

# Patna High Court Rules, 1916

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### Rule PATNA-HIGH-COURT-RULES-1916 of 1916

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Patna High Court Rules, 1916Last Updated 15th January, 2020Part-1 General Rules

## Chapter I

### Rules for the disposal of Non-judicial Business

#### 1. [Substituted by C.S. No. 68, dated 12.12.1984.]

There shall be a Standing Committee composed of -(a)the Chief Justice.(b)two Judges nominated by the Chief Justice who shall have executive charge of the Administrative Department. [They shall be generally the seniormost Judges to be designated as Judge, Administrative Department I, and Judge, Administrative Department II. In case any Judge is unwilling to work as an Administrative Judge, the Judge next in the order of seniority will be appointed in his place.][Proviso omitted by C. S. No. 97, dated 24.04.1991.](c)four judge nominated by the Chief Justice by rotation for a period of two years. [One of them shall be the Judge appointed from Superior Judicial Service.] [Inserted by C. S. No. 97, dated 24.04.1991.]]

#### 2.

The Standing Committee shall be charged with the control and direction of the Subordinate Courts, so far as such control and direction are exercised otherwise than judicially.

#### 3.

The Standing Committee shall have power, without reference to the Judges generally -(i)to dispose of all correspondence within its own Department urgent in its nature and not of general importance.(ii)to make recommendations for promotion of Subordinate Judges to the rank of Additional District and Sessions Judges and of the Additional District and Sessions Judges to the

rank of District and Sessions Judges, and their initial posting on promotion or appointment;(iii)[ (a) to exercise the powers exercisable by the Court under the Code of Criminal Procedure, 1973; [Substituted by C. S. No. 8, dated 18.04.1975.](b)to make recommendations to the Government for the vesting of special powers under any special Act;](iv)[ [(a)] [Expression 'to pass orders... and' omitted by C.S. No. 97, dated 24.04.1991.] xxxx to pass orders of transfer of District and Sessions Judges and Additional District and Sessions Judges;](iv)[ (b) to pass orders of the transfer and posting of Subordinate Judges, with or without the powers of an Assistant Sessions Judge and Munsifs;] ['(iv) renumbered as ' iv(a) and iv(b) inserted by C.S. No. 100, dated 23.05.1996.](v)to make recommendations for the deputation of officers of Bihar Judicial Service or Superior Judicial Service to posts under the Government of India, Government of Bihar or other State Government or to Foreign Service;(vi)to issue orders regarding the promotion of Munsifs;(vii)[ to pass orders of suspension, initiation of departmental proceedings against members of the Superior Judicial Service and Subordinate Judicial Service, and consequential orders in the said proceedings other than that of dismissal from service;] [Substituted by C.S. No. 50 dated, 08.10.1982.](viii)to issue Circular Orders and General letters to the Subordinate Courts;(ix)to dispose of any matter which might have been dealt with by the Judge in charge of the Administrative Department, but which he has referred to the Committee for their opinion;(x)[ to make recommendation to the State Government for compulsory retirement of any Judicial Officer of any rank: [Inserted by C.S. No. 9, dated 18.04.1975.]]Provided that notice of the decision of the Standing Committee shall be circulated to the Full Court within [ten days] from the date of the decision and if any member of Full Court desires, within [three weeks] [Substituted by C.S. No. 97, dated 24.04.1991.] of the decision, the matter to be discussed at a meeting of the Full Court then no action will be taken till the decision at such a meeting;] and(xi)to dispose of any matter referred to it by the Full Court which might have been dealt with by the Full Court.

#### 4.

Every order passed and every draft letter approved by the Standing Committee shall be signed by each member of it.

#### 5. [ [Substituted by C.S. No. 69, dated 12.12.1984.]

The two Judges being members of the Standing Committee nominated under Rule 1 (b) shall have executive charge of the Administrative Department:Provided that each of them shall discharge such business as may be allocated to him by the Chief Justice.[Deleted by C. S. No. 100, dated 23.5.1995.]In case of difference of opinion, the matter shall be decided by the Chief Justice.]Powers of the Judge in the Administrative Department

#### 6.

Orders on all correspondence and on all returns and statements (not being returns to Rules and judicial orders or explanations called for by particular Judges of Benches) shall ordinarily be passed under his powers, as hereinafter specified, by the [Judges] [Substituted by C.S. No. 97, dated 24.04.1991.] in the Administrative Department.

**7.**

The [Judges] [Substituted by C.S. No. 97, dated 24.04.1991.] in the Administrative Department [are] [Substituted by C.S. No. 97, dated 24.04.1991.] empowered to pass orders on -(i)[ Grant or refusal of leave to District and Sessions Judges and Additional District and Sessions Judges;] [New Sub-rule (i) added, existing sub-rules (i) to (iii) re-numbered as sub-rules (ii) to (iv) and existing sub-rule (iv) omitted by C.S. No. 97, dated 24.04.1991.](ii)Matters arising out of the revision of all periodical returns and statements furnished by the Subordinate Civil and Criminal Courts;(iii)The leave, [x x x x x] [Deleted by C.S. No. 100, dated 23.05.1996.] of Subordinate Judges, with or without the powers of an Assistant Sessions Judge, and Munsifs with extraordinary powers;(iv)All other correspondence not relating to matters judicial, or to orders of other Judges;unless there is, as to any subject, an express rule to the contrary, or unless the importance of the subject renders it, in his opinion, fit to be laid before a greater number of judges.Sub-Committees

**8.**

A Sub-Committee may be appointed by the Judges at a meeting of the Full Court, or by the Chief Justice, at any time to consider and report to the Full Court upon any matter which may be referred to it.

**9.**

Such a Committee shall have power, without reference to the Judges generally, to enter upon and conduct any correspondence which the members may consider desirable in order to enable them to prepare their report.

**10.**

Every order passed and every draft letter approved by a Sub-Committee shall be signed by a majority of the members.Contemplated Legislation

**11.**

Bills of Parliament and of the State Government forwarded to the High Court for opinion, proposals for the amendment of the law, and generally all matters connected with the development of the law shall ordinarily be referred in the first instance to Sub-Committees appointed under Rule 8 consisting of not less than three members.General

**12.**

It shall be the duty of the Registrar to submit all papers relating to any matter to the Committee, if any, appointed to deal with it.

### 13.

In all cases in which the Standing Committee has acted under Rule 3 or a Sub-Committee under Rule 10, the correspondence shall be laid on the table for the information of the Full Court, and a notice shall be circulated [fortnightly] [Substituted by C. S. No. 97 dated, 24.04.1991.] to all the Judges of the matters which have, during the past [fortnight] [Substituted by C. S. No. 97 dated, 24.04.1991.], been laid before such Committees, showing whether they have been disposed of, and, if so, in what manner.

### 14.

[(i) It shall be competent to any Judge to require that any matter within the cognizance of any Committee shall be referred to the Full Court.] [Added by C. S. No. 97 dated, 24.04.1991.](ii)[ [sub-rule 'ii' inserted by C.S. No. 97, dated 24.04.1991.] [xxx] [Words 'Provided that' omitted by C.S. No. 97, dated 24.04.1991.] [In respect of any other matter within the cognizance of the Court, a Judge may request for holding of a Full Court meeting. When such a request is made, the opinion of the other members of the Full Court should be ascertained, and in case, the majority of the Judges are of the opinion that for consideration of the matter suggested a meeting of the Full Court be convened, such meeting shall be called ordinarily within two weeks of the decision aforesaid.] [Inserted by C.S. No. 29, dated 24.04.1979.]

### 15. [ **Substituted by. C.S. No. 40, dated 7.10.1982.**]

(1)On the following matter decision shall be taken by the Judges at a meeting of the Full Court:  
 -(i)All appointments which by law are [to be] made by the High Court and which are not otherwise expressly provided for by the Rules in this Chapter.(ii)All recommendations for the dismissal from office of Judicial Officer.(iii)Proposals for designating Advocates as Senior Advocates under Section 16 (2) of the Advocates Act, 1961.(iv)Matters relating to the service conditions, facilities and amenities of the Judges of the Court.(v)Constitution of Rule Committee under Section 123 of the New Civil Procedure Code nominating Judges for the Rule Committee.(vi)Consideration of matters relating to the Chief Justices' Conference.(vii)High Court Calendar.(2)The following matters on which Judges have to be consulted, may be disposed of by circulation of files, except in a case where a meeting is called in accordance with [sub-rule (ii) of] [Substituted by C.S. No. 97, dated 24.4.1991.]  
 Rule 14: -(i)Proposed changes in the law where the proposition emanates from the Government or, in other cases, where a Committee or any Judge of the Court considers that action is called for.(ii)The Administration Report yearly submitted to Government when passed by the Judges of the Standing Committee.(iii)Rules which when published will have the force of law.(iv)Subjects connected with the relation between the Supreme Court and the High Court.]

### 16.

Any individual Judge shall be at liberty to record a separate minute upon any matter that comes before the Full Court for discussion; but no such minute shall be submitted to the Government by

the Registrar, unless, or until, it has been circulated to the rest of the Judges.

## **17.**

Except for some special reason, the papers relating to any matter for discussion at a meeting of the Full Court shall be circulated to all the Judges before the day of the meeting.

## **18.**

The proceedings of all meetings of the Full Court and of the Standing Committee shall be recorded in books to be kept for that purpose by the Registrar, and shall be at all times open to inspection when called for by any of the Judges.

# **Chapter II**

## **Constitution of Benches and Powers of Benches and of the Registrar**

### **1. The following matters may be heard and disposed of by a Single Judge: -**

(i)[ (a) A First Appeal from an order and any Cross-objection therein, irrespective of the date of institution of such appeal or Cross-objection. [Substituted by C. S. No. 79, dated 5.4.1986.](b)An Appeal from an original decree arising out of a suit and any Cross-objection therein irrespective of the date of institution of such Appeal or Cross-objection.](ii)A second appeal from a decree or order and any cross-objection therein irrespective of the value of the Appeal or Cross-objection and irrespective of the date on which such Appeal or Cross-objection was instituted.(iii)[Omitted],(iv)[Omitted](v)[Omitted],(vi)[Omitted].(vii)A motion to admit an application and an application when admitted:(a)For an order under Section 22 or Section 23 of the Code of Civil Procedure or for an order under Section 24 of the same Code for the transfer of a case from one Civil Subordinate Court to another;(b)[Omitted],(c)Under Section 115 of the Code of Civil Procedure or under Section 25 of the Provincial Small Cause Courts Act, irrespective of valuation and the date of filing of such application.(d)[ Under Order XLIV, Rule 1 of the Code of Civil Procedure arising out of an appellate decree.] [Added by C. S. No. 3, dated 2.7.1974.](viii)[Omitted],(ix)[Omitted].(x)A suit coming before the Court in the exercise of its ordinary or extraordinary original civil jurisdiction.(xi)A proceeding under the Indian Companies Act, the Indian Trusts Act or the Indian Patents and Designs Act.(xii)[Omitted].(xiii)Any other application -(a)which under these Rules may be made to a Judge sitting alone;(b)which under these Rules is not expressly required to be made to a Bench of two or more Judges or to the Registrar;(c)which is made in any matter within the jurisdiction of a Judge sitting alone and which is not otherwise expressly provided for.(xiv)[ A case coming before the court in the exercise of its ordinary or extraordinary original criminal jurisdiction, except the cases under Section 15 of the Contempt of Courts Act, 1971.] [Substituted by C. S. No. 2 dated 27.10.1972.](xv)An appeal, application or reference under the Code of Criminal Procedure, other than -(a)an appeal or

reference in a case in which a sentence of death or of transportation for life has been passed;(b)an appeal under Section [378] [Substituted by C. S. No. 51, dated 22.8.1983.] from an order of acquittal relating to an offence punishable with death or with imprisonment for life or with imprisonment of either description for more than ten years and passed by a court competent to pass such sentence:Provided that appeals under Section 378 pending in the High Court on the date this Rule comes into force shall be heard and disposed of in accordance with the Rule as now amended;(c)[ an appeal under Section 377or a case in which notice has been issued under Section 401 to an accused to show cause why the sentence should not be enhanced;] [Existing Clause (c) deleted, clause (d) re-numbered as (c) and so re-numbered clause (c) substituted by C. S. No. 51, dated 22.8.1983.](d)[ an appeal, revision or reference in which a substantive sentence of more than ten years' imprisonment has been passed: [Existing clause (e) re-numbered as clause (d) and (f) deleted by C. S. No. 51, dated 22.8.1983.]Provided that all appeals, revisions, or references, pending in the High Court on the date this Rule comes into force shall be ' disposed of in accordance with the Rules as now amended.]

**2. The business of the Supreme Court shall be laid before the Bench presided over by the Chief Justice unless he shall otherwise direct.**

**3. A proceeding of the kind referred to in Rule 1 (xi) of this Chapter may, in the discretion of the Bench hearing the same, be heard either in Court or in Chambers as it may direct. An ex parte motion or application entertainable by a single Judge may be made in Court or in Chambers as the Judge may direct. An urgent application may be made to the Vacation Judge in Court or otherwise as he may direct. Every other appeal, motion or application except one entertainable by the Registrar, Deputy Registrar or Assistant Registrar shall be presented or made in open Court.**

**4. Notwithstanding anything to the contrary contained in these Rules, a Single Judge, while acting in long vacation as a vacation Judge, may issue notice or Rule, as the case may be, in any criminal matter, and in such other matters, civil or under the Constitution, as he may consider emergent, and may also pass interim orders regarding stay, injunction, bail and other reliefs, as may be deemed fit.**

**5. When in an appeal in any civil matter heard by a Bench of two Judges, a difference of opinion arises between them on a point of law, if either of the Judges desire that the appeal be referred, it shall be referred to and heard and determined by, such Judge or Judges as the Chief Justice may appoint. The appeal shall be re-argued before the Judge or Judges to whom it is so referred either sitting apart from or with the referring Bench as the Chief**

**Justice shall direct.**

**6. Appeals to the High Court under Clause 10 of the Letters Patent from the judgment of a Bench confirming the judgment of a lower Court under Section 98 of the Code of Civil Procedure shall be heard by a Bench consisting of at least three Judges, including both or neither of the Judges of the Bench from whose judgment the appeal is preferred, and if from the judgment of one Judge of a Bench of two Judges, it shall be heard by a Bench consisting of at least two Judges other than the Judge from whose judgment the appeal is preferred.**

**7. References under the Indian Divorce Act, 1860 (IV of 1860), and under Section 60 of the Indian Stamp Act, 1899 (II of 1899), must be placed before a Bench of three Judges.**

**8. A charge against an Advocate, Vakil, Attorney, Pleader or Mukhtar in respect of any misconduct for which he may be suspended or dismissed from practice and a disciplinary case under the Legal Practitioners Act (XVIII of 1879) shall be heard by a Bench of three Judges.**

**9. A point of law reserved under the provisions of Clause 18 of the Letters Patent shall be heard by a Bench of three Judges.**

**10. Save as provided by law or by these Rules or by an order of the Chief Justice every other case shall be heard by a Bench of two Judges.**

**10A. Subject to the provision of these Rules, the Chief Justice shall direct what case or classes of cases shall be placed before each Judge or Bench.**

**11. Notwithstanding anything to the contrary in the Rules the Chief Justice may direct that any application, petition, suit, appeal or reference shall be heard by a Full Bench.**

**12. Full Bench shall be a Bench of any number not less than three Judges.**

**13. In addition to the powers conferred upon him by other Rules the Registrar shall have the following duties and powers: -**

(i)[Deleted by C. S. No. 106 dated 30.9.1996.](ii)[To issue notices on an application for Probate or Letters of Administration or for revocation of the same] [Substituted C.S. No. 106, dated 30.9.1996.](iii)[Deleted by C.S. No. 106, dated 30.09.1996.](iv)To dispose of all matters relating to Court-fees or to the service of notices or other processes.(v)To [xxx] [Deleted by C.S. No. 106, dated 30.09.1996.] dispose of an application under Order XXII, Rules 2, 3, 4 or 10 and to amend the record, if necessary, except in cases under appeal to Supreme Court.(vi)To appoint or discharge a next friend or guardian ad litem of a minor or person of unsound mind, except in cases under appeal to Supreme Court and to amend the record accordingly.(vii)To [xxx] [Deleted by C.S. No. 106, dated 30.09.1996.] dispose of an application under Chapter VI, Rules 2 to 7, and to amend the record if necessary.(viii)To [xxx] [Deleted by C.S. No. 106, dated 30.09.1996.] dispose of an application for the withdrawal of an appeal or a consent-decree or order.(ix)To [xxx] [Deleted by C.S. No. 106, dated 30.09.1996.] dispose of an application under Order XLI, Rules 5, 6, 8 and 10.(x)[To issue notice on an application under Order XLV, Rule 2 or 15] [Substituted C.S. No. 106, dated 30.9.1996.],(xi)[To issue notice on an application for substitution of names in an appeal to Supreme Court] [Substituted C.S. No. 106, dated 30.9.1996.].(xii)To require any memorandum of appeal, petition, application or other proceeding presented to the Court [xxx] [Deleted by C.S. No. 106, dated 30.09.1996.] to be amended in accordance with the procedure or practice of the Court.(xiii)To call for records from Subordinate Courts.(xiv)To dispose of requisitions by Sub-ordinate Courts for record and documents.(xv)To [xxx] [Deleted by C.S. No. 106, dated 30.09.1996.] dispose of an application for the return of a document.(xvi)To require any person or party to file an affidavit with respect to any application or matter in respect of which he has power to exercise any discretion or to make any order.(xvii)To stop at his discretion the issue of all or any papers to any person who has failed to pay any fee or charges due to the Court.(xviii)To give leave to search the records of the Court under the Rules in that behalf.(xix)To dispose of all applications for copies of records whether presented by parties or by persons who are not parties to the proceedings to which such records relate.(xx)To decide the question of the necessity for transcribing and printing any accounts not specifically applied for by the parties to an appeal to Supreme Court.(xxi)To call for a further deposit when the deposit already made by the Appellant in an appeal to Supreme Court is not sufficient to defray the cost of preparing the record.(xxii)To order payment of the interest accruing on Government Promissory Notes under Order XLV, Rule 7, and to order the refund of any unexpended balance under Order XLV, Rule 12.(xxiii)To direct in what newspapers the publication referred to in Order XLV, Rule 9A of the Code of Civil Procedure, shall be made:Provided that the Registrar may refer any matter under this Rule to the Court for orders.

**14. The Registrar may delegate any of his functions under these Rules except those which are of a judicial or quasi-judicial character to the Deputy Registrar or other Officer of the Court.**

**15. Appeals and applications entertainable by the Registrar shall be presented to him and not to a Bench.**

[16. In the absence of the Registrar his powers and duties under Rule 15 of this Chapter shall be performed by the Additional Registrar and in the absence of both the Registrar and the Additional



Registrar or when the Chief Justice so directs, the powers and duties under Rule 13 (i) to (xiii) of this Chapter shall be performed by the Deputy Registrar as also the powers and duties under Rule 13 (xiv) to (xxiii) shall be performed by the Deputy Registrar or the Assistant Registrar.] [Substituted by C.S. No. 87, dated 31.05.1986.]

**17. In the absence of the Deputy Registrar, his powers and duties or any of them may, if the Registrar so directs, be performed by the Assistant Registrar.**

## **Chapter IIA**

### **Rules regarding Purchase, Issue and Return of Books in the High Court Library**

#### **Library(i)General**

**1. The High Court Library (hereinafter called the Library) shall comprise of (1) the General Library, (2) the Libraries in the Court-rooms, (3) the Libraries in the Chambers of the Judges and the officers of the Court (4) the Libraries at the residences of the Judges and officers of the Court and (5) the Libraries attached to the Court's various offices.**

**2. The Librarian shall remain in overall charge of the Library but the responsibility for the safe custody and proper maintenance of books in the various Sections of the Library shall be as follows: -**

(a) General Library	Librarian
(b) Single Judge's Court-room Library	Bench Clerk concerned.
(c) Divisions Bench's Court room Library	Bench Clerk of the senior Judge occupying the Court-room.
(d) Judge's Chambers' Library	Bench Clerk of the Judge occupying the Chambers.
(e) Officers' Chambers' Library	Officer occupying the Chambers or any other person authorised by him.
(f) Library at the residence of the Chief Justice	Private Secretary to the Chief Justice or any other person authorised by him.
(g) Libraries at the residences of Judges and Officers	Personal Assistants to the Judges and the Stenographers attached to the Officers.
(h) Libraries in the office-rooms	Chief Ministerial Officer of the office concerned.

**Note 1. - Each of the officers in column no. 2 above shall periodically examine the books in his charge to ensure that no damage is being done by white ants or otherwise and report the matter to**

the Registrar in case of any damage, loss or theft. Note 2. - Whenever any officer makes over charge on transfer or otherwise it shall be the duty of his successor to satisfy himself that the books in his charge are complete and in order.

**3. Periodicals, Acts, Rules, Codes, Manuals, Reports, Returns, Gazettes, Maps, etc., shall be treated as books for the purpose of the rules in this Chapter.**

(ii) Purchase and Stock of Books

**4. As soon as list of latest publications has been received, the Administrative Officer In-charge of the Library will scrutinize the same with the help of the Librarian, find out if later editions of the standard law books have been published and place a report about this as well as about other publication necessary to be purchased before the Library Committee comprising of two or more Judges nominated by the Chief Justice. If approved by the Committee, the purchases will be made accordingly.**

**5. (a) Orders for the purchase of new publications shall be placed by the Administrative Officer In-charge, Library after obtaining special sanction of the Chief Justice:**

Provided that no such sanction will be necessary for the purchase of Government publications of Acts, Rules, Codes, Manuals, etc., which may be purchased by the Administrative Officer himself in adequate number under the orders of the Deputy Registrar: Provided further that if the Government publications of the latest Acts, codes, Rules, etc., be not readily available private publications on the subject, if available, may be purchased with the approval of the Registrar. (b) Subject to availability of fund the Chief Justice and the other Judges of the Court may order suo motu the [purchase of books etc. relating to law and allied subjects.] [Substituted by C.S. No. 94, dated 19.12.1989.]

**6. (a) A stock register of all books received in the Library shall be maintained in the form appended below and in Col. 7 "how disposed of" shall be noted whether a particular book has been kept in the General Library or made Over to any of the Sections mentioned in Rule 2. The Librarian's signature should appear in the remarks column against each book received. As soon as any book is received, it shall at once be entered in the aforesaid register, and in the catalogue. Once a quarter the Librarian will submit the register for inspection to the Deputy Registrar.**

Form Stock Register of Books in the Court Library

SI. No.	Date of receipt	Title of books	No. of copies	Price, if any	From whom received	How disposed of	Library Remarks
Head No.							

1 2 3 4 5 6 7 8 9 10

(b)Correct catalogues must be kept of the books in the Library. Additions to the Library will be brought in the catalogue without any delay. No particular form is required but the catalogue should be of stout paper and strongly bound to be preserved for ever. Under each class where all entries relating to existing books have been made, a certain number of blank pages should be left for future entries. At the end of the volume, a few blank pages should be reserved for the purpose of entering therein books of any class for which the space allotted has proved sufficient. The necessary cross reference to such pages should be made. The catalogue should be revised as and when necessary.(c)A list in duplicate of all books in the various Sections mentioned in Rule 2 except the General Library, shall be prepared. One copy of each list will be kept by the Librarian and the other by the Custodian noted against each of the Section mentioned in items (b) to (h) in the aforesaid rule. Whenever a book is supplied, the Librarian will make an entry of the book in both the copies of the list immediately and obtain the signature of the Custodian concerned in the copy of the list kept by the Librarian in token of his having received the book.

**7. Each book must have a number labelled upon it corresponding to a number in the catalogue, and as fresh additions are made in the Library, they should be labelled and numbered in like manner. All such books shall be stamped by the Librarian on the inside cover and on at least four places inside the books.**

**8. There will be a printed book-card for each book in the following form: -**

Book CardTitle.....Author.....Year of Publication.....Catalogue No. ....

Borrower's name Date of issue Date of return Signature of the Librarian

1 2 3 4

**9. Bills presented in support of payment for purchases of books shall be accompanied by a certificate that the articles detailed in the vouchers have been actually received and entered in the Stock Register, their quantities are correct and their quality good, the rates paid are not in excess of accepted or market rates and suitable notes of payments have been made in the indents and invoices concerned to prevent double payment. The authority under which the purchase is made shall also be quoted.**

(iii) Issue and Return of Books

**10. (a) No book shall ordinarily be issued from the General Library unless a written requisition duly signed is submitted by the intending borrower in the prescribed form properly filled in. Requisitions from the Judges and officers may be signed by them or on their behalf by their Personal Assistants or Stenographers or by the Bench Clerks.**

(b) In case a book is required by one of the Judges, and it is not possible to obtain a requisition immediately, the Librarian shall make a note of the book and the person to whom it is handed over and obtain a requisition in proper form from the Bench Clerk if the requisition is made during Court hours or from the Personal Assistant to the Judges concerned, if the requisition is made from the Judge's residence. (c) Books may be issued to the members of the staff for the purpose of reference on a requisition being made in the prescribed form countersigned by the Chief Ministerial Officer of the Department concerned. (d) The Bench Clerk will not normally requisition from the General Library any text-book, Journal, Act, Rule, etc., which has already been provided in the Courtroom Library. If any such requisition is made in an exceptional circumstance, the Bench Clerk concerned shall see that the book so requisitioned is returned to the Library promptly and not detained unnecessarily.

