

# Rajasthan Case Flow Management Rules, 2006

RAJASTHAN

India

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### Rule RAJASTHAN-CASE-FLOW-MANAGEMENT-RULES-2006 of 2006

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Rajasthan Case Flow Management Rules, 2006 Published vide Notification No. 3/S.R.O/2006, dated 12.9.2006 Last Updated 21st May, 2019 Introduction. - In Writ Petition (Civil) No. 496 of 2002 Salem Advocate Bar Association, Tamil Nadu vs. Union of India. Their Lordships of the Supreme Court, for the Purpose of quicker dispensation of justice, constituted a Committee headed by Hon'ble Mr. Justice M. Jagannadha Rao, former Judge of the Supreme Court and Chairman, Law Commission of India. Having considered the report submitted by the Committee, the Supreme Court on 2.8.2005 directed the High Courts to finalise the Rules for the purpose of dispensation of meaningful administration of Justice to the litigating public. Pursuant to the directions of the Hon'ble Supreme Court and in the light of the report of the Hon'ble Committee, the High Court of Judicature for Rajasthan hereby makes the following Rules, in exercise of the powers conferred by Article 225 of the Constitution of India, and Chapter X of the Code of Civil Procedure, 1908 (5 of 1908) and Section 46 of the Rajasthan High Court Ordinance, 1919 read with Rules of the High Court of Judicature for Rajasthan, 1952 and all other enabling powers.

#### 1. Short, title, extent and Commencement.

- (i) These Rules shall be called "High Court of the Judicature for Rajasthan Case Flow Management Rules, 2006." (ii) These Rules are divided in 3 parts: -Part-A Matters Relating To Writ Petitions. Part-B Matters Relating To Civil Appeals And Other Matters Relating To The Rewith. Part-C Matters Relating To Criminal Appeals etc. (iii) Those rules shall come into force from the date of publication in the Official Gazette. Rules Relating to Part-A

#### 1A.

Depending on the urgency for taking up the matter and in the light of the powers vested with the Chief Justice under Rules of the High Court of Judicature for Rajasthan, 1952 as amended from time to time, the Registry shall at the stage of admission or issuing notice before admission, categorize

the writ petitions, other than the writ of Habeas Corpus into any of the following 3 Tracks:(i)Fast Track(ii)Normal Track(iii)Slow Track

## **2A.**

Matters wherein an interim order of stay or injunction is granted in respect of liability to tax or demolition or eviction from public premises etc. shall be put on the Fast Track. Similarly all matters involving tenders would also be put on the Fast Track.

## **3A.**

(a)The petitions in the Fast Track shall invariably be disposed of within a period not exceeding six months.(b)The petitions in the Normal Track shall be disposed of within a period not exceeding a year.(c)The petitions in the Slow Track shall be disposed of within a period not exceeding two years.

## **4A.**

Senior officers of the High Court, nominated for the purpose, shall at intervals of every month, monitor the stage of each case likely to come up for hearing before each Bench (Division Bench or Single Bench) during that month which have been allocated to the different tracks. The details shall be placed before the Chief Justice or Committee nominated for that purpose as well as the concerned Judge dealing with cases.

## **5A.**

The Judge or Judges referred to in clause (2) above may shift the cases from one track to another depending upon the complexity, (urgency) and other circumstances of the case.

## **6A.**

The data will be fed into the computer in such a manner that the court of judge or judges, referred to in clause (2) above will be able to ascertain the position and stage of every case in every track from the computer screen.

## **7A.**

Whenever the roster changes, the Judge concerned who is dealing with final matters shall keep himself informed about the stage of the cases in various tracks listed before him during every week, with a view to see that the cases are taken up early.

## **8A. Writ of Habeas Corpus.**

- Notices in respect of writ of Habeas Corpus where the person is in custody under orders of a State Government or Central Government shall invariably be issued by the Court at the first listing and shall be made returnable within 48 hours. State Government or Central Government may file a brief return enclosing the relevant documents to justify the detention. The matter shall be listed after notice on the fourth working day after issuance of notice, and the Court shall consider whether a more detailed return to the writ is necessary, and, if so required, shall give further time of a week and three days time for filing a rejoinder. A writ of Habeas Corpus shall invariably be disposed of within a period of fifteen days. It shall have preference over and above fast track cases.

## **9A. Mode of Advance Service.**

- Whenever interim orders are sought, service of the notice in the matter will be made on the standing council for respondent, wherever available such advance service shall generally relate to Governments or public Sector undertaking who have standing council. Matters Relating to Part-B

**1B. The division of all civil appeals and matters relating therewith, will be into different Tracks on the lines indicated in aforementioned Rule 1-A of Part-A and also that the other Rules of the said Part-A will apply mutatis mutandis.**

**2B. Service of Notice of First Appeal. - Whenever an appeal is filed, the Registry shall ensure that a copy of the memorandum of the appeal has been filed in the High Court and that simultaneously an advance notice has been given by the counsel for the party who is proposing to file the appeal to the counsel for the opposite party who appeared in the Court so as to enable the respondents to appear if they so choose, even at the first hearing stage.**

**3B. Filing of Documents. - The appellant shall, on the appeal being admitted, file all the essential papers within such period as may be fixed by the High Court for the purpose of understanding the scope of the dispute and passing interlocutory orders.**

**4B. Printing or typing of Paper Book. - After service of notice is effected, counsel for both sides would agree on the list of documents and evidence to be printed or typed and the same shall be made ready by the parties within the time to be fixed by the Court. Thereafter the paper book shall be got ready. It must be assured that the paper books are ready at least six months in advance before the appeal is taken up for arguments. (Cause lists must specify if paper books have been filed or not).**

