Courts and sub-ordinate courts.
5. Uniform procedure for filling return, re-presentation etc.
6. Uniform procedure for posting of cases.
7. Total filing information and posting information through SMS and emails to advocates and parties including objection taken.
8. The Registrar judicial shall not be assigned other duties.
9. Uniform nomenclature for all proceedings instituted for High Courts.

GROUP – C

1. Filing time for all High Courts should be common.
2. Categorization / classification should be common.
3. Registrar judicial should be from judicial service.
4. Role, duties and function of registrar judicial be codified and be uniform
5. Fixation of dates in all cases.
6. Uniform codified rules for E-filing.
7. Uniform rules be framed in reporting section.
8. Concept of special appeal / latent patent appeal be clarified.
9. Priority be given in listing of cases which have been stayed by High Court and pending before the lower court.
10. Application be listed before the registrar judicial. (Substituted app, impleadmet application, application for taking vakalatnama, courts affidavit and rejoinder on records).