**11. (a) As soon as the requisition is received, it shall be sealed with a date stamp and serial number given to it. The books mentioned in the requisition will then be issued after making necessary entry in the card pertaining to the book which is issued. Necessary entry will be made thereafter in the Register of Books issued which shall be maintained by the Librarian in the following form: -**

- 1. Serial number.**
- 2. Serial number of the requisition.**
- 3. Name of the borrower.**
- 4. Name and number of each book issued from the Library.**
- 5. Date of issue.**
- 6. Date of return and the Librarian's initial with date.**

**7. Date of reminder, if any.**

**8. Remarks.**

Note 1. - The requisition slip will serve the purpose of acknowledgement from the borrower. As such no separate receipt need be insisted upon. Note 2. - The requisition slips shall be filed in a separate bundle for each month. (b) When the books are received necessary entries will be made in the cards, which will be kept back in the books, and in the Issue Register. Entries in the requisition slips relating to those books will be struck off with red pencil and intialled by the Librarian. The requisition slips will, thereafter, be treated as cancelled and returned to the requisitionists. Such of the cancelled requisition slips, as have not been returned will be destroyed by the Librarian at the close of each quarter in presence of the Administrative Officer concerned. (c) If an acknowledgment for the books returned to the Library is desired, the person returning the book will send it to the Library on a Despatch Register and obtain the signature of the Librarian thereon, or, will send an acknowledgment duly prepared along with the book which will be signed and returned by the Librarian. (d) Before restoring to the Library books returned by a borrower the Librarian will satisfy himself that the books have not been torn, stained or damaged in any way. In case he finds any such defect he will report the fact to the Registrar forthwith.

**12. The books borrowed from the Library must be returned as soon as done with. Ordinarily no book should be retained for more than a fortnight from the date of issue. A list of books issued in a particular month which have not been received back during the following month of issue shall be circulated to all borrowers for returning the books to the Library. If no notice is taken of this reminder, the Librarian will bring the matter to the notice of the Registrar. A similar list will be prepared of books issued to the Judges and sent to the Personal Assistants of the Judges concerned.**

**13. No book from any Court-room Library shall be sent outside, except to the Judges of the Court in which case the Bench Clerk shall keep a note and replace the book on receiving its back.**

**14. Books will not be issued to Advocates or to any outsider but, with the previous approval of the Registrar, books required for bona fide public purposes may be lent to the Heads of Office situate at Patna, on a written requisition from a Gazetted Officer. When a book has not been returned by the person to whom it was issued for seven working days, the Librarian shall report the matter to the Registrar for orders.**

(iv) Miscellaneous

**15. A physical verification of books in the Library shall be done every alternative year, preferably during the summer vacation, by an officer to be appointed by the Registrar and who is not connected with the General Library. He will submit to the Registrar a consolidated report of verification of all books, including the books in the General Library.**

**16. The Librarian shall, from time to time, inspect the books and weed out duplicate copies of superseded editions and books which are of no further use. The weeded out books may be disposed of in such manner as may be considered appropriate by the Registrar.**

**17. It will be the duty of the Librarian to see that all the latest amendments are incorporated in all the books, viz., Bare Acts as well as annotated editions in the Library. The librarian shall also issue the required number of correction slips or typed slips for incorporation in the Bare Acts and the annotated editions in the Court rooms, Chambers and the residences of the Judges to such of those officers who have been made responsible for the library under Rule 2 and such ministerial officers would be directly responsible to paste and incorporate these amendments in those books. The Administrative Officer incharge will also from time to time inspect these books and see whether these amendments have been incorporated or not and wherever he finds that this has not been done, he will have the amendments incorporated and also bring it to the notice of the Registrar for necessary action against such of those ministerial officers as may be thought necessary.**

**18. The Administrative Officer incharge of the Library will see that the above Rules are followed strictly by all concerned and for this purpose, he may call for necessary reports periodically.**

Part-II Procedure and Practice

## **Chapter III**

### **General Rules regarding Applications and Affidavits**

**1. Every application to the High Court shall be by a petition written in the English language.**

**2. Every petition shall state concisely and clearly -**

(i) the facts, matters and circumstances upon which the applicant relies; (ii) the matter of complaint, if any, and the relief sought.

**3. (i) The facts stated in every petition shall be verified either by solemn affirmation or on oath of the petitioner, or by a separate affidavit annexed to the petition-the solemn affirmation or oath being made in every case before a Commissioner for Affidavits or other officer appointed for the purpose.**

(ii) Affidavits may also be filed in support of facts brought to the notice of the Court otherwise than by petitions referred to in Sub-rule (i). The solemn affirmation or oath required for such affidavits shall also be made before the Commissioner for Affidavits or other officer appointed for the purpose.

**4. [(1)] [Existing Rule 4 re-numbered as 4 (a) and 4 (b) by C. S. No. 5 dated 30.9.1974 and subsequently renumbered as 4(1) and 4 (2) instead of 4(a) and 4(b) by C.S. No. 18, dated 19.12.1977.] Every petition and every affidavit with annexure, if any, shall be entitled "In the High Court of Judicature at Patna," and shall be -**

(i) [Deleted by C. S. No. 107 dated 30.9.96] (ii) couched in proper language; (iii) signed and dated either by the petitioner or declarant or his pleader; (iv) presented either by the petitioner or declarant or his recognised agent or his pleader or some person appointed in writing in each case by such pleader to present the same. (2) [Added by C. S. No. 93, dated 23.12.1988.] In case of the annexure to an affidavit being not the original document or its certified copy, the declarant shall also state in the affidavit that the annexure is a true copy of the original; [Provided that in case arising out of proceedings under Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 a certified copy of order or orders impugned should be annexed to or filed with the application. Plain copies of orders other than the final order will be accepted, if annexed.] [Added by C. S. No. 93, dated 23.12.1988.] (3) [ Unless otherwise specifically provided for in the Rules of the Court, a copy of every petition or affidavit, with its enclosure, if any, shall be served upon counsel for the other side and the receipt showing service of the same must be filed alongwith the petition or the affidavit in question, unless otherwise directed by the Court for any sufficient reason. If the petition or affidavit has to be heard or considered by a Division Bench, a second copy thereof with its enclosure, if any, and, where the petition is filed in an appeal and has to be heard by a Division Bench a copy of the judgment appealed against shall also be filed for use of the Court.] [Existing 'Note 1' to Rule 4 deleted by C. S. No. 17, dated 19.12.1977. 'Note 2' renumbered as Rule 4A by C. S. no. 18, dated 19.12.1977 and 'Note 3' re-numbered as 'Note' by C. S. No. 19, dated 19.12.1977.] Note. - This Rule shall apply as far as possible to Vakalatnamas, process-fee sheets and other similar papers.

**4A. [] [Existing Rule 4A re-numbered as 4B by C.S. No. dated 19.12.1977]**  
**Here and throughout these Rules unless there is anything repugnant in the subject or context "pleader" means advocate, vakil or attorney.**

**4B. [] [Existing Rule 4A re-numbered as 4B by C.S. No. dated 19.12.1977]**  
**When a Vakalatnama is given by a party, who can sign his or her name, it must be signed by the party. When the party cannot sign his or her name, the Vakalatnama must be endorsed as follows: -**

I, A. B. Do hereby appoint C. D. Advocate, to act for me in the above named cause, in token whereof I have affixed my left thumb impression in the presence of E.F.X (Left thumb impression) and I, E. F. do hereby attest the above thumb impression as having been affixed in my presence by A. B. who is known to me. (Signature)

5. Every petition to be presented and every affidavit to be used in support of or in opposition to an application relating to any cause, appeal or proceeding shall be entitled in such cause, appeal or proceeding. If there is no such cause, appeal or proceeding, in the Court, the petition or affidavit shall be entitled: "In the High Court of Judicature at Patna: In the matter of the petition of....",

**5A. Every petition shall, immediately after the cause title, state the Section and statute under which it is made.**

**6. Every petition or affidavit containing any statement of facts shall be divided into paragraphs, every paragraph shall be numbered consecutively and, as nearly as may be, shall be confined to a distinct portion of the subject.**

**7. Every petition or affidavit shall set forth the petitioner's or declarant's full name and if he is not the plaintiff or defendant in a suit, or the appellant or respondent in an appeal in which the application is made, it shall also set forth the name of such petitioner's or declarant's father, his caste, or religious persuasion, his rank or degree in life, his profession, calling, occupation or trade and his true place of residence.**

**8. Every person referred to in a petition or affidavit shall be described therein in such manner as will serve to identify him clearly, that is to say, by the statement of his correct name and address and such further description as may be necessary for his identification.**



**9. Every place referred to in a petition or affidavit shall be correctly described.**

**10. Every petition shall, when presented by a pleader, bear his signature as pleader.**

**11. When the petitioner in any petition or the declarant in any affidavit, speaks to any facts within his knowledge, he must do so directly and positively using the words "I affirm (or make oath) and say".**

**12. When in an affidavit on an interlocutory application the declarant makes a statement of his belief he shall, if the facts are ascertained -**

(i) from another person, give such details of such person as are required by Rule 8, (ii) from a document or copy of a document, state the source from which it was procured, and shall state his belief as to the truth of such facts.

**13. Every Commissioner before whom a petition is verified or an affidavit is made shall at the end of the petition or affidavit, certify the verification of the petition or making of the affidavit in the prescribed form. He should also sign each page of the petition or the affidavit.**

**14. Every document referred to in an affidavit shall be marked as an exhibit and shall bear the certificate of the Commissioner before whom the affidavit was made in the prescribed form.**

**15. Except under the special orders of the Registrar no document, being an exhibit to an affidavit or verified petition, or the materials for any application, shall be given back unless the document is an original document, in which case it may be taken back on an order of the Registrar, a certified copy being retained.**

**16. Every person verifying a petition or making an affidavit, if not personally known to the Commissioner before whom the petition is verified, or the affidavit is made, shall be identified to such Commissioner by some one known to him and the Commissioner shall state at the foot of the petition or affidavit, as the case may be, the name, address and description of the person by whom the identification was made.**

**17. Every Pardanashin woman verifying a petition or making an affidavit shall be identified in the manner specified in the preceding Rule and every such petition or affidavit shall be accompanied by the affidavit of identification of such woman made at the time by the person who identified her.**

**18. The Commissioner before whom any verification of a petition or any affidavit is about to be made shall, before the same is made, ask the person proposing to make such verification or affidavit if he has read the petition or affidavit, and understands its contents, and if the person proposing to make such verification states that he has not read the petition or affidavit, or appears not to understand its contents, the Commissioner shall before allowing the verification or affidavit to be made, cause it to be read and explained to the declarant in a language which he understands.**

**19. Every interlineation, alteration or erasure in a petition or affidavit shall be authenticated by the initials of the Commissioner before whom the petition was verified or the affidavit was made, and shall be so made as not to render it impossible or difficult to read either the interlineation, alteration or erasure, or the original word or figure which may have been altered or erased.**

**20. In administering oaths and affirmations to declarants the Commissioner shall be guided by the provisions of the Indian Oaths Act, 1873 (X of 1873), and the following forms shall be used: -**

OathI .....swear that this my declaration is true, that it conceals nothing and that no part of it is false, so help me God.AffirmationI .....solemnly declare that it my declaration is true, that it conceals nothing and that no part of it is false.

**21. No affidavit shall be read at the hearing of any appeal, application or other proceeding unless a copy thereof has been served upon the other party or his pleader at least seven days before the hearing, or if the affidavit is only in answer to the opponent's affidavit, at least 24 hours before the hearing:**

Provided that this Rule shall not apply to urgent motions or applications or to motions or applications made ex-parte.

**22. The Registrar may permit clerical errors in any memorandum of appeal, application or affidavit which has been filed in the Court to be corrected in his presence by the appellant, applicant or declarant or by his pleader:**

Provided that the Registrar shall initial and date every such correction.

**23. No petition or affidavit shall be read or used in the High Court which does not comply with the provisions of this Chapter.**

[24. (i) The High Court may also appoint advocates to function as Commissioners for the purpose of Administration of Oaths and affirmations under clause (b) of Section 139 of the Code of Civil Procedure, Clause (b) of sub-section (i) of Section 297 of the Code of Criminal Procedure and Clause (a) of sub-section (2) of Section 3 of Oaths Act, 1969.(ii)No advocate may be qualified for appointment unless he has, at least for two years but not exceeding five years, been an advocate of the Patna High Court.(iii)The eligible advocates may submit their applications for appointment as Oath Commissioners to the President of the High Court Bar, who shall forward the same with his comments about the suitability of the candidates to the Registrar of High Court and every such application may be accepted if he is satisfied about the suitability of the candidate for appointment as Oath Commissioner.(iv)Such an Oath Commissioner will hold office for a term of two years from the date of his appointment or until a date on which he completes five years of practice at the Bar, whichever is earlier:Provided that the High Court may curtail the term if it thinks fit to do so:Provided further that the High Court may relax the conditions regarding eligibility and duration of the term of office of an Oath Commissioner on compassionate grounds or in the public interest.(v)Such an Oath Commissioner may charge a remuneration of [Rs. 10,000] for each affidavit and shall keep a register in the form prescribed in Rule VI11 Infra in which all affidavits shall be entered. A written receipt for the amount paid shall be given by the Commissioner to the deponent. The receipt shall be in the printed form consisting of a foil and counter-foil, the foil being handed over to the person paying the money and the counter-foil being kept by the Commissioner for purpose of inspection.The Commissioner will be entitled for an additional fee from a deponent when he is required to attend the deponent's residence the amount of fee as prescribed in note 3 below sub-rule (3) of Rule 13 at page 80 Part III, Chapter XI11 of the Patna High Court Rules. The aforementioned charges will be addition to any stamp duty payable on an affidavit under the Indian Stamp Act, 1899, Schedule-1 Article IV.(vi)With a view to ensure that all affidavits which are attested by an Oath Commissioner are entered in the register and receipt for the money received by him, the Registrar/Deputy Registrar will obtain such certificates from the Oath Commissioners of their registers and receipt books containing counter-foils as may be considered necessary.(vii)The register and receipt books consisting of counter-foils maintained by each Oath Commissioner shall be kept by him in safe custody and deposited in the office of the Registrar within fifteen days after expiry of his terms of office and a receipt obtained from the official nominated for the purpose. The record shall be kept in the office of the Registrar and preserved for five years and destroyed thereafter unless it is required in proceedings before any authority in connection with the investigation, enquiry or trial of a case and in that event, it shall be destroyed after the final decision in the proceedings of the case.(viii)A register of affidavit in the following form, should be maintained

in which every application to have an affidavit attested and every affidavit verified, should be entered:Form of RegisterRegister of Affidavits attested in the High Court of Judicature at Patna.

SI. No.	Date of application or of tendering affidavit	Name and address of the person tendering an application (if any) or affidavit	Nature of affidavit briefly stated; if the affidavit relates to a cause in court, the cause should be specified	Detail of exhibits if any attached to affidavit.	Date of administering Oath or affirmation	Name and address of witness identifying the Deponent; if he is not known to officer administering oath & his signature or thumb impression.	Signature or thumb impression of the deponent	Name of the Court or office in which the affidavit is intended to be filed	SI. No.
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1. 2. 3. 4. 5. 6. 7. 8. 9. 10.

(ix) Above Rules alongwith the general Rules regarding affidavits and forms should be followed.][CHAPTER IIIA] [Inserted by C. S. No. 105, dated 30.09.1996.] Filing Procedure

**1. All applications, petitions memos of appeal, affidavits shall be filed at the Centralised Filing Counter before the Designated Officer, to be nominated by the Chief Justice.**

**2. Except Interlocutory Applications (IA), as referred to in Rule 13, the applications, petitions and memo of appeals shall be filed only after stamp report and after the defects, if any, pointed out by the stamp reporter have been removed unless the Designated Officer be of the opinion that the stamp report regarding the defects is not correct or that the defects can be ignored or they are not curable:**

Provided that the Registrar, authorised in that behalf, may permit any application, petition or memo of appeal to be filed on the last day of limitation without stamp report.

**3. The filings shall be received at the counter from 10.30 A.M. to 1 P.M. and 2. 15 P. M. to 3.30 P. M. on Court working days and from 10.30 A. M. to 1.00 P. M. on Saturdays.**

**4. (a) The applications, petitions, memo of appeal including interlocutory application (IA), as referred to in Rule 13, shall be in paper-book form with index typed on foolscap size water-marked plain demi paper (pie paper) or bond paper capable of being used in the printer of the computer, with a margin of two inches containing approximately 24 lines, paginated with annexure numbers, and shall be accompanied by a synopsis of the case giving the relevant dates of events in chronological order.**

(b) Hand written documents used as annexures if not easily readable in photostat, shall be accompanied by true typed copies.

**5. All filings shall be noted in the Computer as well as in the Register maintained for the purpose under the supervision of the Designated Officer who shall thereafter grant acknowledgement receipt.**

**6. After entries are made, the Designated Officer shall either himself or through office staff under his supervision check the following: -**

(a) Format of cause title. (b) Receipt showing service of copy on the Advocate General/other side as required under the Rules of the High Court or any other Statute. (c) Sufficiency of Court Fee Stamp. (d) Provision of law under which the filing is made. (e) Certified copy of the order under challenge and/or any order required under Rules of the High Court or under any other Statute. (f) Relief sought for. (g) Sufficiency of number of copies as required under the Rules of the High Court. (h) Other requirements under the Rules of the High Court of statutory requirement, if any: Provided that deficiency of Court fee Stamps will not be considered to be a defect for the purpose of filing if it is accompanied by an application seeking leave to pay the deficit Stamps within a specified period or to contest stamp report.

**7. Except where the Designated Officer is of the opinion that the stamp report regarding the defects is not correct or that the defects can be ignored or that they are not curable, and in cases where any defect as specified in Rule 6 is noticed, the filing shall be returned to the person presenting the same with intimation regarding the defects to be re-filed after removing the defects within seven days. Any re-filing after the expiry of seven days exclusive of date of return shall be subject to law of limitation.**

**8. Where the Designated Officer is of the opinion that there is bona fide arguable point pertaining to any defect, he shall refer the matter to the Bench for orders or admission.**

**9. All defect free applications, petitions, memos of appeal etc. including such applications, petitions, memos of appeals in which the defects have been ignored or is considered to be not curable, shall be numbered under the respective heads of cases.**

**10. Defect-free applications, petitions, memos of appeal, affidavits etc. shall immediately be sent to the concerned Section for being listed before the Bench.**

**11. Criminal Appeals, Criminal Revisions and Criminal Miscellaneous (Bail and Quashing) including motion slips filed before 1.00 PM. shall ordinarily be posted for admission or orders, as the case may be, on the following day.**

**12. Where any interlocutory Application is filed in a case which is running before the Bench, or urgency being shown, the same shall be laid on the records of the cases without any delay.**

[13. (1) All cases shall be listed for admission alongwith interlocutory applications seeking interim relief(s), if any, chronologically in accordance with the 'date of filing. No matter shall be listed for admission out of turn unless so directed by the Chief Justice or by the appropriate Bench nominated by the Chief Justice in this regard, notwithstanding the filing of an interlocutory application for interim relief(s).(ii)It will be open to the petitioner to make a prayer for interim relief in the main application such a writ petition except in case where the law requires a separate application to be filed for the purpose.(iii)All applications filed in the main case will be registered as interlocutory application and shall be given a separate number subject to the law relating to payment of Court fee.]

**14. The provisions as contained in this Chapter particularly those of Rules 1, 3, 5 and 7, so far as may be, shall be applicable to filing of process fee, court fee, Vakalatnama, documents, slips and any other paper relating to any case.**

FormatIn the High Court of Judicature at Patna(Civil/Criminal/Etc. Jurisdiction)I.A. No of 20.....inC.W.J.C./F.A./S.A/Criminal Appeal etc. No 20.....In the matter of

A. ...Petitioner/Appellant

Versus

B. ...Respondent/Opposite Party"

[The Rules of this Chapter will come into force with effect from such date as may be notified separately for Patna and Ranchi Bench.] [After creation of Jharkhand State there is no Ranchi Bench.]

## **Chapter IV**

### **Appeals to the Supreme Court**

#### **Part A – Civil**

- 1. The provisions of Chapter 111 shall apply, so far as may be, to an application for certificate to appeal to the Supreme Court.**
- 2. Subject to the provisions of the Supreme Court Rules, 1965, as amended by the Supreme Court (Amendment) Rules, 1968, the provisions of Order XLV of the Code of Civil Procedure and these Rules, so far as may be applicable, shall apply in relation to applications for certificate to appeal to the Supreme Court under any provision of law including applications under Articles 132 (1), 133 (1) and 135 of the Constitution.**
- 3. No application which is not for an order (1) to transmit a decree or order of the Supreme Court for execution to a subordinate court where no special directions are required, (2) to transmit a security to a subordinate court for investigation as to its sufficiency and (3) to refund surplus deposit made for the purpose of preparing translation, manuscripts, etc., shall be moved or filed without a copy thereof being previously served by the applicant on the pleader appearing for the Opposite Party together with a notice in the following form: -**

Take notice that this application will be made in Court on the..., day of... 19... at... O' clock in the forenoon when you are required to attend and show cause against the application if you desire to do so.

- 4. In all cases where a party has been represented at the hearing of the connected case by a Pleader, service of notice on his Pleader in the manner provided by the Code of Civil Procedure or by forwarding to such Pleader a copy thereof by registered post shall be deemed to be sufficient notice to the party, and, unless his Vakalatnama has been cancelled with the sanction of the Court, such Pleader is bound to accept service of notice:**

Provided that if the Pleader served with the notice is unable to communicate it to the party concerned, he shall inform the Registrar, who may thereupon either order the notice to be served by registered post or through a Court or if necessary obtain the directions of the Court.

**5. (i) Every application for certificate to appeal to the Supreme Court shall be supported by an affidavit and shall be accompanied by certified copies of the judgment and the decree or order under appeal and a copy of brief for the use of the second Hon'ble Judge and shall, immediately below the title, have endorsed on it "Appeal to the Supreme Court" and shall state -**

(a)Section or the Statute under which it has been made;(b)names and full particulars of the addresses of the parties;(c)the number of the case in which the decree or order objected to was made and the date when such decree or order was made;(d)the names of the Judges by whom the decree or order objected to was made;(e)the position of the parties in the Court of the first instance;(f)the ground or grounds, numbered, seriatim of objection to the decree or order;(g)the relief sought; and that(h)the petitioner is ready and willing to comply with the Rule and orders as to giving security for costs and otherwise regulating appeals to the Supreme Court.Explanation. - The word "Decree" will not include memo of cost.(ii)[ (a) In a case falling under Article 133 (1) of the Constitution, the petition shall clearly state how substantial question of law of general importance is involved; in case of oral application also the applicant shall satisfy the Court that the casd involves a substantial question of law of general importance.] [Substituted by C. S. No. 20, dated 30.1.1978.](b)In a case falling under Article 132 (1) of the Constitution the petition shall state how a substantial question of law as to the interpretation of the Constitution is involved.(c)In a case falling under Article 135 of the Constitution the petition shall state how an appeal lies to the Supreme Court.

**6. [Every such application shall be presented at the centralised filing counter where it will be registered and examined whether it is in time, sufficiently stamped and complies with the provisions of the Rules. Where the application has not been filed in accordance with the Rules of the Court the case shall be laid before the Bench for orders. Whether the application is in order or the defects, if any, have been removed, the Registrar shall order notice to issue to the other side to show cause as to why the certificate asked for should not be granted.] [Substituted by C. S. No. 108, dated 30.09.96.]**

**7. [Deleted by C. S. No. 20 dated 30.1.1978.].**

**8. When the certificate to appeal to the Supreme Court has been granted, the certificate shall be prepared and kept on the record.**

**9. Immediately after grant of the certificate by the Court or on receipt of the order of the Supreme Court giving special leave to appeal the Deputy Registrar shall, as soon as possible, call for the records and other material papers from the court below.**



**10. On receipt of order of the Supreme Court granting special leave to appeal, the Registrar shall cause it to be registered and after necessary check up with regard to names, etc. of the parties, it shall be laid before the Court for necessary orders.**

**11. On receipt of the copy of the petition of appeal from the Supreme Court, the Registrar shall -**

(i) cause notice of the lodgment of the petition of appeal, served on the respondent in the manner prescribed in Rule 4 (supra). In case the respondent had not been represented at the hearing of the connected case by a pleader, notice of the lodgment of the petition of appeal shall be served on the respondent; (ii) as soon as notice as aforesaid is served, send a certificate as to the date or dates on which the said notice was served.

**12. (a) Where the proceeding from which the appeal arises, had, in this Court or in the courts below, been in English language, the Registrar shall, unless otherwise ordered by the Supreme Court, transmit to the Court at the expenses of the appellant, the original record of the case including the record of the Court below, soon after the receipt from that Court, of the copy of the petition of appeal.**

(b) Where the proceedings from which the appeal arises, had in this Court or in the courts below, not been in English language, the Registrar shall within six months from the date of the service on the respondent of the notice of the petition of appeal, transmit to the Court in triplicate, a transcript in English, of the record proper of the appeal to be laid before the Court, one copy of which shall be duly authenticated and no original record shall be transmitted until specifically requisitioned. Explanation. - "Record proper" means the complete collection of all documents which have been settled to be included in the paper book in accordance with Rules 16, 17 & 18 of Order XV, Supreme Court Rules, 1966. (c) Provisions contained in Rules 15 to 20 of Order XV of the Supreme Court Rules, 1966, shall apply mutatis mutandis when a transcript in English is to be prepared and transmitted under clause (b) of this Rule. (d) Provisions contained in Rules 15 to 25 of Order XV of the Supreme Court Rules, 1966, shall apply mutatis mutandis when the record itself is to be prepared under special direction of the Supreme Court, under Rule 27 of Order XV of the Supreme Court Rules, 1966, under the supervision of the Registrar of this Court. (e) The list to be filed by the appellant under Rule 15 and the additional list to be filed by the respondent under Rule 16 of the Supreme Court Rules shall be accompanied by a challan showing deposit of Rs. 16 as estimating cost with the cashier of the Court. This amount shall be taken into account while preparing the estimate of cost to be paid by appellant and respondent under Rules 18 and 19 of the Supreme Court Rules respectively. (f) In cases where certificates were granted prior to March 1, 1966 - (i) and printing of the Supreme Court appeal paper book was taken up in the High Court and has not been completed, the printing should be completed under the supervision of the Registrar in accordance with Rules 15 to 25 of Order XV and the Rules in the first schedule to the Supreme Court Rules, 1966, as far as

practicable, and printing charges shall be realised according to the rates prescribed in Rules mentioned hereinafter.(ii)but, if the printing of the paper book has not been taken up, the Registrar shall take action for transmission of the records in accordance with clauses (a) and (b) of this Rule, as the case may be.