**5B. Filing of Written Submissions and time for oral arguments. - Both the appellants and the respondents shall be required to submit their written submissions with all the relevant pages as per the Court paper book marked therein within a month of preparation of such paper-books, referred to in Rule 4-B. Cause list will indicate if written submission have been filed, if not, the Court will direct that they be filed immediately.**

**6B. After the written submissions are filed, (with due service of copy to the other side) the matter will be listed before the Registrar/Court Master for the parties to indicate the time that will be taken for arguments in the appeal. Alternatively, such matters may be listed before a Judge in chambers for deciding the time duration and thereafter to fix a date of hearing on a clear date when the requisite extent of time will be available.**

In the event that the matter is likely to take a day or more, the High Court may consider having a Caution List/Alternative List to meet eventualities where a case gets adjourned due to unavoidable reasons or does not go on before a court, and those cases may be listed before a court where for one reason or another, the scheduled cases are not taken up for hearing.

**7B. Court to explore possibility of settlement. - At the first hearing of a first appeal when both parties appear, the Court shall find out if there is a possibility of a settlement. If the parties are agreeable even at that stage for mediation or conciliation the High Court will make a reference to mediation or conciliation for the said purpose.**

If necessary, the process contemplated by Section 89 of CPC may be resorted to by the Court. In that case, the Court will fix a date for a report on the ADR not later than two months from the date of reference.

**8B. Appeals to Division Bench from Judgment of Single Judge of Court [Letter Patent Appeals) (LPA) or similar appeals under High Court Acts]. - An appeal to a Division Bench from judgment of a Single Judge may lie in the following cases:**

(a) Appeals from interlocutory orders of the Single Judge in original jurisdiction matters including writs; (b) Appeals from final judgment of a Single Judge in original jurisdiction; (c) Other appeals permitted by any law to a Division Bench.

**9B. Appeals against interlocutory orders falling under Rule 8-A(a) above would be invariably filed after advance notice to the opposite counsel (who has appeared before the Single Judge) so that both the sides may be represented at the very first hearing of the appeals. If both parties appear at the first hearing, there is no need to serve the opposite side by normal process and at least in some cases, the appeals against interlocutory order can be disposed of even at the first hearing. If, for any reason, this is not practicable, such appeals against interim orders would be disposed of within a period of a month.**

In cases referred to above, necessary documents would be kept ready by the counsel to enable the Court to dispose of the appeal against interlocutory matter at the first hearing itself.

**10B. In all appeals against interim orders in the Court, the court would endeavor to set down and observe a strict time limit in regard to oral arguments.**

In case of Original Side Appeals/LP As a feasible time schedule may be followed.

**11B. The aforementioned Rules relating to the Civil Appeals and other matters relating therewith shall mutatis-mutandis or with appropriate modifications apply in respect of appeals against final judgments of the Single Judge.**

**12B. Writ Appeals/Letters Patent Appeals arising from orders of the Single Judge in a Writ Petition would be filed with simultaneous service on the counsel for the opposite party who had appeared before the Single Judge or on service of the opposite party.**

**13B. Writ Appeals against interim orders of the Single Judge would invariably be disposed of early and, at any rate, within a period of thirty days from the first hearing. Before Writ Appeals against final orders in Writ Petitions are heard, brief written submissions must be filed by both parties within such time as may be fixed by the Court.**

**14B. Second Appeal. - Even at the stage of admission, the question of law with a brief synopsis and written submissions on each of the propositions would be filed so as to enable the Court to consider whether there is a**

**substantial question of law. Wherever the Court is inclined to entertain the appeal, apart from normal procedure for service as per rules, advance notice will be given to the counsel who had appeared in the first appeal letter Court. The notice would required the respondents to file their written submissions within a period of eight weeks from service of notice. Efforts would be made to complete the hearing of the Second. Appeals within a period of six months.**

**15B. Revisions. - The aforementioned Rules relating to the Civil Appeals and other matters relating therewith shall mutatis-mutandis or with appropriate modifications apply in respect of revision petitions.**

Matters Relating to Part - C

**1C. Criminal Appeals are broadly classified as under. - Track 1. - In this category, shall fall the cases involving Capital punishment rape, sexual offences, dowry deaths.**

Track 2. - In this category, shall fall all cases where the accused is not granted bail and he is in Jail. Track 3. - In this category, shall fall cases which effect large number of persons such as Mass Cheating, economic offences, illicit liquor tragedy and food adulteration cases, offence of sensitive nature etc. Track 4. - In this category, shall fall cases involving offences which are tried by special courts such as POTA/TADA, NDPS, Prevention of Corruption Act, etc. Track 5. - In this category, shall fall cases involving all other offences. All effects shall be taken to complete the trial of Track 1 cases within a period of six months, Track 2 within a period of nine months, Track 3 cases within a year, Track 4 and Track 5 within fifteen months.

**2C. Wherever an appeal is filed by a person in jail, and also when appeals are, filed by State, the complete paper-books including the evidence, would be filed by the State within such period as may be fixed by the Court.**

**3C. In appeals against acquittals, steps for appointment of amicus curie or State Legal Aid counsel in respect of the accused who do not have a lawyer of their own would be undertaken by the Registry/State Legal Services Committee immediately after completion of four weeks of service of notice. It shall be presumed that in such an event the accused is not in position to appoint counsel, and within two weeks thereafter counsel will be appointed and will be furnished all the papers.**

Note. - Whenever there is any inconsistency between these rules and the provisions of either the Code of Civil Procedure, 1908 or the Code of Criminal Procedure 1973 or the High Court Act or any other statute, the provisions of such Codes and statute shall prevail.