**13. The following charges shall be estimated for and be payable in respect of the matters specified:**

Estimate of cost	...	...	Rs. 16.00
Translation for every 150 words or less			Re. 1.00
Preparation of the transcript	:	The rates specified in Chapter XIV, Rules intriplicate 5, P. H. C. Rules	
Authenticating one copy of transcript record,for every 8 pages.	Re. 1.00		
Preparation of Index for every 16 pages			Re. 1.00
Preparation of list of omitted documents forevery paper	Re. 0.10.		
Checking fee per page	...	...	Re. 0.10
For transmission of the record to the SupremeCourt:	According to existing Postal or Railways rates.		

**14. In case record of a case is printed under the supervision of the Registrar of this Court, over and above the charges mentioned in Rule 13 (supra), printing charges shall be payable at the following rates: -**

[Per printed page where not more than 70 copies are required]	As per rates in the contract
[Substituted by C. S. No. 13, dated 30.06.1977.]	
For tabular matter exceeding one-tenth of the wholepaper-book	in force
Certifying one copy of the printedrecord, for every 8 pages	... Re. 1.00
Special charges for maps shall be realised according to their size, the size of the paper book being taken as the unit of measurement and the rate shall be [as per rates in the contract in force]	
[Substituted by C.S. No. 13, dated 30.6.1977.]. The page which is taken as the unit of measurement shall include the margins of the page, and a margin of one inch all round the printed matter shall be allowed to be included in the portions of the maps and plans to be paid for. When a whole map or plan occupies more than one page a portion occupying space equivalent to half a page or more shall	

be charged for as a full page and a portion of smaller size shall not be charged for at all. Where a whole map or plan is smaller than a page it shall be charged for as for a full page and where a map or plan occupies a diagonal position on a rectangular paper leaving blank spaces on its two sides, the map or plan shall be taken as covering the whole of the rectangular paper with a margin of one inch all round it. Where maps contain colours an additional charge of 50 per centum shall be made irrespective of the number of colours used or the extent of the colouring.

**15. Where the appellant fails to make the required deposit and the preparation of the record is suspended as required by Rule 23 of the Supreme Court Rules, the default shall be reported to the Supreme Court and where the respondent defaults in depositing the requisite charges the documents may be excluded from the record and a note to that effect may be made in the index.**

**16. In case the time for making any deposit fixed or granted under these Rules expires during the vacation when the office remains open for the transaction of urgent business, the deposit shall be made on that day or the next following day when the office remains open for the transaction of urgent business.**

**17. Where after preparation of the transcript or printing of the record for transmission to the Supreme Court, it is found that the amount deposited by either party is not sufficient to defray the cost of preparation or printing of his portion of the record, the Registrar shall call upon the party concerned to deposit the deficit cost within a time fixed by him but the transmission of the transcript or the printed record to the Supreme Court shall not be withheld. A note, however, that there is deficit cost to be realized either from the appellant or the respondent, as the case may be, will be forwarded along with the transcript or printed record. If the party fails to deposit the deficit cost within the time allowed by the Registrar, the matter shall be reported to the Supreme Court and shall also be laid before this Court for necessary orders.**

**18. The documents omitted from inclusion in the transcript or the printed record shall be enumerated in a type-written list to be transmitted with the record.**

**19. Soon after the transmission of the record, the Deputy Registrar guardian for the minor respondent shall write to the Supreme Court expressing his inability to act for the minor and seeking permission of that Court to retire from such guardianship. An intimation of his having done so shall be given to the appellant asking him to take steps in the Supreme Court for discharge of the guardian and for appointment of a new guardian of such minor in accordance with the Rules of that Court. Notice will also be issued at the cost of the appellant to the natural guardian of the minor respondent informing him that the Deputy Registrar guardian has sought permission of the Supreme Court to retire from the guardianship of the said minor.**

**20. All applications by or on behalf of a minor or a person of unsound mind shall be made in the name of the minor or person of unsound mind by the person whose name is on the record as his next friend or guardian, and whenever any application is consented to or opposed by a minor or person of unsound mind, the minor or person of unsound mind shall in like manner be represented by the person who appears on the record as his next friend or guardian.**

**21. In case there is no next friend or guardian upon the record a separate application for appointment of a next friend or guardian shall be made.**

**22. The provisions of Chapter VI of the Patna High Court Rules shall apply, so far as may be, to applications for certificate to appeal to the Supreme Court.**

**23. When a party who has been successful in an appeal to the Supreme Court applies for a certificate of the cost incurred in the appeal in this Court, the Registrar shall, upon production of the order of Supreme Court for the payment of such costs, and without reference to the Court prepare such certificate and place it on the record of the Supreme Court Appeal. A copy of the certificate may then be taken by the party in accordance with the Rules of the Court.**

**24. An information of the receipt of the certificate of taxation of the cost incurred by the parties in the Supreme Court shall be given to the Advocate of the parties without delay.**

## **Part B – Criminal**

**25. Order XXI of the Supreme Court Rules, 1966, and Rules of Part A of this Chapter, as far practicable, shall apply to applications for certificate to appeal to the Supreme Court in criminal cases and also where special leave is granted by the Supreme Court in such cases.**

**26. Every application for a certificate to appeal to the Supreme Court in respect of a criminal proceeding either under Article 132 (1) or 134 (1) (c) of the Constitution may be made orally to the Bench immediately after the judgment is delivered or in writing within the period prescribed under Article 132 of the Limitation Act, 1963 In case where a sentence of death is confirmed or passed by the High Court, the decision shall be communicated to the condemned prisoner and a copy of the judgment shall be immediately supplied to the Advocate for the condemned prisoner free of cost.**

**27. Immediately upon the receipt of the petition of appeal from the Registrar of the Supreme Court, the appeal shall be registered; the original lower court record of the case, if it has been returned to the Court below, shall be called for; and the advocates of the parties shall be informed of the receipt of the copy of the petition of appeal from the Supreme Court.**

**28. On receipt of the copy of the petition of appeal from the Registrar of the Supreme Court, or the record of the Lower Court, if it has been called for under Rule 27 supra, 5 copies or more of the printed record, if available for despatch to the Supreme Court, shall be transmitted along with the entire original record including the record of the Courts below. One of such copies shall be duly authenticated by the Registrar of the High Court. In case only two copies of the High Court paper-books be available for despatch to the Supreme Court, they may be treated as transcript record for the purpose of printing there. Only such of the additional documents as the parties choose to include for the hearing of the appeal there shall be typed in duplicate and be transmitted to that court alongwith the High Court paper- books, one copy of which shall be duly authenticated.**

Explanation I. - For the purpose of this Rule the original record shall not include judgments of the High Court and the Courts below, but only duly authenticated copies thereof. Explanation II. - Printing for the purpose of this Rule includes cyclostyling and typing and printed record includes

cyclostyled or typed record.

**29. In appeals involving sentence of death and in such other cases in which there is a direction from the Supreme Court, the transcript shall be prepared and printed if it is to be printed under the supervision of the Registrar of the High Court, at the expense of the State. In cases where the records are to be printed under orders of the Supreme Court under the supervision of the Registrar of the High Court at the cost of the parties, they will be printed in accordance with the Rules contained in the first schedule to the Supreme Court Rules, 1966. Cost for preparation or the transcript of printing of the record shall be charged according to the rates prescribed in Part A of the rules of this chapter, and realised from the appellant except for the papers which are included at the instance of the respondent and which the appellant is not bound to include in the paper-book. Cost of such paper shall be realised from the respondent.**

**30. The record of the case for transmission to the Supreme Court shall, subject to special direction, if any, in a particular case, include the judgment of the High Court, the certificate granted, if any, the copy of the petition of appeal received from the Supreme Court, the papers already printed or typed in the paper book of the High Court stage, subject to the inclusion or exclusion of any paper in accordance with the list settled by the Registrar as per Rule 28 supra.**

**31. Where the paper books are to be printed under the supervision of the Registrar of this Court under the orders of the Supreme Court, twenty five copies of the record shall ordinarily be printed unless otherwise ordered by the Supreme Court. Not less than fifteen copies of the same shall be transmitted to the Supreme Court in cases where the appeal raises a question relating to the interpretation of the Constitution and not less than 10 copies in other cases.**

**32. In case where the records are to be printed in this Court, the same shall be made ready and transmitted to the Supreme Court within a period of forty five days for the receipt of the copy of petition of appeal from the Registrar of the Supreme Court.**

**33. Where the appellant fails to take necessary steps to have the record prepared and transmitted to the Supreme Court with due diligence, the Registrar of High Court shall report the default to the Registrar of the Supreme Court.**

**34. As soon as the record is transmitted, notice of the fact shall be given to the parties to the appeal either through Advocates concerned or direct, if unrepresented, and a certificate as to the date or dates on which the notice has been served shall be sent to the Registrar of the Supreme Court; and in case of death sentence, two copies of the paper-books, if it is printed here, shall be forwarded to the State Government.**

**35. When after the disposal of a case, a formal order is received from the Supreme Court, a copy of the same shall be forwarded at once to the lower court concerned for necessary action:**

Provided that in a case where a sentence of death has been passed, confirmed or modified, a copy of the formal order received from the Supreme Court shall be forwarded at once to the State Government for information or for such action as they may think fit to take, followed by a copy of the judgment of that Court as soon as it is received in this Court from the Registrar of that Court.

## **Chapter V**

### **Reference to a Full Bench**

**1. Whenever a Division Bench desires and the Chief Justice consents that any case shall be referred to a Full Bench, or whenever in any case a Division Bench differs from any other division Bench upon a point of law or usage having the force of law, such case shall be referred for decision by a Full bench.**

**2. If the case is an appeal from an appellate decree the Bench shall state the point or points which they desire referred or upon which they differ from the decision of the former Division Bench, as the case may be, and shall refer the appeal for the final decision of a Full Bench.**

**3. If the case is an appeal from an original decree or order the questions of law shall alone be referred, and a Full Bench shall return the case with an expression of its opinion upon the points of law for final adjudication by the**

**Division Bench which referred it, and in case of necessity in consequence of the absence of any or either of the referring Judges, for the ultimate decision of another Division Bench.**

**4. If the case is one which has come before a Division Bench in the exercise of its Civil Revisional Jurisdiction, the point or points shall be stated as provided in Rule 2, and the matter shall be referred for the final decision of a Full Bench.**

**5. If the case is one which has come before a Division Bench as a Court of Criminal Appeal, Reference or Revision, the Court referring the case shall state the point or points on which they differ from the decision of a former Division Bench, and shall refer the case to a Full Bench for orders.**

**6. Every decision of a Full Bench shall be treated as binding on all Division Benches and Judges sitting singly, upon the point of law or usage having the force of law determined by the Full Bench, unless it is subsequently reversed by a Bench, specially constituted, consisting of such number of Judges as in each case shall be fixed by the Chief Justice, or unless a contrary Rule is laid down by the Supreme Court.**

Note. - The judgment in all cases heard by a Full Bench is to be circulated for information to all the judges of the Court who did not take part in the decision.

## **Chapter VI**

### **Appointment of Guardians and Substitution of Legal Representatives**

**1. The provisions of Chapter III shall apply so far as may be to applications for the appointment of guardians and for the bringing on the record of legal representatives of deceased parties.**

**2. When a guardian ad litem of a minor respondent is appointed and it appears that the guardian is not in possession of any or sufficient funds for the conduct of the appeal on behalf of the respondent and that the respondent will be prejudiced in his defence thereby, the appellant may from time to time be ordered to advance money to the guardian for the purpose of his defence and all money so advanced shall form part of the costs of the**



**appellant in the appeal. The order shall direct that the guardian shall, as and when directed, file in Court an account of money so received by him.**

**3. A party to a decree or order desiring to appeal therefrom and to make the legal representative of the party who has died after the date of decree or order, a respondent, may if such legal representative has not been made a party to any subsequent proceeding under such decree or order, enter his name as a respondent in the memorandum of appeal if he presents therewith an application for leave to make such legal representative a respondent to the appeal and also an affidavit stating such facts as may be necessary in support of his application.**

**4. A party to a decree or order desiring to appeal therefrom and to make the legal representative of a party who died before the decree or order was made, a respondent, may, if such legal representative has not been made a party to any subsequent proceedings under such decree or order, enter his name as a respondent in the memorandum of appeal if he presents therewith an affidavit showing that he did not know before the decree or order was made that such party has died or that he had no reasonable opportunity of informing the Court before such decree or order was made that such party was dead and stating such other facts as may be necessary in support of his application.**

**5. Whenever by a decree or order which is appealable to the High Court the interest of -**

(a) a beneficiary in property which at the date of such decree or order was vested in or was in the possession of a trustee, executor, administrator or a receiver or manager appointed by a Court, who as such was a party to such decree or order, or (b) a legal representative as such of deceased party to such decree or order, or (c) an assignee of a party to such decree or order by assignment subsequent to the date thereof or, (d) a person whose interest arose after the date of such decree or order by reason of any creation or devolution of interest by, through, or from any party to such decree or order, is affected, and such beneficiary, legal representative, assignee or person has not or has not been made a party to such decree or order or to proceedings thereunder or thereon and desires to appeal therefrom, he may name himself in the memorandum of appeal as an appellant if along with such memorandum of appeal he presents an application for leave to make himself an appellant and an affidavit stating such facts as may be necessary in support of his application.

**6. Whenever after a memorandum of appeal has been presented to the Court any appellant or party interested in the maintenance of an objection under Order XLI, Rule 22 or 26, ascertains that any party named in the memorandum of appeal had died before the appeal was presented he may apply for an order that the memorandum of appeal be amended by substituting for the person who is dead his legal representative, if along with his application he files an affidavit showing that the application is made with all reasonable diligence after the fact of the death of such person first came to his knowledge or to the knowledge of his agent, if any, acting on his behalf in the litigation.**

**7. The Registrar may allow a reasonable time for the presentation of the affidavit required by Rules 3,4, 5 or 6, if it appears to him that applicant could not, by the exercise of due diligence, have procured such affidavit in time for presentation along with his application.**

**8. Rules 2 to 7 shall, as far as may be, apply to appeals under Clause 10 of the Letters Patent, to applications for review or revision and to applications under Article 228 of the Constitution and the case transferred thereunder.**

## **Chapter VII**

### **Procedure before Admission**

**1. The Rules of [Chapter III and III A] [Substituted by C.S. No. 109, dated 30.09.1996.] shall apply so far as may be to every memorandum of appeal, to every memorandum of objection under Order XLI, Rule 22 or 26, and to every application for revision or review.**

**2.**

(1) Every appeal to the High Court under Clause 10 of the Letters Patent from the judgment (not being a judgment passed in the exercise of appellate jurisdiction in respect of a decree or order made in the exercise of appellate jurisdiction by a Court subject to the superintendence of the said High Court and not being an order made in the exercise of revisional jurisdiction, and not being a sentence or order passed or made in the exercise of criminal jurisdiction) of one Judge of the High Court or one Judge of any Divisional Court, pursuant to Article 225 of the Constitution, shall be presented [at the centralised filing counter] [Substituted by C.S. No. 109, dated 30.09.1996.] within 30 days from the date of the judgment appealed from, unless a Bench in its descretion, on good cause shown, shall grant further time. The [Designated Officer] [Substituted by C.S. No. 109, dated

30.09.1996.] shall endorse on the memorandum the date of presentation and after satisfying himself that the appeal is in order and is within time shall cause it to be laid before a Bench for orders at an early date. It shall be accompanied by a typed copy of judgment appealed against.(2)Every application for a certificate under Section 10 of the Letters Patent in the case of a Judgment of a single judge of the Court deciding a second appeal shall be made orally to the Judge in question immediately after the judgment is delivered. No subsequent application will be entertained unless upon special application supported by affidavit the Judge is satisfied that circumstances existed rendering an immediate application impossible.If the Judge certifies that the case is a fit one for appeal, a duly stamped memorandum of appeal may be presented [at the centralised filing counter] [Substituted by C.S. No. 109, dated 30.09.1996.] within sixty days, and not more, from the date of the judgment, unless the Judge in his discretion on good cause shown, shall grant further time for its presentation.The memorandum of appeal need not be accompanied by a copy of the judgment or decree appealed from.

**3. Every memorandum of appeal and every application for review or revision, shall, immediately below the title, have endorsed on it "First Appeal", "Second Appeal", "Review" or "Revision", as the case may be, and shall state -**

(a)the name and address of each appellant or applicant;(b)the name and address of each person whom it is proposed to make a respondent;Note. - Address in (a) and (b) includes name of thana and name of Munsif.(c)the Court in which, and the name of the Judge or Munsif by whom, the decree or order objected to was made;(d)the date when and the number of the case in which such decree or order was made;(e)[ the description of the parties to appeal or application as to whether such parties were plaintiffs, defendants or applicants in the Court of first instance;] [Substituted by C.S. No. 46, dated 08.10.1982.](f)the ground or grounds numbered seriatim of objection to the decree, order or judgment;(g)the relief sought by such, appeal, review or revision;(h)the value of the appeal; and in the case of an application for revision, the value of the suit out of which the application arises:Provided that in every case in which an appeal or cross-objection is preferred to this Court and the valuation, for the purposes of Court-Fees, or the Court-Fee paid, varies from that of the Trial Court, in the case of First Appeals, or from that of either the Trial Court or the Lower Appellate Court, in the case of Second Appeals, the Advocate shall, at the time of filing the appeal, add below the valuation in the Memorandum of Appeal a short explanatory note setting forth the reasons for the variation, giving, it necessary, references to the certified copies of the judgment and decree, and mentioning the relevant pages, thereof, which are filed with the Memorandum of Appeal. Any omission to file this note shall be forthwith reported to the Registrar who may direct that the note be filed within a specified period according to the circumstances of each case or direct that the matter be laid before a Bench;(i)in the case of an appeal, whether the suit, in which the appeal is made, has already been before the Court on appeal.(ii)in case of Civil Revision under Section 115, C.R.C. and Section 25 of the Provincial Small Cause Court Act, the applicant shall state whether an application on the same facts and against the same order or judgment had been previously filed before this Court on behalf of all or any of the petitioner, and if so, with what result.

**4. When two or more cases are tried together and decided by the same judgment and two or more appeals are filed against such Judgment, whether by the same or different appellants, the Registrar may in his discretion, and if satisfied that the questions for decision are analogous in each appeal, dispense with the production of more than one copy of the judgment.**

**5. In case of**

(i)Appeal from orders of the Lower Appellate Courts remanding cases for re-trial; and(ii)Appeals from the Orders of the Lower Courts made on remand by the High Court,there shall be added at the foot of every memorandum of appeal a note to the following effect: -This appeal is from an Order of the Lower Appellate Court dated .....remanding the case for re-trial under Section.... of the Code of Civil Procedure,orThis appeal is from an Order of the Lower Appellate Court (or Court of First instance as the case may be) made on remand by the High Court, dated.....

**6. A memorandum of appeal [from original decree] [Inserted by C.S. No. 47, dated 8.10.1982.] or application for revision of an appellate decree or order shall be accompanied by copies of the judgments of both the Lower Courts and if filed by a pleader shall bear a certificate under his hand that in his opinion each of the grounds taken in the appeal or application is a good ground for appeal or for revision.**

**7. When an appeal from original decree or application is not accompanied by the necessary copies of judgments the Registrar may allow time for production of the same. If copies are not produced within the time allowed, the appeal or application shall be laid before the Court for orders.**

**8. Every memorandum of an appeal the ground of which is that there is in fact on the record no evidence or admission to support the decree shall state sufficiently the material finding in support of which there is no evidence or admission on the record.**

**9. Every memorandum of appeal from an appellate decree on the ground mentioned in the last-preceding Rule which is presented by a pleader shall bear a certificate under his hand that he has examined the record and that in his opinion such ground is well-founded.**

**10. Every application for review of judgment shall set forth plainly and concisely the grounds on which a review is sought, and shall contain a certificate by a pleader of the Court similar, mutatis mutandis, to that prescribed for appeals from Appellate Decrees.**

**11. Every application for review made upon the ground of the discovery of new and important matter or evidence within the meaning of Order XLVII, Rule 1, shall be accompanied by an affidavit of the applicant or his pleader, stating in clear terms, what such new and important matter or evidence is, the effect or purport thereof, and that the same, after the exercise of due diligence, was not within the knowledge of the applicant or could not be produced by him at the time when the decree was passed, the order was made, or the judgment was delivered.**

The documents, if any, relied upon shall be annexed to the application.

**12. [Deleted by C.S. No. 109 dated 30.9.96.]**

[12A. Every memorandum of appeal or application filed in the High Court by or on behalf of a person who claims remission of Court-fee, process-fee and Vakalatnama fee in terms of Notification No. 1207, dated 19th August, 1981, of the Government of Bihar, shall be accompanied by a petition praying for the remission. The petition shall contain a statement of the material facts on the basis of which the remission is claimed and a certificate granted by the Block Development Officer or the Circle Officer of the area concerned certifying that the petitioner belongs to the Scheduled Caste or the Scheduled Tribe or is landless person or a person whose annual income does not exceed Rs. 5000 (Rupees five thousand): Provided that the Court, if otherwise is satisfied about the existence of the facts on which the claim for remission is based, may dispense with the production of the aforesaid certificate of the Block Development Officer or the Circle Officer.] [Inserted by C.S. No. 53, dated 17.04.1984.]

**13. [Deleted by C.S. No. 109, dated 30.09.96.]**

**13A. [Deleted by C.S. No. 83, dated 31.05.1986.]**

**14. [Deleted by C.S. No. 83, dated 31.05.1986.]**

**15. [Deleted by C.S. No. 109, dated 30.09.96.]**

**16. If a memorandum of appeal is not barred by limitation, is sufficiently stamped, and complies with the provisions of these Rules, the Registrar shall -**

(a) In the case of an appeal from an original decree admit it and issue notice to the respondent; (b) In the case of an appeal under Clause 10 of the Letters Patent order it to be laid before the Bench to which such appeals are assigned; (c) [Deleted by C. S. No. 48, dated 08.10.1982]. [17. If a memorandum of appeal, as mentioned in Rule 13 (iii) of Chapter II of Part I of the Rules or an application is not in proper form and the appellant or the applicant does not amend it within the time fixed by the Registrar, the Registrar shall note the date of presentation and lay it as soon as possible, before a Bench for orders.] [Substituted by C. S. No. 49, dated 08.10.1982.]

**18. Every memorandum or application for which the stamp cannot be ascertained until the receipt of the record, shall, as soon as possible after the receipt of the record, be examined by the Stamp Reporter, who shall then endorse on it his report as to the sufficiency of the stamp and shall send it to the Registrar for orders.**

**19. Whenever the Stamp Reporter finds that a document which ought to bear a stamp under the Court-fees Act, 1870, has been through mistake or in advertence received, filed or used in the Court without being properly stamped, he shall report the fact to the pleader who presented such document. Such pleader shall at once initial the report and shall within three weeks thereafter, or within such further time as the Taxing Officer may allow, note on it whether he accepts or disputes the accuracy thereof. If such note is not made within such time, it shall not be open to such pleader to dispute the accuracy of the report.**

The Chief Justice has been pleased to declare that the Registrar of the High Court shall be the Taxing Officer within the meaning of Section 5 of the Court-fees Act VII of 1870.

**20. No copy of a decree or judgment presented or filed with a memorandum of appeal or with an application for revision or review which has been admitted shall be returned. Every such copy shall remain with the record of the appeal or case in revision to which it belongs.**

**21. No affidavit accompanying an application for review shall be returned whether such application has been admitted or not.**

**22. When on any application for revision or review the record is sent for, it shall, when received, be laid before the Judge or Judges who made the order for a decision as to whether the application is to be admitted or rejected.**

**23. Every application for stay of execution under Order XLI, Rule 5, shall specifically state that it is made under that Rule, and it shall be accompanied by an affidavit stating specifically the facts upon which the application is based, the date of the decree or order the stay of the execution of which is desired, the date of the order, if any, for execution or sale, the date, if any, fixed for the sale and the facts necessary to enable the Court to be satisfied of the matters mentioned in Order XLI, Rule 5, sub-clause (3).**

**24. Every application for security under Order XLI, Rule 6 or 10 shall state specifically under which Rule it is made and shall be accompanied by an affidavit stating specifically the facts upon which the application is based.**

**25. Every application for the re-admission or restoration of an appeal or application dismissed for default of appearance, shall be accompanied by an affidavit stating the circumstances under which such default was made, and whether or not the party whose appeal or application was dismissed had, previously to such dismissal, engaged a pleader to conduct the appeal or application. In case any pleader was employed, the affidavit shall further state, on the personal knowledge of the deponent and not on information and belief only, the name of such pleader, the date when he was so employed, the amount of the fee agreed to be paid to him, and the date when such fee was fully paid to him.**

**26. [Deleted by C. S. No. 84 dated 31.5.1986],**

[27. In absence of Registrar any memorandum of appeal or application may be presented before the Additional Registrar. If on any Court day both the Registrar and the Additional Registrar are absent, any memorandum of appeal or application which should under these Rules be presented to the Registrar or in his absence to the Additional Registrar, and might be barred by time, may be presented to the Deputy Registrar or in his absence to the Assistant Registrar who shall certify thereon in writing in his hand that such memorandum of appeal or application was on that day presented to him: Provided always that no such presentation to the Deputy Registrar or Assistant Registrar shall be of any effect unless such memorandum or application be presented to the Registrar or the Additional Registrar on the next subsequent day on which he is available for such presentation.] [Substituted by C.S. No. 85, dated 31.05.1986.]

**28. No application to the same effect or with the same object as a previous application upon which a Judge has passed any order, other than an order of reference to another Judge or Judges, shall, except by way of appeal, be presented to any other Judge or Judges on behalf of any person on whose behalf such previous application was presented.**

**29. The advocate who files an appeal shall examine the case in the light of Order XXVIA of the Code of Civil Procedure and certify that in his opinion, a notice to the Attorney-General of India or the Advocate General of the State under the said Order is/is not necessary.**

## **Chapter VIII**

### **Procedure after Admission**

**1. Subject to any order which may be made by a Bench the date for hearing any suit, appeal or application, or any party or pleader shall be fixed by the Registrar.**

**2. Such date shall be fixed with reference to the current business of the Court, the place or residence of the defendant, the respondent, or other person to be served with notice, and the time necessary for the service of the notice of the suit, appeal or application, so as to allow the defendant, the respondent or such other person sufficient time to appear and answer the suit, appeal or application.**

**3. When an appeal is one which is to be heard under Order XLI, Rule 11, of the Code of Civil Procedure, or is an appeal under Clause 10 of the Letters Patent, as early a date as possible shall be fixed for hearing the appellant or his pleader.**

**4. When an appeal under the Letters Patent has been admitted, the Registrar shall prepare a notice of the appeal in the prescribed form, for service on the respondent, and shall cause the notice to be served on the pleader or any one of the pleaders who appeared for the respondent in the appeal in which the Judgment was given. In any case in which the respondent did not enter appearance in the appeal in which the judgment was given, the notice shall be served in the mode provided by law for the service of notice in an ordinary**



**appeal.**

**5. In all cases in which any process is sent to a subordinate court it shall be in Hindi, written in the Devnagri character except in cases in which any process is sent into the Sadr, Pakur, Rajmahal and Jamtara subdivisions of the district of the Santhal Parganas when it may be in the Bengali character:**

Provided that the Registrar may, in any case, direct that the process shall be in English.

**6.**

(1)The court-fee stamp for the issue of notice to the defendant, the respondent, or other person to be served with notice shall be filed before an officer of the Court appointed for the purpose, within ten days from the date of the admission of the suit, appeal or other application.(2)There shall be filed together with the court-fee the requisite number of the prescribed printed forms of such notice, duly filled up, the date of appearance and the date of the notice being left blank.(3)The information entered in the forms shall be filled up in a bold, clear and easily legible handwriting.(4)The parties filing the forms will be held responsible for the accuracy of the information entered therein.(5)The date of appearance will be inserted in the form, and the notice will be dated and signed, by an officer of the court.(6)The requisite number of printed forms of notice will be supplied to the parties or their advocates free of cost on application to the forms clerk. Other forms will not be accepted unless they are in the prescribed form and the quality of the paper and printing is as good as that of the forms supplied by the office of the Court.(7)The Registrar may, in his discretion, direct in any particular case that the forms of notice be entirely filled up in the office of the Court.

**7. If the Court-fee for the issue of the notice, or the notice forms duly filled up, be not filed as provided in the last preceding Rule, the suit, appeal or application shall be placed before the Registrar who may, in his discretion, either grant further time for filing the court-fee or the notice forms, or direct that on the date fixed the suit, appeal or application be placed before a bench for orders.**

**8. No process fee for the issue of notice of any suit, appeal or application nor notice form shall except under the order of the Registrar, be received after the expiry of the ten days allowed by Rule 6.**

**9. If the process fee be paid and the notice form duly filled up be filed within ten days or within the extended time allowed by Rule 7, the notice in the form shall at once issue on the defendant, respondent, or other person to be served with notice.**

**10. When an appeal or an application for revision has been admitted a notice shall be at once issued by the Deputy Registrar to the Court from whose decision the appeal is preferred or the application is made, calling upon it to transmit the record of the case and all material papers, if they are not already in the Court, within seven days:**

Provided that in every appeal from an interlocutory order made in a suit and coming under Order XLIII, Rule 1, clauses (q), (r) and (s), copies only of the plaint, written statement (if any), order sheet and the papers directly relating to the interlocutory proceedings in appeal shall be called for unless the Court, or the Registrar, otherwise directs.

**11. When in an appeal or other proceeding the Court orders a notice to show cause to issue, such notice shall ordinarily be issued to all parties to such appeal or other proceeding and to any person whom it is proposed to make a party. If the person to whom the notice is to issue is a minor, a person of unsound mind or other disqualified person it shall also be issued to the guardian or next friend of such person.**

**11. A. In every case in which the Court orders a notice to issue under the last preceding Rule, the party at whose instance such order is made shall file along with the process fee as many typed copies of the application and affidavit as there are persons to be served.**

**12. Every application for an order to a subordinate Court to forward any record, document or paper shall state -**

(a)the Court in which such record, document or paper is;(b)the record or file in which such document or paper is;(c)the date of the record, document or paper;(d)in what language the document or paper is;(e)the date when the document or paper was filed.

**13. Every such application shall be accompanied by a deposit of one rupee in Court-fee stamp and by a certificate signed by a pleader that in his opinion such record, document or paper is requisite and material for supporting or opposing the suit, appeal or other proceeding.**

**14. In every case in which an appeal or an application for revision or review has been admitted the Registrar shall cause paper-books to be prepared in accordance with the provisions of Chapter XI.**

**15. (a) On the first Saturday of each month, or, if that Saturday be a holiday, on the next working day of the month, the Registrar shall cause to be prepared and printed a complete list of all the cases ready for hearing classified under different headings. This list shall be called the Monthly Cause List. Till such a list is prepared and printed, the Monthly Cause List of the preceding month shall be used for posting cases on the Daily Cause List.**

(b) On each Saturday other than that on which Monthly Cause List is prepared, or, if that Saturday be a holiday, on the last working day of the week, the Registrar shall cause to be prepared and printed a list of cases made ready during the week. This list shall be called Weekly Supplement to the Monthly Cause List. (c) The cases of the Weekly Supplement shall be deemed to have been entered in the Monthly Cause List year wise at the bottom of the cases of that year under appropriate headings. (d) A copy of each of the Lists shall be posted on the notice-board outside the Lawazima Court.

**16. (a) From the Monthly Cause List the Registrar shall each day cause to be prepared and posted on the notice board of the Court a list of the cases to be taken up by each Bench on the following day. This list shall be called the Daily Cause List and a copy of it shall be sent to each Judge.**

(b) Cases shall be taken on to the Daily Cause List from the top of the Monthly Cause List strictly in the order in which they stand and there shall be no deviation except by the order of Registrar or Bench under Rule 22 of this Chapter. The Daily Cause List shall so far as possible be sufficiently long to provide three days' approximate work: Provided that cases which should, under the law or under the direction of the Chief Justice, be placed before a Special Bench, or a particular Judge for hearing, e.g. part-heard cases (including cases remanded under Order XLI, Rule 25, C.P.C.), cases referred to a Full Bench, Income Tax Act cases, Letters Patent Appeals, Supreme Court Appeals, Matrimonial suits, Testamentary suits, and applications for review or for re-hearing shall be placed on the Daily Cause Lists on the constitution of the proper bench on the dates fixed either by the Hon'ble the Chief Justice or the Bench concerned. (c) The Registrar shall include in the Daily Cause List a list of the cases which will be taken up by him on the following day.

**17. If on the date fixed for the hearing of any suit, appeal, application or other matter it appears that the requisite notices have been served, the matter may be disposed of; if not disposed of, it shall come on for disposal in the ordinary course and no other notice of any date fixed for hearing shall be given than its inclusion in a Daily Cause List.**

**18. A case which is part-heard shall, unless otherwise ordered by a Bench, be placed first in the Daily Cause List for the day on which the Bench which has partly heard such case next sits for the disposal of that class of business.**

**19. Subject to Rule 18, a case which, by the order of the Bench is specially fixed for a particular day to be placed as (i) the first case (ii) subject to a part-heard case or (iii) in which a returnable date has been fixed, shall be placed, in case of (i) as the first case and in case of (ii) or (iii) subject to a part-heard case, if any, in the list that date before the proper Bench:**

Provided that if the case is not ready for hearing on the date, it will be placed before the Registrar to extend the date or to pass necessary orders and shall be listed as provided in the Rule above on the adjourned date if the case be ready for hearing.

**20. The cases in the Daily Cause List shall, unless the Bench otherwise directs, be called on and disposed of in their order on the List.**

**21. No case in the Daily Cause List shall be allowed to stand out of its place in the list or shall be adjourned on account of the absence of any pleader, unless such absence is, in the opinion of the Bench, unavoidable:**

Provided that the Advocate-General, Government Advocate, Government Pleader, Standing Counsel or Standing Counsel for the Income-Tax Department in Bihar shall, if engaged for the Government in another Bench; be entitled on application made on his behalf, to have any case in the Daily Cause List in which he has been personally retained, but not any case in which he only holds the brief of another pleader, postponed whilst he is so engaged as aforesaid.

**22. Except as by these Rules provided, no request for an order that a case shall stand out of its place in a Daily Cause List or be adjourned, or that a case shall not be placed in a Daily Cause List, shall be entertained:**

Provided that -(a)the Bench (when the case appears in the Daily Cause List) or the Registrar (in both cases), may order such case to stand out of its place in such list or to be adjourned if such Bench or the Registrar is satisfied that by reason of legal process, recent death, sudden illness or domestic bereavement or by reason of a pleader who is alone for a party in the case being engaged elsewhere for the Government, the party cannot be properly represented at the hearing unless such order is made, or for any other sufficient cause and in its discretion.(b)Any person desiring that a case may not be in its turn placed in the Daily Cause List in accordance with Rule 16 (b) for any particular day or days may apply to the Registrar in Lawazima court. The Registrar may, if satisfied, there are exceptional reasons, order that such case shall not be placed in the Daily Cause List for any such day

or days.(c)The Registrar alone in the office shall be competent to adjourn ready cases.

**23. The following cases shall have precedence over others in preparation for hearing, namely, all cases (appeals, applications and motions) which after admission and passing of interim orders hold up proceedings before lower courts; applications under Section 10, C.R.C. Transfer application; Amendment of Pleadings including applications for adding or striking out parties under Order I, Rule 10, C.P.C.; applications for separate trial under Order II. Rule 6 C.P.C.; Cases under Order IX, Rules 9 and 13 C.P.C.; application for discovery and inspection under Order XI, C.P.C.; cases under Order XXI, Rule 9 C.P.C.; questions of abatement, compromise and adjustment under Order XXII or Order XXIII C.P.C.; applications against order issuing or refusing to issue Commissions under Order XXVI C.P.C.; applications relating to arrest under Order XXXVIII C.P.C.; injunction matters; cases under Order XLI, Rule 19 C.P.C.; cases relating to amendment of decrees in the High Court or relating to restoration of appeals dismissed for non-prosecution in the High Court; court fee matters; cases under Sections 11 and 13, Money-lenders Act; appeals from orders of a lower appellate court remanding cases for retrial; appeals from orders of subordinate courts made on remand by the High Court; and cases in which an expedition order has been passed by the Bench. In all such cases the word "Expedition" shall be marked bodily in red ink in the front page of the order sheet. They shall be separately classified and shown in the Monthly Cause List of weekly supplements under the heading "Expedition Cases" and shall be taken first in their order to the Daily Cause List in preference to the other cases on the Monthly Cause List or weekly supplements.**

The expedition cases of the Weekly Supplements shall also be deemed to have been entered year wise in the Monthly Cause List at the bottom of the expedition cases of that year under appropriate headings. In the Daily Cause List, they shall be listed at the top before the Benches concerned and the letters "Ex" shall be printed by the side of these cases.

**24. When an order has been made under Order XLI, Rule 23 or 25, the Deputy Registrar shall make a note of the same in a register to be kept for the purpose and he shall bring to the notice of the Registrar any case in which the subordinate Court has not made a return to the order of the Registrar and case in which the subordinate Court has not made a return to the order of remand within four months or within such time as may have been specially**

**ordered.**

**24A. On receipt of the finding of a Lower Court in a case referred under Order XLI, Rule 25, Civil Procedure Code, the Deputy Registrar shall notify to the Advocates of the parties that the objections to such finding must be filed within two weeks from the date of the service of the notice.**

**25. The form of the oath or affirmation to be administered in the Court in civil cases shall be the same as that provided for criminal cases in Chapter XII, Part A.**

[26. Where the advocate on either side is of the view that his arguments are likely to take more than 5 hours, he must file a written brief of his arguments at least 15 days before the date when the hearing of the case is specially fixed and if the hearing is not specially fixed, then within 15 days from the date when the case is first notified in the monthly list. When the written brief is filed by an advocate of one of the parties, the other party or parties shall file their written briefs or arguments within 10 days after the filing of the written brief by the first party. If written briefs are not filed, the arguments on each side will be limited to not more than 5 hours at the out side and closure will be applied as soon as 5 hours are over on each side. Where written briefs are filed, then also oral arguments will be limited to 5 hours on each side and not more, unless the Bench thinks that some more time should be granted for further arguments and in that event also, ordinarily, the oral arguments will not extend to more than 10 hours on either side and in case involving interpretation of the Constitution the oral arguments may be allowed to be extended upto 15 hours on either side. The written brief of arguments shall first set out the list of dates and events leading upto the filing of the Appeal or the writ petition, as the case may be, followed by a brief and concise statement of the relevant facts and such statement of facts shall be followed by the arguments and the submissions which are proposed to be advanced in support of or against the Appeal or the writ petition, together with the decisions in support of such arguments or submissions. The written brief shall not as far as possible exceed 30 to 35 pages.] [Inserted by C.S. No. 89, dated 15th July, 1987.]

## **Chapter VIIIA**

### **Notice of proceedings to Advocate-General**

**1. The Court may direct notice of any proceedings to be given to the Advocate-General of the State who may appear and take such part in the proceedings as he may be advised.**

**2. The Advocate-General of the State may apply to be heard in any proceedings before the Court, and the Court may, if in its opinion the justice of the case so requires, permit the Advocate-General so applying to appear**

**and be heard, subject to such terms as to costs or otherwise as the Court may think fit.**

## **Chapter IX**

### **Preparation of Paper-Books**

(A)General

**1. Paper-book shall be [ordinarily typed and when printed they shall be] [Substituted by C.S. No. 21, dated 13.02.1979.] in accordance with the following directions: -**

(a)The size shall be 32 by 64 cms of foolscap folio.(b)The type used in text shall be pica modem, solid, with italics where necessary, but long primer shall be used in printing accounts, tabular matter and notes.(c)Every tenth line on each page shall be numbered, i.e., the tenth line shall be numbered 10, the 20th line 20, and so on.

**2. [(1) In all paper books, unless there is an order to the contrary of the Court or the Registrar, whether prepared by the office of the Court or by the parties, papers in Hindi in Devanagari or Kaithi Script shall be printed or typed, as the case may be, in Hindi in Devanagari script. Papers in Urdu shall be transliterated in Hindi in Devanagari Script and then included in the paper book. Papers in vernacular other than Hindi and Urdu shall be translated in English before being included in the paper book:] [Substituted by C.S. No. 21, dated 13.02.1979.]**

Provided that if at the time of hearing or even before, it is considered necessary to have all or any of the vernacular papers in the paper-book, translated into English, the required translation and their typing shall be done in the office of the Court and the cost thereof, both of translation and typing, shall, unless otherwise directed by the Court, be borne by the party at whose instance the paper has been included in the paper-book.(2)The paper-book shall consist of three parts. Part I shall contain pleading, depositions of witnesses, issues framed, judgment, decree and miscellaneous papers, if any, of the trial Court. Part II shall contain the record of proceedings in the High Court and Part III shall contain the exhibits and documents. Documents in Parts I and II shall be in chronological order. The headings of the Hindi documents will be in Hindi. To every paper-book, and, if it is in more than one volume, to each volume, shall be prefixed a table of contents in English with reference to pages. The table of contents to Part III shall follow the order of exhibit marks and shall be arranged as far as possible in chronological order, each document showing its exhibit mark and whether it is a plaintiff's or defendant's document, and in all cases document relating to the same matter, such as (a) a series of correspondence, or (b) proceedings in a suit other than the one under appeal, shall be kept together.Note. - Maps forming part of a paper-book shall be included in the

table of contents but shall not be bound up with the other papers in the paper-book, Such maps shall be drawn or printed on durable paper and they shall form a separate packet with a separate list.

**3. Every paper-book shall have attached to it a fly-leaf in the prescribed form.**

**4. In every case in which an appeal or an application for revision or review has been admitted the Registrar shall at once on receipt of the record, and of the prescribed cost, if any, due from the appellant, cause a paper-book to be prepared in accordance with the Rules of this Chapter:**

Provided that the Registrar may, in any case, instead of causing the paperbooks typed, direct its preparation in print at the cost of the appellant of so many copies as he may consider necessary. Exception 1. - In an appeal which is to be heard under Order XLI, Rule 11, no paper-book shall be prepared unless an until an order for the service of notice on the respondent has been made. Exception 2. - In a miscellaneous case, not provided for in the Rules of this Chapter, it shall not be necessary to prepare a paper-book, but the Registrar may, if he thinks fit, direct that a paper-book be prepared and may also direct what papers it shall contain. (B) Appeals from Original Decrees

**5. Every party, who files an appeal in person, shall insert in his petition of appeal, or otherwise give in writing to the Deputy Registrar, an address within Patna, Patna City or Bankipore, at which notices and other processes in the appeal may be served upon him; and any notice or other process left for him at that address or sent thereto by registered letter shall be presumed to have been duly served upon him.**

**6. Upon receipt of the record, the Deputy Registrar shall serve a notice upon the Appellant, requiring him to prepare and deliver a list of the papers to be inserted in the paper-book at the expense of the Appellant. The list shall be in the following form. The list shall show the documents, so far as possible, in chronological order, but in all cases documents relating to the same series or to the same subject (e.g., the series of correspondence or proceedings in a suit other than the one under appeal) shall be kept together. The correct and full description of each document must be given. When documents such as rent receipts, account books, chalans, etc., are to be [typed or printed] [Substituted by C.S. No. 23, dated 13.02.1979.] and the [the printing or the typing] [Substituted by C.S. No. 23, dated 13.02.1979.] is (as should ordinarily happen) to be in tabular form, a tabular form with the proper headings shall be supplied in the list.**



Number on the record.	Mark (if any) in the Court below.	Description and date of paper.	Whether the whole or portion, and (in case of a portion) what portion to be inserted in the paper-book.	Page of paper-book (to be filled in after).
1	2	3	4	5

**7. There shall be entered in the list all papers on which the decision of the appeal depends:**

Provided that - (i) The following papers shall be typed or printed in every case, and must always be entered in the list, viz : - (a) The plaint, exclusive of schedules; (b) Written statements of parties; (c) Issues; (d) The judgment and the decree or order against which the appeal is preferred; (e) the grounds of appeal. (ii) It shall ordinarily be unnecessary to enter in the list any of the following papers, viz.: - (a) Schedules; (b) Maps and plans in all cases other than chur, partition and boundary cases; (c) Accounts, Jama-Wasil-baki, and similar papers except particular entries relevant for the decision of the appeal; (d) Leases, pattas, Kabuliyats; (e) Receipts, Chalans; but such papers shall be entered, if a reference thereto is necessary in order to the decision of the appeal; Provided further that the Registrar shall be competent, either upon Application made, or on his own motion, after hearing the parties, to exclude from the paper-book all documents or portions of documents that are not relevant to the subject matter of the appeal, and generally to reduce the bulk of the record as far as practicable.

**8. The Appellant shall, within 30 days after service of the notice required by Rule 6, deliver to the Deputy Registrar a list, prepared in accordance with Rules 6 and 7, of the papers to be inserted in the paper-book at his expense. Such list shall be termed "The Appellant's List".**

**9. As soon as the list is delivered to the Deputy Registrar he shall, if the Respondent has appeared, given notice of such delivery to such Respondent.**

**10. Every Respondent who has entered appearance may inspect the Appellant's List, and at his own expense, obtain a copy of the whole or any portion thereof.**

**11. Every such Respondent shall, within 30 days after service upon him of the notice required by Rule 9, deliver to the Deputy Registrar a list in duplicate, in the form prescribed in Rule 6, of the papers, other than those inserted in the Appellant's List to which such Respondent desires that reference shall be made by the Court at the hearing of the appeal, and which**

shall be inserted in the paper-book at such Respondent's expense. Such list shall be termed "The Respondent's list"... When the Respondent intends to take any objection to the decree which he could have taken by way of appeal, and the taking of which is subject to the proviso contained in Order XLI, Rule 22, of the Code of Civil Procedure, any paper relevant to this object shall be included in such Respondent's List.

**12. Every list of papers for insertion in a paper-book filed by an Appellant or Respondent shall be accompanied by a deposit of Rs. 16.**

**13. The Registrar in his discretion may allow any clerical error or mis-description in the Appellant's or Respondent's List to be corrected, and may allow any evidence or document which has not already been copied or printed to be struck out from the Appellant's or Respondent's List.**

**14. If the Respondent considers that any paper or portion of a paper, which ought to have been inserted in the Appellant's list under the provisions of Rule 7, has been omitted therefrom, he may, within 14 days after service upon him of the notice required by Rule 9, and after giving notice to the Appellant of his intended application, apply to the Registrar for an order that such paper or portion of a paper be inserted in the list of such Appellant. When the Respondent though he has not appealed against any part of the decree, intends to support such decree on any of the grounds decided against him in the Court below (Order XLI, Rule 22, of the Code of Civil Procedure), he is entitled to have included in the Appellant's List any papers relevant to such grounds.**

**15. If the Respondent does not enter an appearance, or does not deliver the list in duplicate directed by, and within the time prescribed by Rule 11, and if no order is made under Rule 14, the paper-book shall be prepared in accordance with the Appellant's List.**

**16. When two or more Appellants or Respondents have the same interest in the appeal, one list only shall be required from all such Appellants or Respondents. Appellant or Respondents having separate interests shall deliver separate lists. In such case the principle of Rule 22 shall apply.**

**17. If any of the papers to be inserted in the Appellant's List or in the Respondent's List, was [typed or printed] [Substituted by C. S. No. 24 dated, 13.02.1979.] in a former paper-book, the fact of its having been so [typed or printed] [Substituted by C. S. No. 24 dated, 13.02.1979.] may be stated in the list in which such paper is inserted, but such papers shall nevertheless be [typed or printed] [Substituted by C. S. No. 24 dated, 13.02.1979.] unless the Registrar otherwise directs.**

**18. No paper in the record of the case which ought to have been but was not inserted in the Appellant's or Respondent's List and [typed or printed] [Substituted by C. S. No. 24 dated, 13.02.1979.] in the paper-book shall be referred to at the hearing of the appeal without the special leave of the Court, and unless, both the Court and the opposite party have been previously supplied with copies, which will be prepared on application in the office of the Court at the cost of the party concerned, all papers, which require translation according to Rule 2, being translated by the Court Translators. Where expedition is necessary the rates prescribed in the succeeding Rule shall be increased by 25 percent.**

This Rule shall not preclude the Court from referring to any paper to which it considers a reference necessary for the ends of justice.

**19. The Deputy Registrar shall within 21 days after the delivery by the Appellant and by the Respondent of their Lists respectively, make and deliver to the Appellant and to the Respondent separate estimates of the cost of preparing their portions of the paper-book.**

Estimates shall be prepared at the following rates: -

			Cost.	
			Rs.	Ps.
Counting fee per 10,000 words	...	...	1	00
Translation fee for 150 words	...	...	1	00
Copying fee	...	...	The rate specified in Chapter XIV,	

Rule 5.

[Printing fee for 20 copies.] [Substituted by C. S. No. 14 dated, 30.06.1977.]	Ordinary matter per page Tabular work more than onetenth of the whole or any paper-book per page.	As per rates in the contract in force.	Rs.	Paisa.
Index Charges for each paper	...	...	0	10
Registration fee and postage	...	...	According to existing postal rates.	
Checking fee per page	...	...	0	10

Note. - 1. In preparing the index of the exhibits or documentary evidence care should be taken to give a correct and full description of each document. The description as furnished in the lists prepared by the subordinate Courts or filed by the pleaders in this Court, should not be relied upon, but the documents themselves should be consulted in order that a full and accurate description may be given in the index.

**2. A quarter page shall be taken as the unit of measurement for charges when printing does not cover the whole page, that is to say, the charge will be 1/4 of the rate for a page for printing occupying 1/4 of the page or less, 1/2 of the rate for a page for printing exceeding 1/4 and not exceeding 1/2 of a page, 3/4 of the rate for a page for printing exceeding 1/2 and not exceeding 3/4 of a page, the full rate for a page for printing exceeding 3/4 of a page.**

**3. For rate of printing maps and plans, see Rule 14 in Chapter IV.**

**20. The Appellants and the Respondents, shall within thirty days after the delivery to them respectively, of the estimates prepared in accordance with the last-preceding Rule, deposit with the Cashier of the Court the amount of their respective estimates.**

**21. If it subsequently appears that the amount so deposited by either party to the appeal is insufficient to defray the cost of preparing his portion of the paper-book, the Deputy Registrar shall estimate the additional amount required and shall give notice thereof to such party. Such additional amount shall be deposited by such party with the Cashier of the Court within 21 days after service upon him of such notice.**

**22. When separate appeals have been preferred by different persons against the same decree, complete list shall be delivered by the parties to each such appeal: But the Registrar may, subject to the order of the Court, apportion between the parties concerned the cost of preparation in respect of any matter common to all or any of such parties. [Typed or printed] [Substituted by C. S. No. 25 dated, 13.02.1979.] copies of such common matter may be included in the paper-book of each appeal; or such matter may appear in one paper-book only, the other paper-books containing references to the pages of such paper- book in which such matter appears. This Rule shall apply also when two or more separate appeals are preferred in analogous cases.**

**23. If the Appellant fails to deliver his list, or if, the Appellant or Respondent fails to make the deposits required by Rules 12,20 and 21, the Registrar shall cause the appeal to be laid before a Bench of two Judges for orders, who may, unless satisfied that there was reasonable ground for the default - in the case of default by the Appellant, direct the appeal to be dismissed for want of prosecution and in the case of default by the Respondent, direct that the paper-book be prepared in accordance with the Appellant's List, excluding the papers of the Respondents' List; or may pass such other order as may seem proper under the circumstances of the case.**

**24. The paper-book shall include the whole of the papers included in the Appellant's and Respondent's Lists.**

[25. There shall ordinarily be typed as ordered initially by the Registrar, 5 or 10 copies of paper-book. The appellant and respondent shall be entitled to have at least one copy each. The Registrar may, when necessary, direct as many copies to be typed, cyclostyled or printed as the lawyers representing the parties may require. In all cases paper-book shall be supplied free of charge.] [Substituted by C. S. No. 26, dated 13.2.1979.]

**26. An entry of a case in the Monthly Cause List shall be noticed to all concerned that a paper-book is ready and copies may be obtained. The issue of a paper-book to the pleader of a party shall be noticed to the party that the case is ready for hearing.**

**27. In appeals in which the Respondent has not appointed a pleader up to the date of the preparation of the paper-book, an appendix containing the deposition of the serving officer and the return and the remarks of the**

subordinate Court as to the service shall be added to the paper-book, in transcript, if they are in English or Hindi and translation if they are in any other language.

**28. (a) There shall be [typed or printed] [Substituted by C. S. No. 25, dated 13.2.1979.] at the end of every paper-book, in the following form, a statement in which shall be specified each item of the costs incurred in its preparation by the Appellant and the Respondent respectively: -**

EstimatingTranslating etc. (as in Rule 97).	By the Appellant.	By the Respondents.				
No. of pages.	Rate of Charge.	Amount Rs. Paise	No. of pages.	Rate of Charge.	AmountRs. Paise	

(b)Any surplus remaining after deducting the costs actually incurred by each party from the amount deposited with the Cashier of the Court, shall be refunded upon request to the party by whom the deposit was made.

**29. The cost incurred in the preparation of the paper-book, not exceeding the amount calculated at the rates prescribed in Rule 19, shall be costs in the appeal, unless, as to the whole or any portion thereof, the Court which hears the appeal shall otherwise direct.**

**30. The Registrar may, upon application and upon sufficient cause being shown, enlarge the time prescribed by the Rules of this chapter for doing any act to be done under their provisions. An application for enlargement of time must ordinarily be made before the expiry of the prescribed time, and be supported by an affidavit of facts and also by a certificate of the Deputy Registrar showing the dates on which the acts prescribed by these Rules were done. Such certificate shall be granted upon payment of a fee of Rs. 2. The Registrar may also, upon application and upon sufficient grounds, provided by affidavit, exempt any Appellant or Respondent from the operation of the whole or any part of the Rules of this Chapter or may make such special order as he deems fit as to any matter with which these Rules are concerned. In case any affidavit to be used under this Rule is sent from the mufassal and is in the vernacular, other than Hindi, it shall be accompanied by an English translation certified to be correct by a pleader.**

**31. An appeal against a grant, or refusal of grant, or revocation of Probate or Letters of Administration, or refusal of revocation shall be governed by the Rules of this Chapter subject, however, to the following alterations, namely, "14 days" shall be substituted for "30 days" in Rules 8 and 11, and "7 days" shall be substituted for '21 days' in Rule 19.**

**32. When the Rules of this Chapter direct or allow any act to be done by, or any notice to be given to, an appellant or respondent, such act may be done by, or such notice given to, the pleader or (where authorized in that behalf by the Rules of the High Court) he Mukhtar of such appellant or Respondent.**

**33. When a return has been made to an order of reference to the Court a copy of such order of reference and a copy of such return and a copy of any memorandum of objection to such return shall be added to the paper-book in the case.**

[33A. Notwithstanding the above provisions instead of the paper book being prepared in the office of the court, appellant or respondent may, after obtaining orders of the Registrar/Court, get the requisite number of paper books, either in whole or in part, prepared in conformity with the Rules.] [Substituted by C. S. No. 116, dated 28.08.97.][Provided that instead of typed copy of the paper book being prepared, as mentioned in Part II chapter IX, now photocopy of the paper book shall be prepared with regard to First appeal.] ['Proviso' inserted by C. S. No. 125, dated 12.08.2004.][Provided further that First Appeal arising out of Land Acquisition Cases may be heard without Paper Book unless the Hon'ble Court hearing the matter directs otherwise.] ['Proviso' added by C.S. No. 131, dated 25.03.2010.](C)Appeals from Appellate Decrees

**34. The paper-book in all appeals from appellate decrees shall consist of the following papers:**

(a)The judgment of the Court of First Instance.(b)The judgment of the lower Appellate Court.(c)the memorandum of appeal to the High Court.(d)In a case which has been remanded either to the Court of First Instance by the lower Appellate Court, or to the lower Appellate Court by the High Court, the order remanding the case, and the judgment or order passed on such remand.(e)A front leaf containing the number of the case, names of the Judges of the two courts below, names of the parties and of their advocates, date of institution of the suit, date of the judgment of the First Court, date of the Judgment of the lower appellate Court, date on which the second appeal was filed, date of service of notice upon the Respondents and date on which the case was ready for hearing.And, in such cases as the Registrar may so order, either of his own motion or at the request of either party, to be expressed by the Appellant within ten days of the order for issue of notice, and by the Respondent within ten days of appearance.(f)The plaint.(g)The plaintiff's written statement, if any.(h)The defendant's written statement.

**35. No charge is to be levied from the parties for the preparation of this paper-book, the original paper or certified copy filed being used for the composition thereof, if clean and clearly legible, and the front leaf being prepared in the office of the Court:**

Provided that -If the papers specified in Rule 34 (f), (g) or (h) are to form part of the paper-book, the necessary copies shall be typed in the office of the Court at the cost of the appellant, or at the cost of the respondent in case of such papers as are included at this instance and in case they are included by the order of the Registrar of his own motion the cost will abide the direction of the Registrar.[36. If a Second Appeal is to be placed before a Division Larger Bench for hearing, the appellant shall file a copy of the paper-book for the use of the Judges within a period of thirty days from the date of the order referring the appeal to a larger Bench.] [Substituted by C.S. No. 78, dated 08.01.1985.]

**37. The appellant will get one copy of the paper-book prepared under Rule 36 and the respondent will get one copy on deposit of Rs. 12.**

**38. In case of the appellant failing to pay any charge for preparation of paper-book the Registrar shall cause the appeal to be placed before a Bench; and if the appellant does not satisfy the Bench as to his delay, his appeal may be dismissed for want of prosecution, or the Bench may pass such other order as it may deem, proper.**

**39. Dirty or not clearly legible papers or copies will not be accepted and will be replaced by clean typed copies by the party filing them.**

**40. The appellant or respondent shall before the hearing of the appeal supply the Court and the opposite party with copies or translations of any document upon the construction of which he considers the determination of the appeal depends. Such copies must have been made in the office of the Court and will be prepared in type at the cost of the party concerned, all papers which require translation according to Rule 2 being translated by the Court Translators. Where expedition is necessary the rates referred to in Rule 19, Chapter IX and Rule 5, Chapter XIV will be increased by 25 percent.**

Such documents shall not in any case be referred to without the special leave of the Court but this Rule shall not preclude the Court from referring to any paper to which it considers a reference necessary for the ends of justice.



**41. Additional paper-books, if available, may be supplied to parties at their request and shall be charged at the rate of Rs. 12 per copy.**

**42. In cases governed by one judgment, the Registrar, on application, may make a special order.**

**43. The Registrar may, upon the application of any party, and upon good and sufficient reason shown, give such special directions as to any of the matters to which the Rules of this part relate as may seem fit; and may by special order exempt any party from the operation of any portion of such Rules.**

(D) Appeals from Orders and Applications for Review and Revision

**44. In every appeal from original order valued at Rs. 20,000 or above which has been admitted, the Deputy Registrar shall without any delay, on receipt of the record, serve a notice upon the appellant requiring him to supply for the use of the Court and the respondent, six copies of paper-books typed correctly and legibly in double space and prepared in accordance with the Rules of the Court, within thirty days from the date of service of the notice upon him:**

Provided that the Registrar may, if he considers it expedient so to do, in any case even below Rs. 20,000 in value, direct the appellant to prepare paper-book as provided in this Rule.

**45. One copy of the paper-book filed under Rule 44 shall be served by the Deputy Registrar on each set of the appearing respondents:**

Provided that if the paper-books filed under the preceding Rule are not sufficient to meet the demand of the respondents under this Rule, the appellant shall make up the deficit within a time fixed by the Registrar.

**46. The paper-book in all appeals from original orders shall consist of -**

(i) the applications or proceeding on which the order appealed against was passed; (ii) the petition, if any, filed in answer; (iii) the evidence, oral or documentary, which may have been taken put in with reference to the application or proceeding and which necessary for decision of the appeal; (iv) the order appealed against; (v) the memorandum of appeal; (vi) a front-leaf containing the number of the case, name of the judge of the Court below, names of the parties and of their advocates, date of institution of case in the lower court, date of the judgment under appeal and date on which the appeal was filed in the High Court; and (vii) an index indicating the full particulars and the pages of the papers included in the paper-book.

**47. It shall be open to any party to the appeal to prepare typed copies, at his cost, of any document other than those mentioned in Rule 46 which he considers necessary for hearing of the appeal and supply them to the Court and the other side at least three days before the date of the hearing.**

**48. If the appellant fails to supply the requisite number of paper-books within the time fixed under Rule 44 or Rule 45, the Registrar shall cause the appeal to be laid before a Bench of two Judges for orders, who may, in the absence of sufficient cause, direct the appeal to be dismissed, or, pass such other order or orders as may seem proper.**

**49. The correctness of translation, if any, and of the typing of the paper-book shall be certified by the advocate of the party preparing the paper-book. If the Court considers that an official translation of any document is necessary, such translation shall be made in the High Court office at the cost of the party on whose behalf the document is sought to be used.**

**50. . There shall be filed along with the paper-books, including additional paper-books, a statement of the amount of costs incurred in their preparation by the parties, in the form given below. The party successful in appeal shall, unless an order otherwise is passed at the hearing of the appeal, be entitled to the costs incurred by him in the preparation of any paper-book, or additional paper-book, or over the official translation of any document when called upon to do so under Rule 49, provided that in no case such costs shall exceed the rates prescribed in Rule 19, Chapter IX of the Patna High Court Rules.**

Statement of the amount of costs incurred in the preparation of paper-book

By the appellant	Number of words	By the respondent	
		Amount	Number of words Amount
For translating...For copying...For materials....For tracing map...For indexing...		Rs. Paise	Rs. Paise
	Total		Total

**51. In second appeals from orders (including orders under Section 47 of the Code of Civil Procedure) irrespective of value, and in appeals from remand order under Order 41, Rule 23 of the same Code, the paper-book shall be in type and shall consist of -**

(a)the order or orders, judgment or judgments of the subordinate Court or Courts;(b)the memorandum of appeal to the High Court.So many copies of the paper-book as may be necessary for the use of the Court shall be prepared in the office free of cost. For the first copy the original papers and certified copies filed by the appellant may be used, if clean and clearly legible.

**52. In the case of applications for review or revision the paper-book shall be in type. The original papers and certified copies filed by the applicant may be used for the composition of the paper-book if clean and clearly legible. Otherwise, and in so far as more than one copy may be necessary for the use of the Court, the papers will be typed in the office free of cost.**

**53. In an application for review of judgment the paper-book shall contain -**

(i)the application;(ii)any affidavit filed with the application;(iii)any affidavit in reply;(iv)the judgment and the decree or order to which the application relates.

**54. In an application for revision the paper-book shall contain -**

(i)the application;(ii)the judgment, decree or order to which the application relates;(iii)if the judgment, decree or order to which the application relates was a judgment, decree or order delivered by a Court sitting in appeal, then a copy of the judgment, decree or order of the Court of first instance, a copy of the memorandum of appeal to the Appellate Court, a copy of any memorandum of objection to the decree of the Court of First instance, a copy of any order of remand, a copy of any return to any such order of remand and a copy of any memorandum of objection to such return.(E)Letters Patent Appeals

**55. (i) The paper-book in Letters Patent Appeals arising out of the decision of a single judge in an appeal from original decree shall consist of the following papers: -**

(a)Memorandum of the Letters Patent Appeal;(b)Judgment and decree under Appeal;(c)Order admitting the Letters Patent Appeal;(d)All papers included in the paper-book of the connected appeal from original decree:Provided that any of the parties to the Letters Patent Appeals may, within three weeks of the admission of the appeal, or within such further time as may be allowed by the Registrar or the Bench, apply in writing to the Registrar for an order that any paper on the record, which is not included in the paper-book that any paper on the record, which is not included

in the paper-book of the connected appeal from original decree, may be added to, or, if already included in the said paper-book may be excluded from the transcript. Any cost incurred on this account shall be borne in such manner as the Registrar or the Bench may direct.(ii)Five typed copies of the paper-book shall ordinarily be prepared in the office of the Court at the cost of the appellant and one copy of the same will be supplied to each of the two parties.

**56. (i) The paper-book in Letters Patent Appeals arising out of an appeal from appellate decree shall include the following papers: -**

(a)Memorandum of the Letters Patent Appeal;(b)Judgment and decree of the Court passed in the second appeal;(c)Judgment and decree of the Court of First Instance and of the Lower Appellate Court;(d)Memorandum of the second appeal and of the cross-objection, if any,(e)Order granting leave to appeal.(ii)Five typed copies of the paper-book shall ordinarily be prepared in the office of the Court at the cost of the appellant and one copy of the same will be supplied to each of the two parties.

**57. (a) In Letters Patent Appeals arising out of Miscellaneous First Appeals and in those arising out of Miscellaneous Second Appeal, the procedure laid down for the preparation of paper-book in Letters Patent Appeals arising out of regular first and second appeals, respectively, shall be followed:**

Provided that in Letters Patent Appeals arising out of Miscellaneous First Appeals where no paper-book has been prepared, the paper-book shall include, besides the papers mentioned in items (a), (b) and (c) of Rule 55 (1) of this Chapter, memorandum of the Miscellaneous Appeal, and any other paper a list of which may be filed by the parties.(b)Five typed copies of the paper-book shall ordinarily be prepared in the office of the Court at the cost of the appellant and one copy of the same shall be supplied to each of the two parties:Provided that the papers to be included in the paper-book according to the list of the respondent shall be so done at the cost of the respondent.

**58. In Letters Patent Appeals arising out of Gram Panchayat cases under Articles 226 and 227 of the Constitution of India, five typed copies of paper-books shall ordinarily be prepared in the office of the Court at the cost of the appellant and one copy of the same shall be supplied to each of the two parties.**

The paper-book shall consist of the following papers: -(a)Memorandum of the Letters Patent Appeal;(b)Judgment and decree (if any) under appeal;(c)Petition filed under Articles 226 and 227 of the Constitution of India along with its annexures, if any;(d)Petition to reply or counter-affidavit, if any;(e)Order admitting the Letters Patent Appeal.

**59. (i) In Letters Patent Appeals arising out of the decision of a single Judge in original cases, the paper-book shall consist of the following papers: -**

(a)Memorandum of the Letters Patent Appeal;(b)The application or proceeding on which the order appealed against was passed;(c)Judgment or order and decree (if any) under appeal:(d)Order admitting the Letters Patent Appeals;(e)Any other paper a list of which may be filed by the parties.(ii)Five typed copies of the paper-book shall ordinarily be prepared in the office of the Court at the cost of the appellant and one copy of the same shall be supplied to each of the two parties:Provided that the papers to be included under item (e) above according to the list of the respondent shall be so done at the cost of the respondent.

**60. The Registrar or the Bench may, in any case, instead of causing the paper-book to be prepared in the office of the Court, permit the appellant to prepare the required number of paper-books out of Court. In such cases, the appellant shall file three copies of the paper-books in office for the use of the Court along with a receipt showing service of the paper-book on the other side:**

Provided that there shall be filed along with the paper-book a statement of cost incurred in their preparation, but in no case such cost shall exceed the rates prescribed in Rule 19 of this Chapter.

**61. Except as provided in the aforesaid Rules under this part the provisions regarding the filing of lists, service of estimates, deposit of costs, etc., under Part (B) of this Chapter shall apply mutatis mutandis to the provisions governing the preparation of paper-books in Letters Patent Appeals.**

**62. [Clause (F) special provisions deleted by C.S. No. 27, dated 13.2.1979.]**

## **Chapter X**

### **Judgment and Decree**

**1. No decree for dissolution of marriage made by the Court, not being a confirmation of a decree of a District Court, shall be made absolute until after the expiry of six months from the date of pronouncing the said decree.**

**2. When an appeal is referred under Section 98 of the Code of Civil Procedure the Judges who have differed shall each record his judgment on the appeal, and the appeal shall thereupon be laid before the Chief Justice, who shall direct by which Judge or Judges it shall be heard. The Chief Justice may by**

**such other Judge or one of such other Judges.**

**3. Whenever any suit, appeal, reference or other proceeding has been heard by two or more Judges, and the Judges who heard the same have agreed to a written judgment therein, such written judgment, having first been signed by the Judges concerned, may be pronounced by any one of the Judges in the absence of the other or the others of them.**

**4. Whenever any suit, appeal, reference or other proceeding has been heard by two or more Judges, and each of such Judges had written a judgment for himself or has agreed to a judgment written by another Judge, and such judgments have been signed by the Judge or Judges who have written them, or, in the case of a judgment agreed to by two or more judges, by the Judge or Judges who have agreed, any one of such Judges may pronounce on behalf of any absent Judge or Judges, the Judgment written or agreed to by such absent Judge or Judges.**

**5. Every judgment delivered and every order passed by the Court shall be recorded by a Personal Assistant to Judge except when the Court delivers a written judgment.**

**6. Every judgment or order recorded by a Personal Assistant to Judge shall be filed by him with the paper-book of the case to which it relates within three days from the delivery of the judgment or passing of the order, and at the end of his record he shall enter the dates of the passing of the order or delivery of the judgment and of filing with the record. He shall also initial such record and shall be responsible for its safe custody until he files it with the paper-book in the office.**

**7. When a judgment or order recorded by a Personal Assistant to Judge has been filed, the Bench Clerk shall submit it for signature to the Judge or Judges who delivered or passed it, unless such Judge or Judges otherwise order or have resigned or proceeded on leave, or are absent on account of illness or any other cause.**

**8. When a written judgment has been delivered or when a judgment or order recorded by a Personal Assistant to Judge has been signed by the Judge or Judges, who delivered or passed it, the Bench Clerk shall seal such judgment or order with the seal of the Court.**

**9. All decrees and orders shall be drawn up in English.**

**10. As soon as a decree or order has been drawn up, the Deputy Registrar shall cause a notice to be exhibited on the notice-board stating that such decree or order has been drawn up and that it may be perused by any party or by his pleader within one week from the date of the posting of the notice.**

**11. When such notice has been posted any party or his pleader may, before the expiry of the time prescribed in the 1st preceding Rule, peruse the decree and either sign it or file an objection to it on the ground that there is a clerical error or omission in the judgment, or that the decree is not in accordance with the judgment.**

**12. Every such objection shall state clearly what the clerical error or omission is, or in what respect the decree is not in accordance with the judgment and it shall be signed and dated by the party objecting or by his pleader.**

**13. When any such objection is made the Deputy Registrar shall put up the appeal or case together with the judgment therein, the draft decree or order and the objection, for orders before the Judge or Judges, or one of them, who delivered the judgment; or if such Judge or Judges has or have ceased to be a Judge or Judges of the Court, or be absent on leave or furlough, then before such Judge or Judges as the Chief justice may appoint for that purpose.**

**14. Should no such objection be filed on or before the date specified in the notice, the Deputy Registrar, having first date the decree as of the day when the judgment was delivered, shall sign it and seal it with the seal of the Court.**

**15. Under no circumstances shall any judgment, decree or order be altered, varied or departed from, in any particular, except under an order in writing of the Judge or Judges who passed or made such judgment, decree or order, or**

**under an order made on appeal from such decree or order, or under an order made in review.**

## **Chapter XI**

### **Probate and Letters of Administration**

- 1. Every petition or caveat made under this chapter shall set forth the petitioner's or caveator's full name, the name of such petitioner's caveator's father, his caste or religious persuasion, his rank or degree in life, profession, occupation or trade, and his true place of residence.**
- 2. The word "Will" in this chapter includes a "codicil".**
- 3. When an application for grant of Probate or Letters of Administration is made, a copy of the application and of the valuation statement required by Section 19-1(1) of the Court-fees Act, VII of 1870, shall be sent together with the notice under Section 19-H (2) of the said Act to Chief Controlling Revenue Authority.**
- 4. Every application for Probate, or for Letters of Administration with or without the Will annexed, shall be accompanied by -**  
  
(a) A certificate of the Registrar as to duty having been paid, or a certificate of the Taxing Officer that no duty is payable.  
(b) A certificate of the Registrar that no intimation has been received by this Court from any other High Court or from any District Court, of any grant of Probate or Letters of Administration of the property and credits of the deceased with effect throughout India except the State of Jammu and Kashmir.
- 5. The Registrar may, if he deems it necessary, require proof, in addition to the usual statement required to be made in the petition, of the identity of the deceased or of the party applying for the grant.**
- 6. No person, who renounces Probate of a Will or Letters of Administration of the property of a deceased person in one character, shall, without the leave of a Judge, take out representation to the same deceased in another character.**



**7. In all applications by a creditor for Letters of Administration, it shall be stated particularly how the debt arose and whether the applicant has any and what security for the debt.**

**8. Where the application for Probate is not verified by more than one witness to the Will in the manner prescribed by Section 281 of Act XXXIX of 1925, the application shall be accompanied by a further affidavit setting forth the mode in which the alleged Will was attested and that the requirements of Section 63 of Act XXXIX of 1925 were complied with.**

**9. Where a Will contains a reference to any paper, memorandum, or other documents of such a nature as to raise a question whether it ought not to form a constituent part of the Will, such paper, memorandum or other document shall be produced in order to show whether it is entitled to probate, and where not produced, its non-production must be accounted for. No. paper, memorandum, or other document can form part of a Will unless it was in existence at the time when the Will was executed.**

**10. On an application for Letters of Administration, unless otherwise ordered a citation shall issue to all persons having a right to take the grant prior or equal to that of the applicant, unless such persons have signified their consent to the application, and, if so directed, a general citation shall be issued to all persons claiming to have any interest in the estate of the deceased.**

**11. Where Letters of Administration are applied for by a creditor, a special citation shall be issued to the widow, if any, and to the next-of-kin, provided he shall be resident within the jurisdiction of the Court or have any known agent or agents residing within such jurisdiction and to the Administration-General of Bihar, and a general citation shall be issued to all persons claiming to have any interest in the estate of the deceased.**

**12. Under ordinary circumstances the date fixed for the hearing of the application for Probate or Letters of Administration shall not be earlier than fourteen days from the date of despatch of the valuation statement.**

**13. Every person to whom a grant of Letters of Administration, other than a grant under Section 241 of the Indian Succession Act, is committed, shall give a bond to and in the name of the Chief Justice with one or more sufficient sureties to be approved by the Registrar. Such bond shall in all cases be prepared in the office of the Registrar in the prescribed form and shall, unless otherwise ordered by the Court, be given for the full value of the property for which the grant is to be made.**

**14. With every certificate sent to a High Court, under the provisions of Section 274 of the Indian Succession Act, or Section 24 of the Administrator-General's Act, the Registrar shall send a copy of so much of the schedule of the property and credits of the deceased as relates to the estate within the jurisdiction of such Court.**

**15. Only the grant, and the Will, if any, shall be copied in the register. Where the Will is in any vernacular or foreign language, the official translation only shall be copied.**

**16. An exemplification or official copy under the signature of the Registrar and the seal of the Court, of a grant so entered in register, or of a Will in respect of which a grant has issued, may be obtained on payment of the prescribed fees.**

**17. Any person intending to oppose the issue of a grant of Probate or Letters of Administration must either personally or by his pleader file a caveat before the Registrar. Notice of the filing of the caveat shall be given by the Registrar to the petitioner or his pleader in the prescribed form.**

**18. Where a caveat is entered after an application has been made for a grant of Probate or Letters of Administration with or without the Will annexed, the affidavit or affidavits in support shall be filed within eight days of the caveat being lodged, notwithstanding the long vacation. Such affidavit shall state the right and interest of the caveator, and the grounds of the objections to the application.**

**19. Where an application for grant of Probate or Letters of Administration with or without the Will annexed is presented after a caveat has been filed, the Registrar shall forthwith issue notice to the caveator, calling upon him to file his affidavit or affidavits in support of his caveat within eight days from the service of such notice.**

**20. Where the caveator fails to file an affidavit in support of his caveat in compliance with Rule 18 or in compliance with the notice issued under Rule 19 the caveat may be discharged by the Court.**

**21. Upon the affidavit in support of the caveat being filed (notice whereof shall immediately be given by the caveator to the petitioner), the proceedings shall be numbered as a suit in which the petitioner for Probate or Letters of Administration shall be the plaintiff, and the caveator shall be the defendant, the petition for Probate or Letters of Administration being registered as and deemed a plaint filed against the caveator, and the affidavit filed by the caveator being treated as his written statement in the suit. The procedure in such suit shall, as nearly as may be, be according to the provisions of the Code of Civil Procedure.**

**22. The party opposing a Will may, with his affidavit give notice to the party setting up the Will that he merely insists upon the Will being proved in solemn form of law, and only intends to cross-examine the witnesses produced in support of the Will, and he shall thereupon be at liberty to do so, and shall not in any event, be liable to pay the costs of the other side, unless the Court is of opinion that there was no reasonable ground for opposing the Will.**

**23. The Court may, on the application of the petitioner, before making the order mentioned in Rule 21, direct the trial of an issue as to the caveator's interest. Where, upon the trial of such issue, it appears that the caveator has no interest, the Court shall order the caveat to be discharged, and may order the issue of Probate or Letters of Administration, as the case may be.**

**24. Where the gross value of the estate as shown in the affidavit of valuation does not exceed Rs. 2,000 no Court-fee other than Court-fee under Article 11, Schedule 1 of the Court-Fees Act on an estate the net value of which exceeds Rs. 2,000, shall be charged, provided the petitioner undertakes to pay the**

**Court-fee leviable to the Government or other party entitled thereto, in case the estate shall thereafter be found to be of grater gross value than Rs. 2,000.**

**25. The Court may, on the application of Advocate-General or of any person claiming to be entitled to the fees payable under an undertaking given in accordance with Rule 24, call upon the executor or administrator liable under the undertaking, to pay such fees, and upon the hearing of the application, discharge the same, or make an order absolute for the payment of such fees, together with such order touching the costs of the application as it shall see fit, and every such order shall be enforceable in the same manner as any other order of Court whereby any party is directed to pay money or costs.**

**26. In cases not provided for by this Chapter, or by the Rules or procedure laid down in the Indian Succession Act, or the Administrator General's Act, or the Code of Civil Procedure, the practice and procedure of the Probate Division of the High Court of Justice in England shall be followed so far as they are applicable and not inconsistent with this Chapter and the said Acts.**

**27. (Omitted).**

**28. Whenever a grant of Probate or Letter of Administration is made and it appears from the application or is otherwise brought to the notice of the Court, or the Registrar, that any revenue-paying estate or share of such estate is included in the estate of the deceased in respect of which the grant is made, the Registrar shall notify the grant to the Collector of the district in which such estate or part of an estate is situated.**

**29. Nothing in the Rules in this Chapter shall apply to applications or acts to be done by the Administrator-General, in so far as they conflict with the provisions of the Administrator-General's Act.**

**30. The inventory and account to be furnished by an executor or administrator under Section 317 of Act XXXIX of 1925 shall be in the prescribed forms and shall be verified by affidavit in the manner following: -  
"I..... executor for (administrator) named in the above inventory do hereby solemnly declare that the said inventory is in every respect, true, perfect and correct to the best of my knowledge, information and belief, and that the same contains a full, true and perfect inventory of all the property in the**

**possession of the deceased.....at the date of his death, and of all credits owing to him, and of all debts owing by him."**

"I .....the executor (or administrator) named in the above account is true, perfect inventory of all the property in the possession of the deceased..... at the date of his death, and of all credits owing to him, and of all debts owing by him." "I.....the executor (or administrator) named in the above account is true, perfect inventory of all the property in the possession of the deceased .....at the date of his death, and of all credits owing to him, and of all debts owing by him." "I.....the executor (or administrator) named in the above account do hereby solemnly declare that the said account is true, perfect and correct to the best of my knowledge, information and belief, and that it gives a full, true and perfect account of all the estate and effect of the deceased .....which has or have come into my hands, possession, power, control, custody or knowledge and of the disposition of the same."

## **Chapter XII**

### **Procedure in Criminal Cases**

(A)General[1. The Rules in [Chapter III and IMA] [Existing Rules 1-57 Substituted by C.S. No. 39, dated 05.11.1981.] Rule 11A of Chapter VIII shall apply as far as possible to applications made under this Chapter.] [Rule 13 Substituted by C.S. No. 120, dated 09.08.1999.]Note. - An accused person cannot make an affidavit in his own case.

**2. No pleader shall be entitled to make or do any appearance, application or act in any criminal case or proceeding for any person unless he presents an appointment in writing duly signed by such person or his recognised agent or by some other agent duly authorised by Power of Attorney to act in this behalf, or unless he is instructed by an attorney or pleader duly authorised to act on behalf of such person:**

Provided that no such appointment in writing shall be necessary in the case of a pleader appointed by the Government or the Court to act, appear or plead on behalf of an accused or convicted person. High Court even if inconvenience is caused by such order. Such order passed by High Court on its administrative side cannot be challenged by petitioner on its judicial side. Professor Arun Kumar Singh Vs. State of Bihar, 1996(2) BLJ 766 : 1996(2) PLJR 585 : 1996(2) PLJR 936.

**3. Every memorandum of appeal and every application for revision shall immediately below the title have endorsed on it 'Criminal Revision', 'Criminal Appeal' or 'Criminal Miscellaneous' as the case may be, and shall state -**

(a)the name and address of each appellant or applicant;(b)the name and address of each person whom it is proposed to make a respondent(c)the provision of the Code of Criminal Procedure under which the appeal or application is sought to be presented;(d)facts of the case in brief;(e)ground or grounds numbered serially;(f)the case number and date of order or judgment aggrieved;(g)the relief prayed;Provided that the provision of this Rule shall not apply to petition of appeal made by an accused in duress.

**4. (i) In the case of a revision under Section 397 or 401 or in the case of petition under Section 482 of the Code of Criminal Procedure the application shall state whether an application on the same facts and against the same order or judgment had been previously filed before this Court on behalf of all or any of the petitioners and if so, with what results.**

(ii)Every application for revision under Section 397 of the Code of Criminal Procedure shall state that none of the petitioners to the application has filed any application under that Section to the Sessions Judge against the same order or judgment against which the application is sought to be filed.

**4A. Every petition for appeal, application shall contain full particulars of the case of the Court below including case number, Police Case Number, if any, name of the Session Judge, if any, and the name of the Trying Magistrate or the name of the Committing Magistrate as the case may be. Application for bail shall further state whether on the same facts or otherwise, a previous application for bail had been filed in the Court on behalf of any of the applicants for bail, and if so, the number of the case, the date of disposal and result thereof.**

**5. Every petition of appeal or application for revision shall be accompanied by certified copy or copies of orders or judgments appealed from along with two plain copies of petition:**

Provided that in case of appeal or applications to be heard by a Division Bench the copies of petition shall also be accompanied with plain copies of order or judgment as the case may be:Provided further that every petition for bail, transfer of case, application for restoration of a case dismissed in default and the petition under Sections 482, 378, sub-section (4) Cr. PC., a receipt showing service of the copy of petition on A.G. shall also be accompanied:Provided that when it is apprehended that there is no time to obtain the certificate of the office before the expiry of limitation, presentation may be made to the [Registrar] [Inserted by C.S. No. 74 dated 21.12.1984], In that case the [Registrar] [Inserted by C.S. No. 74 dated 21.12.1984] will simply endorse the date of presentation on the petition, which will then be examined by the office who shall instead of returning it to the party or his pleader as provided in Rule 6 shall deal with in the unusual manner:[Provided further

that in the absence of Registrar during the summer vacation, such petitions or applications may be presented before the Deputy Registrar or other officers of the Court on Duty.] [Inserted by C.S. No. 74 dated 21.12.1984]

**6.**

-7. [Deleted by C.S. No. 110, dated 30.9.1996.]

**8. [No appeal against conviction application or motion shall be heard for admission unless the accused has surrendered to the order of the court below convicting him to a sentence of imprisonment for a term and an intimation to this effect has been filed except in case where the appellant has been released on bail by the trial court] [Substituted by C.S. No. 110, dated 30.09.1996.],**

**9. No application or admission to bail shall be made without notice in writing given to the Advocate-General not later than noon of the day preceding that on which the application is to be made.**

**9A. In all Criminal Miscellaneous cases the copy of the petition served on the Advocate-General by the petitioners shall be used by the Advocate-General in course of the final hearing of such cases and no further copy of paper book shall be served.**

**10. Immediately on receipt of the Sessions Statement or periodical return from the Sessions Judge the Registrar shall cause it to be submitted before the Judges of the Criminal Bench for perusal in chambers.**

**11. If upon a perusal of the Sessions statement or upon an examination of the periodical returns the Bench orders. -**

(i)the records to be sent for, the Registrar shall send for the record and on receipt thereof shall submit it to the Judge or Judges who passed the order;(ii)a Rules to issue, the Registrar shall fix a day for hearing and shall cause notice to issue in the prescribed form;(iii)the record to be sent for and Rule to issue, the Registrar shall fix a day for hearing and shall issue notices in prescribed from and send for record.

## **12. If upon any petition a Judge orders -**

(i)the records to be sent for the Registrar shall send for the records and submit it to the Judge who passed the order;(ii)a Rule to issue, the Registrar shall fix a day for hearing and shall cause notice to issue in the prescribed form;(iii)the records to be sent for and Rule to issue, the Registrar shall fix a date for hearing, cause notices to issue in the prescribed form and send for the record.

## **13. A copy of every notice issued on admission of appeal, references, revision and motions cases shall be sent to Advocate-General of Bihar.**

## **14. Subject to any order which may be made by a Bench the date of hearing of any appeal, application or motion or any party of Advocate shall be fixed by the Registrar.**

**15. When an appeal, application or, motion has been admitted, notice in the prescribed form shall at once be issued by an Officer of the Court appointed for the purpose, to the Court of Chief Judicial Magistrate concerned, calling upon him to transmit the records of the case and all material papers along with the service reports of notices to the respondents or opposite party, as the case may be, annexed thereto before the appointed date. In cases instituted on complaint or appeal under Section 377, Cr.RC. notice shall also be issued to the complainant. The records of Sessions Trial or cases disposed by Court of Sessions shall be called for direct from the concerned Court.**

**16. On the first Saturday of each month or if that Saturday be a holiday, on the next working day of the month, the Registrar shall cause to be prepared and printed a complete list of the cases pending before the Court classified under different headings excepting those in which notices have not been issued. The list shall be called the Monthly Cause list and shall consist of two parts, viz. Part 1 showing cases ready for hearing and Part II showing cases which are not ready for hearing but in respect of which notices have been issued. Till such list is prepared and printed the Monthly Cause List of the preceding month shall be used for posting cases on the Daily Cause List.**

A similar list in Parts I and II, shall be prepared and printed on each Saturday other than that on which the Monthly Cause List is prepared, or, if that Saturday be a holiday on the last working day of the week, of all cases made ready during the week and those in respect of which notices have been issued (but are not ready for hearing) during the week. This list shall be called the Weekly



Supplement to the Monthly Cause List. The cases of the Weekly Supplement shall be deemed to have been entered in the Monthly Cause List year wise at the bottom of the cases of the year under appropriate headings of Part I and Part II as the case may be.

**17. (a) From Part I of the Monthly cause List the Registrar shall each day cause to be prepared and posted on the notice-board of the Court a list of cases to be taken up by each Bench on the following day. This list shall be called the Daily Cause List and a copy of it shall be submitted to each Judge.**

(b) Cases shall be taken on to the Daily Cause List from the top of Part I of the Monthly Cause List strictly in order in which they stand therein and there shall be no deviation therefrom unless there is express order of the Registrar or Bench that the case shall not be placed on the Daily Cause List, except upon special order of the Chief Justice. The Daily Cause List shall when possible be kept sufficiently long to provide approximate work for three days: Provided that -Bail petition, all cases in which bail has been refused, application for transfer of cases, cases admitted on the question of extent or legality of sentence only, petitions for restoration of cases dismissed for default, and all cases (appeals, applications and motions) which after admission and passing of interim orders hold up proceeding before Lower Courts, shall be separately classified and shown both in parts I and II of the Monthly Cause List or weekly supplements under the heading "Expedition Cases" and shall have precedence over others and shall ordinarily go on to the Daily Cause List after being on Part I of the Monthly Cause List or Weekly Supplement for three days, the "Expedition Cases" of the Weekly Supplements shall also be deemed to have been entered year wise in the Monthly List at the bottom of Expedition Cases of that year under appropriate heading. In the Daily Cause List they shall be listed at the top before the Benches concerned and the letters "EX" shall be printed by the side of these cases: Provided further that -Death Reference Cases shall be directly placed on the Daily Cause List three days after service of the paper book. (c) The Registrar shall have the Paper-Book of the cases in Part II of the Monthly Cause List and Weekly Supplements thereto prepared strictly in order of issue of notice and receipt of records and this order shall not be deviated from in the absence of a special direction with regard to any particular case from the Registrar or Bench: Provided that -Death Reference cases, bail petitions, cases in which bail has been refused applications for transfer of cases, cases admitted on question of extent and legality of sentence, petitions for restoration of cases dismissed for non prosecution and all cases (appeals, applications and motions) which after admission and passing of the interim orders hold up proceeding before lower courts shall have precedence over other cases in preparation for hearing and the Registrar shall have the paper book in such cases prepared at once according to the prescribed Rules. In all such cases the word "Expeditions" shall be marked boldly in red ink in front page of the order-sheet.

**18. The Rules for the preparation of paper books in Chapter IX-I(A) shall apply as far as may be to preparation of paper books in criminal cases.**

**19. The following forms of oaths and affirmations are prescribed by the High Court of Judicature at Patna under Section 7, Act of 1873: -**

For Witness Oath The evidence which I shall give to this Court shall be the truth, the whole truth and nothing but the truth. So help me God. Affirmation I solemnly declare that the evidence which I shall give to the Court shall be the truth, the whole truth and nothing but the truth. For Interpreters Oath I swear that I will well and truly interpret, translate and explain all questions and answers and all such matters as the Court may require me to interpret, translate or explain. So help me God. Affirmation I solemnly declare that I will well and truly interpret, translate and explain all questions and answers and all such matters as the Court may require me to interpret, translate or explain. (B) Procedure in Original Trials

**20.**

(1) Subject to any order which may be made by a Bench the Registrar shall, as soon as a case is received for trial by the High Court, fix a date for hearing and shall cause the necessary notices in the prescribed forms to issue. (2) In case of trial of an accused person charged with an offence punishable with death, the Registrar shall take steps to ascertain whether the accused has funds or not to employ his own pleader and if necessary shall at the earliest possible stage, obtain the orders of the Chief Justice for the appointment of a pleader for the accused.

**21. As soon as the record is received the Registrar shall cause a paper book to be prepared.**

**22. The paper book shall contain the following papers: -**

(i) First Information Report, if any; (ii) Record of any statement under Section 164 and examination under Sections 281 and 313, Cr. P.C.; (iii) The proceeding, if any, on which cognizance was first taken under Section 190, Cr. P.C.; (iv) The charge and the altered charge, if any; (v) The entire record of evidence in the Magistrate's Court, if any; (vi) The grounds of commitment, if any; (vii) Documentary evidence, if any; (viii) Police challan, if any.

**23. Twenty copies of paper book shall be printed. One copy shall be given to the Advocate-General, one to the Government Pleader, one to the legal Remembrancer, two to the accused's pleader and remaining copies shall be retained for the use of the Court.**

**24. At least two working days before the date fixed for the hearing of the case the Registrar shall cause to be made over to the Court Officer a Statement showing number and names of the witnesses who have been summoned.**

**25. The trial clerk shall, a day before the date fixed for hearing, cause the record to be made over to the Bench Clerk.**

**26. Mode of recording evidence in Criminal Cases. - (1) In all cases coming before the High Court whether or not the Court prepared a personal memorandum of the substance of the deposition the evidence of each witness examined, all statements of the accused, questions put to the accused and the answers thereto shall be taken down in the presence and under the superintendence of the Judge or one of the Judges.**

The evidence shall be taken down ordinarily in narrative form when in long hand, and when in short-hand in the form of question and answers, by such officer of the Court as may be appointed for the purpose.(2)When a short-hand note is taken the short-hand writer shall make a transcript thereof, shall sign both the short-hand note and the transcript and shall certify that the former is a correct record of evidence given and statements made and that the latter is a correct transcript of the former.The short-hand note and the transcript shall form part of the record of the case.(3)Exhibit marks on documents and material exhibits shall be written by the Bench Clerk of the Court and signed or initialled by him under orders of the Judge or one of the Judges.(C)References in Capital Cases

**27. When a proceeding is submitted to the High Court under Section 366 of the Code of Criminal Procedure, the Registrar shall cause the records to be examined and entered in the prescribed registers.**

**28. If the record is in order the Registrar shall fix a date of hearing of the reference which shall not be before the expiry of the period of limitation for filing appeal and shall at once cause a paper-book to be prepared.**

**29. The paper-book shall contain the following papers: -**

(a)Police challan;(b)First information Report, if any;(c)Magistrate's charge with list of witnesses, if any;(d)Statement under Section 164, if any;(e)Examination under Section 281 and 131, if any;(f)Grounds of commitment, if any;(g)Record of evidence in the Court of Sessions with any further examination under Section 281 and altered charge, if any;(h)Judgment of the Sessions Court;(i)Material documentary evidence, if any;(j)Petition of appeal, if any;(k)Order-sheet and the list of exhibits.[30. Six typed copies of paper-book shall be prepared and immediately on receipt of the paper-book the Registrar shall cause one copy to be sent to the Advocate-General and one copy to the Appellant's Advocate, the remaining 4 copies shall be retained for the use of the Court.]  
[Substituted by C. S. No. 58, dated 07.06.1984.]

**31. When a case has been disposed of the record shall be returned by the Bench Clerk to the Trial Assistant along with a formal order in the prescribed form duly signed by the Judges who shall without waiting for the judgment, send a copy of the same to the Court concerned.**

**32. In any case referred to the High Court for confirmation of sentence of death the Registrar shall, immediately on arrival of the records, if necessary, appoint a pleader to take up the case for the accused.**

**33. In cases when the sentence of death has been confirmed by the High Court the Trial Assistant shall examine whether there has been delay of more than nine months from the date of apprehension of the accused, in the conclusion of the trial before the Court of Sessions and if so obtain the explanation from the Court concerned and place them before the Judge-in-charge of Administrative Department for Court's comment thereon and forward the explanation together with Court's comment and [one typed copy] [Substituted by C.S. No. 59, dated 07.06.1984.] of paper-book to the Law Secretary, Government of Bihar.**

**34. Any order passed by the Court under Sections 368, 415 or 416 of the Code of Criminal Procedure shall be forwarded forthwith to the Court concerned and a copy thereof shall also be sent to the Superintendent of Jail where the accused is lodged.**

(D) Criminal Appeal by Accused against Conviction

**35. Criminal appeals other than Jail appeals shall be presented in open Court.**

Note. - The name of the father and the residence of each appellant shall be stated in the petition of appeal.

**36. Jail Appeals may be received by post. In the case of such appeals after the Trial Assistant has reported it whether it is within time and admissible the Registrar shall submit it with a copy of judgment or order appealed against to a Bench for orders:**

Provided that an appeal in which substantive sentence up to and inclusive of ten years has been passed shall be laid before a Single Judge for admission. Provided further that all jail appeals shall

be laid for admission in Chamber.

**37. If the appeal is admitted it shall be dealt with in the manner prescribed for appeals which are filed in the open Court.**

**38. [As soon as the notices have been issued, the Registrar shall cause paper-book to be prepared.] [Substituted by C. S. No. 117, dated 28.8.1997.]**

**39. [ The paper book shall contain -**

(a)the petition of appeal;(b)the judgment appealed against;(c)any other petition or affidavit which may be filed and ordered by the Bench to be considered at the time of hearing of the appeal.][40. Upon receipt of the records the Registrar shall cause a paper-book of the lower court record to be prepared.] [Inserted by C. S. No. 118, dated 28.08.1997.][41. The paper-book shall contain -(i)First Information Report;(ii)Charge;(iii)Oral evidence;(iv)Dying Declaration, if any;(v)Post Mortem Report/Inquest report, if any;(vi)Confession, if any;(vii)List of exhibits;(viii)Statement of the accused who has made some positive statement;(ix)Judgment of the Trial Court.(x)Such other documents as may be ordered to be included in the paper book by the Court at the time of admission of the appeal or thereafter.]

**42. When an appeal has been disposed of the record shall be returned by the Bench Clerk to the trial Assistant and if the conviction has been set aside or a reduction or change made in the sentence, he shall also prepare and send alongwith the records a formal order in prescribed form without waiting for the judgment, a copy of which shall be immediately sent to the Court concerned.**

(E)Appeal by the State Government against sentence under Section 377 of the Code of Criminal Procedure

**43. After an appeal, application or motion has been admitted, the appellant or the petitioner as the case may be shall file along with a duplicate copies of Goswara in prescribed form and as many copies of printed form of notices duly filled in and typed copies of memorandum of appeal or application as there are respondents or opposite parties. In appeal against acquittal under Section 377, Cr. P.C. necessary requisite for service of notice on complainant also shall be filed by the State Government:**

Provided that no such requisite shall be required to be filed where State is either sole respondent or sole opposite party in any appeal, application or motion.

**44. Upon receipt of the records the Registrar shall cause paper-book to be prepared.**

[45. Six typed copies of paper-book shall be prepared in accordance with Rule 41.] [Substituted by C.S. No. 60 dated 07.06.1984.]

**46. When an appeal has been disposed of and the sentence has been set aside or reduced the Bench Clerk shall, without waiting for the judgment, send the records of the case to the Trial Assistant along with a formal order drawn up in the prescribed form duly signed by the Judge or Judges who disposed of the appeal and a copy thereof shall be forthwith forwarded to the Court against whose sentence, the appeal was preferred and if such Court is that of a Judicial Magistrate, other than the Chief Judicial Magistrate, it shall be sent through the Chief Judicial Magistrate.**

(F)Appeal against Acquittal

**47. The State or the Central Government, as the case may be, may present appeal against any original or appellate order of acquittal after the Court grants leave on petition presented to in the manner hereinafter provided.**

**48. The appeal so presented shall be separately instituted as Government Appeal.**

**49. Appeal presented by the Government shall be placed before the appropriate Bench for formal admission.**

**50. In case of an order of acquittal passed in any case instituted on complaint the complainant may present an appeal to the Court if the Court grants special leave to appeal on an application made in the manner hereinafter provided.**

**51. The appeal so presented shall be separately instituted as "Complainant Appeal" and shall be placed before the appropriate Bench for formal admission.**

[52. On receipt of the records from the Lower Court, the Registrar will cause six typed copies of paper-book to be prepared in Division Bench cases only in accordance with Rule 41.] [Substituted by C.S. No. 61, dated 07.06.1984.]

**53. Notwithstanding anything contained in the Patna High Court Rules, in all cases in the High Court [XXX] [Deleted by C.S. No. 62, dated 07.06.1984.] paper-book shall be typed/cyclostyled, except where otherwise ordered by the Court/Registrar.**

**53A. [Deleted by C.S. No. 119, dated 28.8.1997.]**

**54. In the case of an appeal under Section 378, Sub-section (1) or sub-section (2) of the Code of Criminal Procedure, the Registrar shall ascertain whether the accused desires assistance, and if so, he shall assist him in the appointment of an Advocate on his behalf.**

(G)Other Appeals provided in Cr.P.C.

**55. The provision contained in Part D of this Chapter shall apply as far as possible in case of appeals under Sections 341 and 351, Cr.P.C.**

**56. The provision contained in Part H of this Chapter shall apply as far as possible in case of appeal under Section 86, 449 and 454, Cr.P.C.**

(H)Criminal Revision

**57. Cases in revision may be taken up in the following ways: -**

(a)upon a petition presented to a Bench;(b)upon a petition received from Jail, if the Court is satisfied that the accused has no next friend or relation to file petition before a Bench;(c)upon an order by a Judge on perusal of a sessions statement;(d)upon an order by a Judge on examination of periodical returns.[57A. In the case of revision under Section 397 and 401 of the Code of Criminal Procedure, 1973, arising out of a conviction and sentence of imprisonment, the petition shall state whether the petitioner had surrendered or not. If he has surrendered, the petition shall be accompanied by a certified copy of the relevant order. If he has not surrendered the petition shall be accompanied by an application seeking leave to surrender within a specified period. On sufficient cause being shown, the Bench may grant such time and on such conditions as it thinks fit and proper. No such revision shall be posted for admission unless the petitioner has surrendered to custody in the concerned court."] [Rule 57A inserted by C.S. No. 122, dated 23.09.1999.]

**58. When a revision has been admitted and Courts direct issue of notice the Registrar shall fix a date of hearing and cause notice to be issued in the prescribed form.**

**59. Except as provided by the Rules of this Chapter no paper-book shall be prepared in any Criminal Revision.**

**60. No paper-book in Criminal Revision shall be printed except under orders of the Registrar.**

**61. In the case of revision when notice has been given to the accused to show cause why the order passed should not be set aside and sentence of death passed, the Registrar shall take steps to ascertain whether the accused has funds or not to employ his own pleader and if necessary shall at the earliest possible stage obtain orders of the Chief Justice for appointment of a pleader for the accused.**

(I) Criminal References

**62. As soon as a reference under Section 395, Cr.RC. is received the Registrar shall cause it to be registered and placed before the Bench for admission.**

**63. When the reference is admitted, Registrar will cause notice to be noticed in the prescribed form.**

**64. In case of reference under Section 395 which involves a question as to the validity of any Central Act, Ordinance or Regulation or of any provision contained in any Central Act, Ordinance or Regulation, copy of notice shall also be sent to the Officer appointed by the Central Government on this behalf.**

**65. The paper-book shall contain -**

(a) the letter making report; (b) order-sheet of the High Court; (c) a copy of the report; (d) the explanation of Magistrate, if any.

**66. After the case has been disposed of a copy of judgment shall be sent to the Court concerned by which the reference was made.**

**66A. On admission of Cr. Revision cases in which the State or State Officials are parties, the petitioner shall serve a copy of the paper-book on the State and shall file receipts showing service of paper-book within ten days from**



**the date of admission of such Criminal Revision Application.**

**66B. In Cr. Revision cases which have been referred to Division Bench the petitioner shall file a copy of the brief for the use of the second Hon'ble Judge corresponding page to page with original brief along with a copy of the order of the court referring the case to the Division Bench.**

**(J)Criminal Miscellaneous**

**67. All applications for bail, cancellation of bail and transfer of cases and petition under Section 96 and 482, Cr. RC. and all other petitions to the High Court not provided in these Rules shall be registered as "Criminal Miscellaneous".**

**68. All petitions under Sections 378 (3) and 378 (4), Cr. P.C. shall be filed under Criminal Miscellaneous Jurisdiction but shall be registered separately as "Leave Application" and "Special Leave Application" respectively.**

**69. No application filed under Criminal Miscellaneous Jurisdiction, except the Leave Application under Section 378 (3) shall be made without notice in writing given to the Advocate-General not later than noon of the day preceding that on which the application is to be made.**

**70. Bail Orders passed by the High Court shall be sent directly, to the Courts concerned. The amount of bail, number of and nature of sureties, etc., may be ordinarily indicated therein. A copy of the order shall also be forwarded to the Sessions Judges or the Chief Judicial Magistrate as the case may be who shall send the same forthwith to the magistrate concerned or his successor in office or the Magistrate placed in charge of his duties for necessary action. When there happens to be only one Magistrate such as in any Sub-divisional head-quarters and he is transferred, then in that case it may be sent to the Sub-divisional Judicial Magistrate for compliance of the order.**

**(K)Custody of Records in Criminal Cases**

**71. Immediately on the receipt, in the office of the Court, of a record in criminal case, the Diarist shall examine the condition of the cover and shall make a note therein and get the record signed and dated by an officer of the**

**Court and shall forthwith deliver such record to the Receiving Assistants who shall at once examine the same and make a note stating that the record is perfect or defective, as the case may be and if defective, the particular or particulars in which it is defective.**

**72. If on such examination it is ascertained that any paper is missing from the record or is mutilated, or that the record is in any other respect defective, the Receiving Assistant shall forthwith report the fact to the Registrar.**

**73. At the conclusion of any case brought before the Court in the exercise of its ordinary original Criminal Jurisdiction the entire records of Committing Court, inclusive of such police papers, as have been used at the trial and form part of the record, shall be consigned to the Criminal Record Room of the Court.**

**74. At the conclusion of the case the Assistant Incharge of Disposal Section shall satisfy himself that the entire record has been made over to him by the Bench Clerk and will be held responsible for its subsequent deposit in the Criminal Room.**

(L) Allowances to Witnesses in Original Trial

**75. Payment of travelling and diet allowance to prosecutors and witnesses for the State attending the High Court in trials coming before it in its Original Criminal Jurisdiction, will be made by the Registrar (Clerk of the State), to whom such prosecutors and witnesses shall report themselves on arrival at Patna.**

[76. The prosecutors and witnesses for the State shall be divided into two Classes. The Committing Magistrate shall carefully classify such persons according to their status in life, and shall inform the Registrar. The rates of payment of each class shall be as follows: -

	Class one	Class two
By Road:	Taxifare at the rate prescribed by the Directorate of Transport of the State Govt. and if no such rate has been fixed as the court thinks reasonable.	Actual Bus fare.
By Rail:	1st class or 2nd class A.C. Sleeper/Chair Car fare. Conveyance: By taxi	Sleeper Class or 2nd Class fare By three Wheeler/ Auto Rickshaw.

	Boarding Expenses	
	Rs. 35 per diem.	Rs. 25 per diem.
On Journey expenses:	Rs. 35 per diem.	Rs. 25 per diem.

Conveyance fare shall be paid only for the days of actual attendance at the Court. Note. - Class one shall comprise Gazetted Officers, professionals like Doctors, Advocates, Architects, Chartered Accountants etc., Income Tax Payees, Members of Parliament, Members of State Legislatures. Class Two. - Shall comprise and include all other." [Substituted by C.S. No. 102, dated 23.05.1996.]

**76A. In Criminal Miscellaneous Cases which have been referred to Division Bench Rule 66B will apply.**

**77. The Committing Magistrate shall inform the Registrar of the station in life of each prosecutor and witness for the State, and every such person shall be paid his bona fide travelling charges and boarding expenses by the way and during his stay in Patna according to such information.**

**78. Boarding allowance at Patna shall cease as soon as the means of quitting the station became available.**

**79. The Committing Magistrate shall report to the Registrar the date of departure of every such prosecutor and witness, and shall instruct, each to report himself as directed in Rule 75.**

**80. In trial before the High Court, in the exercise of its Original Criminal Jurisdiction the expenses of only those witnesses for the defence whom the presiding Judge may consider material will be paid out of public funds.]**

## **Chapter XII**

### **A Procedure relating Applications and References under Section 256 of the Indian Income-Tax Act, 1961 (No. XLIII of 1961)**

**1. References and applications under Section 256 of the Act shall be posted before such Bench of two Judges as the Chief Justice may specify.**

**2. The statement of the case by the Tribunal under sub-section (1) of Section 256 of the Act shall be accompanied by, as annexures thereto, copies of -**

(i)the assessment order;(ii)the appellate order;(iii)the order of the Tribunal under Section 254 (1);(iv)the application of the assessee or of the Commissioner, as the case may be, requiring the Tribunal to state a case to the High Court under-sub-section (1) of Section 256; and(v)any other relevant paper or papers which the Tribunal may consider relevant for the disposal of the application.

**3. The statement of the case shall be in the form of numbered paragraphs setting out all the relevant facts and proceedings in their chronological order, next the contentions of the parties in relation to the question or questions referred, next the findings of fact and law of the Appellate Tribunal thereon and lastly the question or questions of law arising therefrom and referred. It must not contain any discussion of question asked, to be referred, but not referred.**

**4. The Appellate Tribunal, when submitting a statement of the case to the Court, shall forthwith give notice thereof to the parties at whose instance the reference has been made.**

**5. (a) Application under sub-section (2) of Section 256 of the Act shall be accompanied by, as annexures thereto, copies of -**

(i)the order of the Income-tax Officer;(ii)the order of the Appellate Assistant Commissioner;(iii)the order of the Appellate Tribunal passed in the case under Section 254(1);(iv)the application of the assessee or of the Commissioner, as the case may be, requiring the Tribunal to state a case to the High Court under sub-section (1) of Section 256.(v)the order of the Tribunal refusing to state a case and make a reference under sub-section(1) of Section 256.(vi)any other paper or document which the applicant considers necessary for the disposal of the application; and(vii)where the application is filed by an assessee, a certificate in original form the Appellate Tribunal to the effect that the assessee has not withdrawn his application for reference under sub-section (3) of Section 256 of the Act before the said Tribunal.(b)[Deleted by C.S. No. 70, dated 12.12.1984.]

**6. Cases under this Section shall be registered as Taxation Cases (T.C.).**

**7. After the Application under sub-section (2) of Section 256 of the Act is admitted and after the receipt of reference under sub-section (1) of Section 256 notice will be served on the parties giving information regarding the preparation of paper-book.**

**8. The paper-book in the case of reference under sub-section (1) of Section 256 shall contain the papers mentioned in Rule 2.**

**9. The paper-book in the case of re-application under sub-section (2) of Section 256 shall contain the papers mentioned in Rule 5 (a) and also the following papers: -**

(i)the application of the assessee of the Commissioner, as the case may be, to the High Court under sub-section (2) of Section 256;(ii)the order of the High Court requiring the Tribunal to state a case; and(iii)the statement of the case of by the Tribunal under sub-section (2) of Section 256.

**10. If either of the parties in the case desires to include, or have included in the paper-book, any document or documents other than those mentioned in Rules 8 and 9 above, he shall make an application to the Court in that behalf within two weeks of service of notice under Rule 7. If the Court decides that such document or documents should be included in the paper-book, the Tribunal shall furnish copy or copies thereof to the Court, on being called upon to do so, and the initial cost of copy of such document or documents shall be in the discretion of the Court.**

**11. If a document or documents required to be included in the paper-book be such that the same cannot be conveniently included, e.g., the Memorandum and the Articles of Association of a Company or a balance-sheet or a profit and loss account, but a sufficient number thereof are available in print, such document or documents need not be printed and included, provided the necessary number can be and are supplied for the use of the Court and the Party and a note to the above effect shall be included in the Index of the paper-book.**

**12. The Registrar shall cause the paper-book to be prepared, as far as practicable according to the Rules in Chapter IX for the preparation of paper-books in appeals from the original decrees and not less than five or ten copies thereof as ordered by the Registrar shall be typed or printed.**

**13. The cost of preparation of paper-book shall be deposited by the party seeking the reference within the time fixed by the Court which will be treated as cost of reference.**

In case of default in making payment of the printing cost as aforesaid the case should be laid before a Bench of two Judges for such orders as it deems fit.

**14. After the paper-books have been printed two copies of the same will be served on each party forthwith and the case will be posted on the Monthly Cause List according to the Rules.**

**15. After delivery of the Judgment a copy thereof shall be sent under the seal of Court and the signature of the Registrar to the Appellate Tribunal, as required by sub-section (1) of Section 260 of the Act.**

[CHAPTER XII-AA] [Substituted by C.S. No. 37, dated 08.04.1981.] Procedure relating to the Applications and References under Section 64 of the Estate Duty Act, 1953 (Act XXXIV of 1953), Section 27 of the Wealth Tax Act, 1957 (Act XXVII of 1957), Section 130 of the Customs Act, 1962, Section 35G of the Central Excise and Salt Act 1944 and Section 82B of the Gold (Control) Act, 1968. The Rules contained in Chapter XII-A shall apply mutatis mutandis to the proceedings under Section 64 of the Estate Duty Act 1953 (Act XXXIV of 1953), Section 27 of the Wealth Tax Act, 1957 (Act XXVII of 1957), Section 130 of the Customs Act, 1962, Section 35G of the Central Excise and Salt Act, 1944 and Section 82B of the Gold (Control) Act, 1968.

## **Chapter XII**

### **AAA Procedure relating to the Applications and References under Section 27 of the Wealth Tax Act, 1957 (Act XXVII of 1957)**

[Deleted by C.S. No. 38 dated 8.4.1981]

## **Chapter XII**

### **B Procedure relating to Applications and References under Section 28 of the Bihar Agricultural Income-Tax Act, 1948 (Bihar Act XXXII of 1948)**

**1. References and applications under Section 28 of the Act shall be posted before such Bench of two Judges as the Chief Justice may specify.**

**2. References and applications under Section 28 of the Act shall be heard by a Bench of two Judges as the Chief Justice may specify and shall be decided in accordance with the opinion of such Judges. In case there is difference of opinion between the Judges composing the Division Bench such Judges**

**shall state the point of law upon which they differ and the case shall then be heard upon that point only by one or more other Judges of the High Court and such point shall be decided according to the opinion of the majority of Judges who have heard the case including those who first heard it.**

**3. Applications under Section 28 (3) of the Act shall be accompanied by the copies of the following papers: -**

(i)the order of assessment under Section 20 or of penalty under Section 21 or 41 or of both, or, the order of assessment under Section 22, as the case may be;(ii)the order of the appellate authority under Section 25, or, the decision of the Board of Referees together with the Commissioner's statement of opinion under Section 26, as the case may be;(iii)the order of the revisional authority, where necessary, under Section 27 enhancing an assessment or otherwise prejudicial to the assessee;(iv)the order of the Board refusing to state a case and make a reference;(v)any other paper or document which the applicant considers necessary for the disposal of the application; and(vi)where the application is filed by an assessee, a certificate in original from the Board to the effect that the assessee has not withdrawn his application for reference before the Board.

**4. Applications under Section 28(4) of the Act shall be accompanied by copies of the following papers: -**

(i)the order of the Board rejecting the application as time- barred;(ii)certificate in original from the Board to the effect that the assessee has not withdrawn his application for reference before the Board; and(iii)any other papers which the applicant considers necessary to prove that his application under sub-section (2) was not time-barred.

**5. Cases under this Section shall be registered as Taxation Cases (T.C.).**

**6. The applications under Sections 28 (3) and 28 (4) shall be posted for admission as soon as service of the notice has been effected on the opposite party.**

**7. After the application under Section 28 (3) and 28 (4) is admitted and on receipt of a reference under Section 28 (3) and 28(4) is admitted and on receipt of a reference under Section 28 (1) and 28 (2) notice will be issued for submission of list for the preparation of paepr-books and the provision of Chapter IX, Rule 45 shall apply as far as practicable.**

**8. In case of reference at the instance of the assessee, the cost of preparation of paper-books will be borne by the assessee and in case of reference at the instance of the Department, by the Department.**

## **Chapter XII**

### **C Procedure relating to Applications and References under Section 33 of the [Bihar Sales Tax Act, 1959] [Now, Bihar Finance Act, 2007.](Bihar Act XIX of 1959)**

**1. References and applications under Section 33 of the Act shall be posted before such Bench of two Judges as the Chief Justice may specify.**

**2. References and applications under Section 33 of the Act, shall be heard by a Bench of two Judges as the Chief Justice may specify and shall be decided in accordance with the opinion of such Judges. In case there is difference of opinion between the Judges composing the Division Bench such Judges shall state the point of law upon which they differ and the case shall then be heard upon that point only by one or more other Judges of the High Court and such point shall be decided according to the opinion of the majority of Judges who have heard the case including those who first heard it.**

**3. Applications under Section 33 (2) (b) of the Act shall be accompanied by the copies of the following papers: -**

(i)the order of assessment or penalty or both under Section 16 or order of penalty or both under sub-section (4) of Section 14 or under Section 24A, as the case may be;(ii)the order of the appellate authority under sub-section (5) of Section 30;(iii)the order of the Board passed in revision under sub-section (3) of Section 31;(iv)the order of the Board passed under sub-section (2) of Section 33 refusing to make a reference;(v)any other paper or document which the applicant considers necessary for the disposal of this application; and(vi)where the application is filed by an assessee, a certificate in original from the Board to the effect that the applicant has not withdrawn his application under Section 33 (1) before the Board.

**4. Cases under this section shall be registered as Taxation Cases (T.C.)**

**5. The applications under Section 32 (2) (b) shall be posted for admission as soon as service of the notice has been effected on the opposite party.**



**6. After the application under Section 33 (2) (b) is admitted and on receipt of reference under Section 33 (3), or on receipt of reference under Section 33 (1) of the Sales Tax Act, notice will be issued for submission of list for the preparation of paper-books and the provisions of Rule 45 in Chapter IX shall apply as far as practicable.**

**7. In case of reference at the instance of the assessee the cost of preparation of paper-books will be borne by the assessee, and in case of reference at the instance of the Department, by the Department.**

Part-III CHAPTER XIII Fees and Costs(A) Process Fees

**1. The Rules of this Chapter, framed by the High Court under clause (i) of Section 20 of the Court-fees Act (VII of 1870), regulate the fees chargeable for serving and executing processes by the High Court.**

**2. The fees in the following table shall be charged for serving and executing the several processes against which they are respectively ranged when issued by the High Court in its Appellate Jurisdiction: -**

	Rs. P.
Article 1.- In every case in which personal or substituted service of any process on parties to the cause is required, where not more than four persons are to be served with the same document, one fee	...
	4.50
When such persons are more than four in number, then the fee above mentioned, and an additional fee of seventy-five paise for every person in excess of four:	...
	0.75
Provided that in the last-mentioned case where such persons reside in the same or immediately adjacent villages, the additional fee may be such sum, not exceeding the amount of the fee prescribed, as the High Court may, in the particular case, determine:	
Provided also that in analogous cases, where the appellant is the same but the respondents are different, but residing in the same or immediately adjacent villages, the same Rule shall apply.	
Article 2.- In every case in which personal or substituted service of any process on the persons who are not parties is required, when the number of such persons is not more than four, one fee.	...
	4.50
When there are more than four such persons, then the fee above mentioned for the first four, and additional fee of seventy-five paise for every one in excess of that number	...
	0.75
Article 3.- For the execution of a warrant for arrest of the person	...
	4.50
Article 4.- For service or execution of any process issued by the Court, not specified in any preceding article of this part	...
	4.50

**3. Notwithstanding anything in the preceding Rule, no fee shall be chargeable for serving or executing -**

(i) any processes which may be issued by the Court of its own motion solely for the purpose of taking cognizance of and punishing any act done or word spoken in contempt of its authority; (ii) any processes issued a second time in consequence of an adjournment made otherwise than at the instance of a party; (iii) any copy of a summons, notice, proclamation or other process fixed up in a Court-house or in office of a Collector; (iv) any order directing an officer in charge of a jail to detain or release a person committed to his custody.

**4. The fees hereinbefore provided shall be payable in advance at the time when the petition for service or execution is presented and shall be paid by means of Court-fee stamps affixed to the petition in addition to the stamps necessary for its own validity.**

**5. Throughout the district of Purnea and the Madhepura Munsifi of the district of Saharsa and for the period of the year during which travelling except by boat is, in the opinion of the District Judge, impracticable, the fee chargeable for the service of processes shall be increased by 25 per cent, in order to provide for payment of the boat hire or ferry toll rendered necessary by the state of the country. The additional fees may, however, be reduced to 12 1/2 percent over the fees ordinarily leviable at the discretion of the District Judge in any part of the district where, or at any season of the year when, the levy of the larger amount is found to be unnecessary.**

**6. In such districts or parts of districts as are not for the time being subject to Rule 5, when, in order to serve any process, the peon has to cross a ferry, the amount, if any, legally payable as toll, shall be paid by the Court executing such process from its permanent advance.**

**7. In cases in which the process is to be served in the jurisdiction of another Court, the proper fee chargeable under Rules 1 and 2 read with Rule 5 shall be levied in the manner above directed, on the application for the transmission of the process to that Court, and a note shall be made on the process stating that this has been done. A court which received from another Court, whether in the same province or not, a process bearing a certificate that the proper fee has been levied, shall cause it to be served without further charge.**

**8. Fees for processes to be issued by a Court to which a commission is addressed shall be payable at the rates chargeable for serving and executing processes issued by such Court.**

**9. Except as hereinafter provided no fee paid in respect of a commission shall be refunded, if the order in respect of which the fee has been paid has been passed.**

**10. When in consequence of a compromise or for some other reason it becomes unnecessary to serve or execute the summons, notice, warrant, proclamation, injunction or order, for which a fee has been paid half the fee shall be refund if the process has not been issued.**

**11. The fees and charges paid in pursuance of these Rules shall, unless otherwise provided by these Rules, or, unless a Judge or Judges otherwise order, be deemed and treated as part of the costs of the party who has paid them:**

Provided that no fees or charges which have been refunded, or in respect of which a party might, on application, have obtained an order for a refund, shall be deemed to be costs within the meaning of this Rule.

**12. The fee chargeable for serving or executing any process issued by the Court, in the exercise of its Matrimonial, Testamentary and Intestate and Extraordinary Original Civil Jurisdiction shall be double the fee which could be charged in a District Court, under the Rules for the time being in force, for the service or execution of such process.**

(B)Other Fees

**13. The following fees shall be charged on every application made in respect of the following matters and such fees shall be paid by means of Court-fee stamps affixed to such application: -**

(1) For every search in the offices, record-rooms, books, or registers of the Court

Rs. P.

...[2.00] [Substituted by C.S. No. 104, dated 23.05.1996.]

(2) On each application for a copy of any document or record in the High

...0.30

Court, whether the copy applied for is of a single document or more documents than one:

Provided that this does not authorize an applicant to ask in a single application for copies of more than one paper, if required in more than one case. There must be a separate application, and therefore a separate stamp, for each case.

(3) For verifying any petition by solemn affirmation or on Oath, or for swearing or affirming every affidavit, intended to be used in the High Court. ...3.20

Note 1: The Advocate-General, the Superintendent and Remembrancer of Legal Affairs for the State of Bihar and the Law Reporter to Government are exempted from payment of the catching fees referred to above.

Note 2: Where the fee for swearing or affirming an affidavit has been levied no fees shall be levied for filing the same, provided that this exemption shall not apply to the fee payable in original suits for filing documents, annexed to affidavits.

Note 3: Fees for taking affidavits or affirmations. - Fees to be allowed to the Commissioner for Oaths and Affidavits deputed by the Registrar or the Court for taking affidavit or affirmation at the house of a party or any other place other than the Court House, shall be as follows: -

For the first affidavit, oath or affirmation within a distance of 5 miles from the Court House. ... 16.00

For the first affidavit, oath or affirmation beyond a distance of 5 miles from the Court House. ... 24.00

For every affidavit, oath or affirmation taken at the same time and place after the first, in the same suit, appeal or matter. ... 8.00

In no case shall the Commissioner for Oath and Affidavits, be allowed, for taking any number of affidavits, oaths and affirmations at the same time and place, more than Rupees fifty, where place is within a distance of 5 miles from the Court House; or more than Rupees sixty, where such place is beyond the said limit.

(4) For inspection of lower court records received in connection with appeals and cases and disposed of High Court records -

(i) If the application is by a party to the suit ...1.00

(ii) If the application is not by a party to the suit ...5.00

(iii) If the application is for immediate inspection by a party to the suit ...5.00

(4) [ (a): For inspection of pending High Court records.] [Inserted by C.S. No. 104, dated 23.05.1996.]

Rs. P.

(i) If the application is for ordinary inspection 2.00

(ii) If the application is for urgent inspection 5.00

Note.- No fee shall be charge for inspection of criminal records.

- (5) For information
- (i) If the suit is pending ...0.50
- (ii) If the case has been disposed of ...1.00
- (C)Costs

**14. The Following scale of costs shall ordinarily be allowed to the successful party in appeals to the High Court: -**

(1) Appeals from Criminal Decrees

Amount or value of the claim	Cost
Not exceeding Rs. 1,000	Drawing grounds of appeal Hearing fee ..... Rs. 105 percent on the valuation
Exceeding Rs. 1,000 and not exceeding Rs. 2,000	Drawing grounds of Appeal Hearing fee ..... Rs. 205 percent on the valuation.
Exceeding Rs. 2,000 and not exceeding Rs. 3,000	Drawing grounds of Appeal Hearing fee ..... 305 percent on the valuation.
Exceeding Rs. 3,000 and not exceeding Rs. 5,000	Drawing grounds of Appeal Hearing fee ..... 405 percent on the valuation.
Exceeding Rs. 5,000 and not exceeding Rs. 10,000	Drawing grounds of Appeal Hearing fee ..... 50300
Exceeding Rs. 10,000 and not exceeding Rs. 20,000	Drawing grounds of Appeal Hearing fee ..... 50500
Exceeding Rs. 20,000 and not exceeding Rs. 50,000	Drawing grounds of Appeal Hearing fee ..... 100750
Exceeding Rs. 50,000...	Drawing grounds of Appeal Hearing fee ..... 1001,000 Plus 1/2 percent on the excess over Rs. 50000 subject to a maximum of Rs. 5000

(2) Second Appeals

Not exceeding Rs. 200...	Drawing grounds of Appeal Hearing fee ..... 416
Exceeding Rs. 200 and not exceeding Rs. 1,000.	Drawing grounds of Appeal Hearing fee ..... 832

Exceeding Rs. 1,000 and not exceeding Rs. 5,000	Drawing grounds of AppealHearing fee	.....	1248
[Exceeding Rs. 5,000 and below Rs. 10,000] [Added by C.S. No.6 dated 10.4.1975.]	Drawing grounds of AppealHearing fee	.....	1664
(3) Appeals from Orders			
Not exceeding Rs. 5,000	...	...	same as second appeals.
Exceeding Rs.5,000...	Drawing grounds of AppealHearing fee	.....	1664

(4)RevisionThe same as in second appeals(5)Reviews(Where notice is given and opposite party appears)(i)In First Appeals, the costs to be fixed by the Court.(ii)In Second and Miscellaneous Appeals the same costs as were allowed upon the hearing.(6)Appeals under clause 10 of the Letters PatentThe same costs as were allowed at the previous hearing.(7)Applications(Where notice is given and opposite party appears)To be fixed by the Judge or Judges who hear the application.(8)Matrimonial (Including Divorce) SuitsIn Matrimonial suits the fees allowable on taxation between party and party in respect of the employment of Advocate of the High Court, shall not exceed the following sums, unless the Judge hearing the suit, shall for special reasons arising out of the difficulty or duration of the suit (such reasons to be mentioned in his certificate) certify an additional sum on application made to him on or before the delivery of Judgment.

	Rs.
In an undefended suit	...200
In a defended suit up to the end of the firstday of the hearing	...200
For each succeeding day or part of a day, suchpart being not less than one hour	...100
This Rule also applies, mutatis mutandis, to appeals in the High Court from the decree of a single Judge in such suits.	

**14A. In all decrees and orders a sum calculated at the rate of 5 per centum of the adovate's fee taxed, and subject to a minimum of Re. 1 shall be taxed as costs on account of the fee of the Advocate's clerk or clerks.**

(D)General Rules

**15. When there are several parties to an appeal, review or application, only one set of costs shall generally be awarded unless the Court, upon the application of the parties, shall otherwise order.**

**16. Unless a cross-appeal is filed the hearing fee alone will be allowed to the respondent.**

**17. In cases, where on appeal to the High Court from an Appellate Decree, an order of remand is passed, the Court-fees paid on the memorandum of appeal shall ordinarily be treated as costs in the appeal. But where an order or remand is made under Order XLI, Rule 23, of the Code of Civil Procedure, on the ground that the Court of First Instance disposed of the suit upon a preliminary point so as to exclude any evidence of fact which appears to the High Court essential to the determination of the rights of the parties and that such defect was not amended on First Appeal, or on the ground that the Lower Appellate Court has disposed of the suit or appeal on a preliminary point without investigating the suit on its merits, and such decision is reversed, the Registrar shall grant an order of refund of the Court-fees so paid under Section 13 of the Court-fees Act to the appellant on his application, provided that such application is made within 3 months of the date of the order of remand. If such application is made after this period, the applicant shall be instructed to apply to the Court for orders.**

**18. In cases not provided for by these Rules and in cases in which the subject-matter of the claim does not admit of a valuation, the Court shall fix a reasonable fee, regard being had to the time occupied in the preparation and hearing of the case and the nature of the questions raised.**

**19. Notwithstanding the provisions of these Rules, if having regard to the circumstances of the case, the Court considers the fees allowable inadequate, or excessive, it may upon delivery of judgment fix a higher or a lower fee than that hereinbefore prescribed, or order that no fee be entered in the table of costs of a party.**

**20. The words "amount of value of the claim" in these Rules mean the value stated in the memorandum of appeal or application.**

Note. - Fractions of a rupees shall be omitted from the value of the claim in calculating the scale of fees.

**21. No sum in respect of fees shall be allowed or entered in the table of costs of a party in whose plaint, memorandum of appeal, petition or application, the amount or value of the claim has been falsely or fraudulently stated.**

**22. In any such case the Court may allow such sum as may in its opinion be reasonable to be entered in the table of costs of the opponent of the party in whose plaint, memorandum of appeal, petition or application, the amount or value of the claim has been fraudulently or falsely stated.**

**23. In no case in which the relief is capable of valuation and the value of the claim has not, before the case comes on for hearing, been stated in the plaint, memorandum of appeal, petition or application, shall, any sum in respect of fees to the pleader of the party, by or on whose behalf such plaint, memorandum of appeal, petition or application, was presented, be entered in such party's table of costs, but in such case the Judge or Judges, before whom such case is or was, may at any time before the taxation of the costs, fix and allow such sum as may, in his or their opinion, be reasonable as the sum to be entered in the table of costs of such party's opponent, in respect of the fees for his pleader.**

**24. In an urgent application on behalf of a party made during a vacation by a pleader not then already retained in the case the fee shall be Rs. 34.**

**25. If several defendants or respondents who have separate interests set up separate and distinct defences and succeeds thereon, a fee for one pleader for each of the defendants or respondents who appear by a separate pleader may be allowed in respect of his separate interest. Such fee, if allowed, shall be calculated with reference to the value of the separate interest of such defendants or respondents.**

**26. For each fee allowed under the last preceding Rule, the value of the stamp on one Vakalatnama only shall be awarded as costs.**

Note. - Rules 14 to 26 of this Chapter have been made applicable to advocates by Rule 1 of the Rules made under Section 16 of the Indian Bar Council Act, 1926 (XXXVIII of 1926), published under Notification No. 65, dated the 9th December, 1930, in Part III, page 379 of the Bihar and Orissa Gazette dated the 17th December, 1930. Part-IV Miscellaneous



## Chapter XIV

### Information and Copies

- 1. The provisions of Chapter III shall apply as far as possible to application made under this Chapter.**
- 2. One searching fee shall be charged for any number of copies taken from the same record and included in the same application, and no searching fee shall be charged in respect of copies of papers from records of pending cases [or of judgments provided in accordance with Rule 2-A of this Chapter] [Added by C.S. No. 41, dated 07.10.1982.],**

[All applications for the certified copies shall be entertained by the copying Section of the High Court and by none else.] [Added by C.S. No. 42, dated 7.10.1982 and substituted by C.S. No. 121 dated 09.08.1999.][2-B. Certified copies may also be prepared by means of photostat copiers owned by private entrepreneurs working under the supervision of the High Court. The charge per page payable to such private entrepreneurs for preparation of photostat copies of documents, in addition to the usual stamp required for certified copies will be at the rate of 50 paise per page and will be realised in cash alongwith the usual stamps and will be paid to the private entrepreneurs. The aforesaid rate will be varied, as and when so required, by the Standing Committee.] [Added by C.S. No. 80, dated 31.05.1986.]

- 3. No fees will be required or paid for searching for or copying, papers required by public officers for public purposes.**
- 4. Pleaders, before making an examination of any record, shall pay the fee prescribed by Chapter XIII, Rule 13 (4), but no searching fee should be charged to pleaders for examining the records of pending cases.**

#### **5. Copies shall be prepared at the following rates: -**

**(a) English-**

	Paise
Not exceeding 150 words	... .. 35
Exceeding 150 words and not exceeding 300 words	... 70
For every additional 150 words or less	... .. 35

**(b) Vernacular-**

Not exceeding 250 words	... .. 35
Exceeding 250 and not exceeding 500 words	... .. 70

For every additional 250 words or less ... 35

**6. This charge shall be levied as follows: -**

(a) Vernacular-

Not exceeding 250 words	... By means of an impressed stamped paper of 35paise.
Exceeding 250 but not exceeding 500 words	... By means of two impressed stamped paper of 35paise.
For every additional 250 words or less.	... By means of an impressed stamped paper of 35paise.

(b) Typed copies-

Not exceeding 150 words	... By means of an impressed stamped paper of 35paise
Exceeding 150 and not exceeding 300 words.	... By means of an impressed stamped paper of 35paise with an adhesive stamp of 35 paise with an adhesive stamp of 35 paise affixed thereto.
Exceeding 300 and not exceeding 450 words.	... By means of an impressed stamped paper of 35paise with an adhesive stamp of 70 paise, affixed thereto.
Exceeding 450 words.	... By means of an additional impressed stamped paper or papers of 35 paise with stamp of 35 paise or 70 paise, as the case may be, affixed thereto if necessary according to the number of words to be typed.

**7. A folio shall consist of 150 words English or 250 words vernacular, 4 figures counting as one word.**

**8. In case of copies filed, exhibited or recorded in any court, the court-fee chargeable under the Court-fees Act should be levied by affixing the necessary stamp to the first folio of the copy.**

**9. [Omitted.]**

**10. When an applicant requires copies to be furnished on the day of the application, and extra fee of one rupee (or if the copies exceed four folios, of twenty-five paise for each filio) shall be charged on all copies so furnished, to be levied from him by court-fee stamp which should be affixed to the application for the copy and, entered in the register for court-fee stamps.**

**11. Seventeen and a half paise of the charge levied of thirty-five paise per folio shall be credited to Government on account of the salary of examiners, cost of paper, etc. and the remaining seventeen and a half paise will represent the earnings of the typists or copyists whose accounts shall be made up monthly and the amount due paid to them. Fractions of paise, if any, in the total of monthly earnings shall be ignored.**

Note. - The copyist or typist is paid by the folio; he will, therefore, be paid according to the number of folios copied, whether such copies are subsequently taken out or not.

**12. In the case of maps and plans a charge shall be fixed by the Registrar with reference to the difficulty or intricacy of the work to be done. Half of the amount will be paid to copyists and half will be credited to Government on account of examination fees and cost of materials.**

**13. A plaintiff or a defendant who has appeared to the suit is entitled at any stage of the suit to obtain copies of the record of the suit including exhibits which have been put in and finally accepted by the Court as evidence.**

**14. A stranger to the suit may, after decree, obtain, as of course, copies of the plaint, written statements, affidavits and petitions filed in the suit; and may for sufficient reason, shown to the satisfaction of the Registrar, obtain a copy of any such documents before decree.**

**15. A stranger to the suit may also obtain, as of course, a copy of any judgment, decree or order at any time after it has been passed or made.**

**16. A stranger to the suit has no right to obtain copies of private documents except with the consent of the person by whom they were produced, or his successor in interest. He may obtain copies of other documents in which he has an interest including depositions for bona fide use in the Courts and case maps, at any time after they have been proved or completed.**

**16A. Every application for copy shall state whether or not the person applying is a party to the case from the record of which copy is wanted. If such person is not a party or his Advocate's Clerk the application shall state the object for which a copy is required.**

**17. Copies of judgments convicting Government officers of criminal offences as well as copies of judgments of acquittal and orders of discharge will be supplied free of charge on the application of the head of the department concerned.**

**18. All applications for information or for copies other than those on which expedition fees are paid shall be made to the Deputy Registrar between the hours of 10.30 A.M. and 11.30 A.M.**

**19. Applications for information or copies shall be made in the prescribed Form which will be supplied at the price of two paise per sheet or 50 sheets per rupee.**

**20. When information applied for cannot be given at once, the Section Officer of the Copying Department shall inform the applicant when he may expect to obtain and shall note on the back of the counter-foil of the application "Told to attend for information on the ...". The counter-foil shall then be returned to the applicant and it shall be his duty to attend at the time named.**

**21. The applicant shall present his application with the duplicate spaces reserved for the date, his Name and residence and the particulars of the information required, filled up. The officer receiving such application shall enter in duplicate in the first column the consecutive number, and in the fifth column his signature. If he can furnish the information at once, he shall note the same on the upper portion of the form in the column for remarks, and make that part over to the applicant taking the latter's receipt in the column for remarks in the lower portion, which will be retained and recorded in the office. If he cannot furnish the information at once he will enter in duplicate, in the fourth column of the form, the date by which the information can be furnished. The upper and lower portions of the form, with columns, 1,2,3,4 and 5 thus filled up, will then be separated. The lower part will be made over to the applicant with a direction to return with it at the time fixed. The upper portion will be passed on to the clerk, to whose department it pertains, who will enter in the column for remarks the necessary information, and return it to the receiving officer before the time prescribed. On the applicant's re-appearance, this upper portion, bearing the information, will be made over to him, and the lower portion, bearing his dated receipt in the column for**

remarks, will be taken from him and recorded in the office.

**22. Every application for a copy shall be numbered consecutively and shall be entered in the prescribed register. All such applications shall then be sent to the Section Officer of the Copying Department, who shall, at once, if possible or during the same day and not later than the following day, ascertain the number of folios required for preparation of the copy and shall inform the applicant thereof.**

**23. [Omitted.]**

**24. The number of folios required, shall then be entered on the form and the applicant on his appearing shall be required to put his signature thereto as an acknowledgement of his having received the information.**

**25. The applicant shall further be informed that his application will not be considered complete and that the preparation of the copy will not be commenced until he has supplied in full, the number of folios stated to be required.**

**26. The date on which the folios are filed, shall be entered by the Section Officer of the Copying Department in the place provided in the form for the purpose. The applicant shall, at the same time, present the counter-foil of his application, which has been returned to him, and a memorandum shall be made thereon stating the date and hour when the copy will be ready. A corresponding not shall be made by the Section Officer on the body or main portion of the form, which together with the original document of which a copy is applied for shall then be made over by the Section Officer to one of the copyists for the preparation of the copy. The applicant shall retain the counter-foil and it shall be his duty to attend on the date fixed for the purpose of receiving the copy.**

**26A. On the day on which the folios are filed, a requisition for the document, of which a copy is required shall be forwarded by the Section Officer of the Copying Department to the proper officer and such document shall be made over by such officer to the Copying Department not later than the day following.**

**27. When the copy is delivered to the applicant his signature and the date should be taken on the reverse of the application.**

**28. Under ordinary circumstances a copy shall be furnished not later than 1 P.M. on the fifth day after the necessary court-fee stamps and folios have been put in.**

**29. Unused folios, if any, shall not be retained in the office, but shall be attached to the copy, for the preparation of which they were filed and returned to the applicant together with the copy, a receipt for both being taken. Should the applicant, in any case, fail to appear to claim either the copy or the unused folios, before the last day of the month succeeding that on which the copy was ready for delivery, they shall be destroyed.**

**30. In any case in which a copy is refused or cannot be granted the folios supplied by the applicant shall be returned to him when he is so informed.**

**31. Each copy shall bear the seal of the Court and shall be certified to be true copy and be signed by the Deputy Registrar and, in his absence, by the Assistant Registrar and, in the absence of both, by the Commissioner for Oaths and Affidavits.**

In every case the Certifying Officer shall append to his signature the words "authorised under Section 76 of Act I of 1872".

**32. When a copy of a decree, judgment or order is granted the following particulars shall be recorded on the last sheet of the copy itself, and in the form given below, for the information of the Appellate Court (Section 12, Act IX of 1908, the Indian Limitation Act).**

Date of application for the copy      Date of notifying the requisite number of folios and stamps.....  
Date of delivery of the requisite folios and stamps.....  
Date on which the copy was ready for delivery....  
Date of making over the copy to the applicant....

**32A. On the back of the last sheet of the copy shall be recorded the cost paid by the parties applying for copies in the form given below: -**

Rs.      Paise

Application for copy      ...      ...      ...

Searching fee	...	...	...
Extra fee for urgency	...	...	...
Folios	...	...	...
Other items, if any	...	...	...
Total	...	...	...

**33. In addition to the Rules of this Chapter, the remaining Rules of Part IV, Chapters I and II of the Civil Court Rules, Volume I, shall apply as far as may be to applications for copies and information in the High Court.**

## **Chapter XV**

### **Deposit and Repayment of Money**

**1. When money is required to be paid or deposited in the office of the Court it shall be accompanied by triplicate Challans which shall be delivered to the Accountant of the Court. If the Challans are in order the Accountant shall sign and return the three Challans to the person making the payment or deposit for presentation with the money to the Cashier of the Court. The Cashier shall there upon receive the money, enter the receipt in the registers of receipts, sign each challan and send the Challans to the Accountant. The Accountant shall then enter the amount in his register of receipts, issue one copy of the Challan to the person making the payment or deposit as a receipt for the money, send the second copy to the office to be filed with the record concerned, and keep the third copy serially in a guard file. When the amount exceeds Rs. 500 the copy of the Challan intended as a receipt for the money shall be signed by the Deputy Registrar before it is issued. The Cashier shall remit the money he has received to the Treasury with the Treasury Pass Book, after verification by the Deputy Registrar or, in his absence, by the Assistant Registrar, on the next day on which the Treasury is open following the day of payment.**

**2. No money paid into court by way of deposit or otherwise shall be paid out of Court except under an order of a Judge or of the Registrar, or in the absence of the Registrar, or the Deputy Registrar, made upon an application for the payment of money.**

**3. Every application for the payment of money out of Court shall be in writing and signed by the party claiming in his own right or in his capacity as personal legal representative or as guardian to be entitled to the money or by his recognized agent for the purpose:**

Provided that where the application is for payment of a sum not exceeding Rs. 50 the application may be signed by an Advocate duly authorised in that behalf.

**4.**

(1)The application shall state.....(a)the name, description and address of the applicant claiming to be entitled to the money;(b)the capacity in which such applicant claims to be entitled to the money;(c)the cause, appeal, matter or proceeding in which, or the date of the order under which, the money to which the application relates was paid into the Court and the date and number of the deposit; and(d)the precise amount for the payment of which an order is applied for.(2)When the applicant desires that the money shall be paid out of Court on his behalf to any other person, the application shall state in clear language that the applicant desires that the money may be paid out on his behalf to such other person and shall state the name, description and address of such other person.

**5. The application shall be presented in person by the applicant claiming to be entitled to receive such money, or by an Advocate acting on behalf of the applicant and in the latter case, except in the case of an application made under the proviso to Rule 3, the application shall be signed by the Advocate immediately below the signature of the application in authentication of the signature of the applicant:**

Provided that when the sum to be refunded does not exceed Rs. 100, the applicant may -(a)add to the application a request that the amount due less postal commission may be forwarded to his address by postal money order;(b)obtain on the application the counter signature of a Judge, Munsif or Magistrate as to his identity; and(c)forward his application countersigned as aforesaid to the Registrar and, if the identity seems to be sufficiently established, the amount, less postal commission may, under order of a Judge or of the Registrar, or in the absence of Registrar, of the Deputy Registrar, be sent to him by money order.

**6. The Judge, or the Registrar, or in the absence of the Registrar, the Deputy Registrar, may pass an order on the application allowing or refusing payment of the amount, or may before passing an order issue notice to show cause to any person or persons:**



Provided that no order for payment shall be passed unless the application has been examined by the Accountant and bears his certificate in writing that there is no order in force stopping the payment of such money or any part thereof and stating the precise amount for the payment of which out of Court an order may be made.

**7. When an order for payment is passed a payment order shall be prepared by the Accountant and signed by the Deputy Registrar and when it is ready the fact shall be notified in a register to be kept for public inspection outside the Accountant's office. The applicant or his Advocate may then take delivery of the payment order from the Accountant after putting his signature on the counter-foil as a receipt.**

Pay orders shall remain in force for two weeks from the date they are made over to the applicant or his agent, and no payment after that period shall be made until the order is renewed. The date of delivery of the pay order shall be noted on it.

**8. The Cashier is authorised to make payment in case of a sum not exceeding Rs. 200. before making payment the Cashier shall satisfy himself as to the identity of the payee and if the payee is not personally known to him he shall note in the register of pay orders the name, description and address of the person by whom the payee has been identified to his satisfaction. Before making payment the Cashier shall take from the payee a receipt for the money, duly stamped when a stamp is necessary. The Cashier shall enter all such payments in the register of pay orders.**

**9. When any money has remained in Court for more than twelve calendar months after the time when an application for the payment thereof might have been made, the accountant shall report the fact to the Registrar, who shall issue such notice as may be necessary that the money is ready to be paid out of Court. The expense, if any, of issuing such notice shall be charged to and defrayed out of the fund in Court.**

**10. The Cashier shall keep a supply of saleable forms of which he shall maintain an account. Payments for forms issued by him will be made in cash. The stock shall be verified every six months by the Deputy Registrar. The following are the saleable forms: -**

- 1. Application for copy;**
- 2. Application for information;**
- 3. Challan for deposit of money;**
- 4. Application for refund of deposit;**
- 5. List of papers for the paper-book; and**
- 6. Application for noting appearance and supply of paper-books.**

Note. - For Forms under this Rule - See Appendix B.

#### **11. The account registers to be kept are as follows: -**

(1)By the Accountant -(i)Register of deposits received (Schedule VII-1);(ii)Register of receipts (Schedule VII-6);(iii)Register of payment orders issued (Schedule VII-4);(iv)Register of repayments of deposits (Schedule XXV-153);(v)Ledger of security deposits (Schedule VII-10); and(2)By the Cashier -(i)General cash book (Schedule VII-5);(ii)Pass Book (Schedule VII-7);(iii)Register of saleable forms (Schedule VII-9);(iv)Register of payments made in Court;(v)Register of money orders received (Schedule VII-8).Note. - For Forms under this Rule - See Appendix C.

#### **12. All the registers of the Cashier and of the Accountant shall be examined daily by the Deputy Registrar. The daily examination shall consist in comparing -**

(1)the guard file of Challans, the registers of deposits and receipts, the register of payment orders issued and the register of payments made in Court with the Cashier's general cash book;(2)the Treasury pass book with the above; and(3)the balance shown in the pre-emptory cash book with those in the general cash book.

## **Chapter XVI**

### **Inspection of Records and Registers**

#### **1. No record of any case shall be removed from the Court building except under an order in writing of a Judge or the Registrar:**

Provided that if any Judge requires a record at his private residence he may take charge of it.

**2. No record or paper of any department shall be inspected by any person other than a Judge or an officer of the Court except upon and order in writing of a Judge, the Registrar, Deputy Registrar or the Assistant Registrar.**

**3. Any party to a suit, appeal or other proceeding in the Court and the pleader or agent of any such party may apply for an order for the inspection by himself or in the case of a pleader, by his articulated or recognized clerk, of the record of any papers in such suit, appeal or other proceeding.**

**4. Every such application shall be in writing, in the prescribed forms and shall specify the record or paper of which inspection is desired and the name of the person by whom the inspection will be made, and shall state whether the application is for ordinary or immediate inspection, and be accompanied by the prescribed fee.**

Forms of applications for ordinary and immediate inspection will be supplied free of charge.

**5. Any other person may apply for an order for the inspection of a record or paper in any suit, appeal or other proceeding in the office. Every such application shall be in writing and shall specify the record or paper which it is desired to inspect and shall clearly state the reason why the inspection of such record or paper is desired and shall be accompanied by the prescribed fee.**

**6. Every application for inspection shall be made between the hours of 10.30 A.M. and noon on a Court working day.**

**7. Any person named in an order for inspection may make such inspection between 11 A. M. and 3 P.M. on any day or days for which permission is given in such order.**

**8. No such inspection shall be made except in the inspection room of the department concerned and in the presence of the Inspection Clerk of such department.**

**9. Inspection Clerks shall keep Inspection Registers in the prescribed Form and shall initial each entry made therein.**

**10. Every order by which inspection is allowed shall state the name of the person who may make such inspection.**

**11. Every order for the inspection of a record or paper if presented to the Record-keeper or to the Inspection Clerk of the department concerned but not otherwise, will entitle the person named in such order to inspect the record or paper specified in the order between the hours of 11 A.M. and 3 P.M. on any day within ten days from the date of the order:**

Provided that in case of an order for immediate inspection, the person named in the order shall before 1.30 P.M. of the day on which he desires to inspect give notice in writing on the order to the Record-keeper or the Inspection Clerk of the department concerned: Provided also that in the case of an order for ordinary inspection the person named in the order shall give to the Record-keeper or to the Inspection Clerk of the department concerned 24 hours' notice in writing on the order, of the day on which he desires to inspect such record or paper.

**12. Immediately upon receipt of notice given under the last-preceding Rule the Inspection Clerk shall send a requisition to the Section Officer of the department in which the record or paper mentioned in the application is and such Section Officer shall make over such record or paper to the Inspection Clerk by 10.30 A.M. on the date noted in the requisition if the order be for ordinary inspection or at once if the order be for immediate inspection.**

**13. No person inspecting a record or paper shall bring into the inspection room any pen or ink or make any mark on or in any respect mutilate any record or paper which being inspected.**

**14. No person other than officials of the department and the person named in an order for inspection shall be allowed into the inspection room.**

**15. No one other than a Judge, the Registrar, Deputy Registrar or Assistant Registrar shall be allowed to inspect any register of the Court or the office except on an order in writing of the Registrar and in the presence of the officer whose duty it is to keep such register:**

Provided that no one other than a Judge or the Registrar shall be allowed to inspect any confidential register of the Court.

**16. The Inspection Clerk shall every day return all records sent to him to the department from which he received them.**

**17. If any such record is required on any subsequent day the Inspection Clerk shall make a note to this effect and the Section Officer of the department concerned shall make it over again to the Inspection Clerk by 10.30 A.M. on such day.**

## **Chapter XVIA**

### **Facilities to be given to Press Reporters**

**1. Duly accredited and approved representatives of approved newspapers will be allowed seats in Court near the Bench, if they so desire, for the purpose of reporting proceedings.**

**2. They can obtain copies only of such court documents as can be obtained by strangers and then only on regular applications under the Rules and on payment of the prescribed fees.**

**3. Such press representatives will be given the following special facilities for inspection of judgments only (not of records): -**

(a) They may inspect judgments in the Inspection Room upon regular application for inspection in accordance with the Rules of Chapter XVI and on payment of the prescribed fees. Such applications will, however, invariably be dealt with by the office as immediate, though the ordinary application in accordance with Rule 13, Chapter XIII will alone be charged. Such applications, moreover, will not be confined to the hours between 10.30 A.M. and noon but may be made between 10.30 A.M. and 3 P.M. on any Court working day. Moreover, the person named in an order for inspection may in such cases make the inspection at any time between 10.30 A.M. and 4 P.M. The office will make special endeavours to see that applications for inspection of judgments are dealt with forthwith. (b) They will be allowed to inspect judgments in open Court just after delivery with the permission of the Judge and while he is on the Bench.

**4. No press representative will in any circumstances be allowed private access to ministerial officers of the Court; nor will he be allowed inspection of any judgment until it has been revised and signed in the ordinary course, except by special permission of the Judge who delivered it, and upon such conditions with regard to verification of the notes taken as he may think fit to enjoin.**

**5. The Court reserve the right to withdraw the special facilities from the representative of any Newspaper or Law Journal in which inaccurate or misleading reports are found to appear.**

## **Chapter XVIB**

### **Facilities to be given to approved Law Journals**

The issue of copies to representatives of Approved Law Journals shall be governed by the following provisions, namely: -(a)An approved list of law journals entitled to receive copies of judgments not marked N.A.F.R. (Not Approved For Reporting) under this Rule shall be maintained under the orders of the Chief Justice.(b)No law journal shall be entered in the list unless it has given an undertaking that it will apply for a copy of every judgment delivered by the Court which is not marked N.A.F.R.:Provided that a Law Journal publishing cases only of a particular branch or branches of Law (such as Journals Publishing Income-tax cases, Sales Tax cases and Journals publishing Bihar Panchayat Raj Act cases, (etc.) may also be entered in the approved list, if it gives an undertaking that it will apply for a copy of every judgment delivered by the Court, which is not marked N.A.F.R. in cases relating to the branch or branches of Law which are published in the journal.(c)No law journal on the approved list shall be entitled to receive more than one copy of such judgment under this Rule.(d)As soon as a judgment not marked N.A.F.R. has been received in the Disposal Section or the Criminal Department, as the case may be, an Assistant there shall enter it in a register to be called 'Register of Judgments not marked N.A.F.R., the entries being made in chronological order, and shall send such judgment immediately to the Section Officer of the Copying Department for the preparation of as many copies as there are law journals on the approved list.(e)Two registers in the prescribed form to be called 'Register of Copies of Judgments not marked N.A.F.R.' and 'Register of Applications for Copies of Judgments not marked N.A.F.R. respectively shall be maintained by the Section Officer of the Copying Department with respect to such copies.(f)Copies prepared under this Rule shall contain the following additional information, namely: -(i)the names of advocates appearing in the case on both sides;(ii)the names of Judges delivering the judgment of the Court; and(iii)full designation of the lower court along with the date of its judgment or order.Such additional information shall be sent to the Section Officer of the Copying Department by the Disposal Section or the Criminal Department, as the case may be, along with the judgment.(g)Copies prepared under this Rule shall be given priority over all ordinary copies and shall be prepared as quickly as possible.(h)As soon as copies are ready they shall be delivered to the representatives of the journals on the approved list on their submitting a duly stamped application and on payment of Rs. 2 (in court-fee stamps affixed on the application) per copy of every such judgment or order.(i)If the representative of any law journal on the approved list does not apply for copy of any judgment not marked N.A.F.R. within three weeks from the date on which it is so marked the name of such journal may be removed from the approved list.(j)The 'Register of Copies of Judgments not marked N.A.F.R.' shall be open to inspection by the representative of any law journal on the approved list.(k)The payment to the typists shall be made out of the Court's Contingent grants.I. Register of Judgments not marked N.A.F.R.

Remarks.

SI. No.	Description of the case.	Date of receipt of judgment in Disposal Section, Criminal Department	Number of page in the judgment.	Date of sending judgment to the Section Officer, Copying Department.	Signature of Section Officer. CD. with date of receipt of Judgment.	Date receipt of Judge-ment from C.D.
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1 2 3 4 5 6 7 8

## II. Register of Copies of Judgments not marked N.A.F.R.

SI. No.	Description of case.	Date of receipt of Judgment in C. D. from Disposal Section, Criminal Department	Date and time when judgment received by typist.	Signature of typist.	No. of words	Date and time when handed over to Section Officer. CD.	Signature of Section Officer. CD.	Remarks.
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1 2 3 4 5 6 7 8 9

## III. Register of Application for Copies of Judgments not marked N.A.F.R.

SI. No.	Date application and value of stamp, if any	Name of applicant, Law Journal.	Description of case.	Signature of Section Officer, C.D	Date when copy delivered to applicant.	Signature of recipient.	Remarks.
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1 2 3 4 5 6 7 8

## Chapter XVII

### Admission of Advocates and Attorneys

(Deleted) CHAPTER XVIII Rules regarding Advocate's Clerks

**1. In these Rules the expression 'authorised clerk' means a clerk employed by an Advocate ordinarily practising in the High Court, and the Courts subordinate thereto, in accordance with the Rules and practice of the Court and such instructions as may, from time to time, be issued by the Registrar of the High Court.**

**2. An advocate ordinarily practising in the High Court may make an application to the Registrar in pursuance of these Rules, for the recognition of a clerk, who, on such recognition, shall be known as an 'authorised clerk,' for the purposes of transacting business in accordance with Rule I of these Rules.**

No advocate may make an application for more than one authorised clerk save with the express recommendation of the State Bar Council certifying that the advocate's practice is such that the number of clerks recommended is essential.[3. A register of all authorised clerks shall be maintained in the office of the Registrar, and to each authorised clerk shall be given under his orders a card in the prescribed form. Every authorised clerk while on duty: -(a)shall wear a long black coat or black chapkan with a blue band one inch broad on the cuff of the left sleeve.or(b)wear plastic badge measuring 1" x 3" of black colour containing the name of the clerk concerned in white and below the name, description as Advocate's clerk.The register shall be in the following form: -Register of authorised clerks employed by advocates of the Patna High Court

Register No.	Name of recognised clerk.	Father's Name	Residence of recognised clerk	Date of registration	Date of renewal each year	Name of advocate by whom employed	Remarks.
1	2	3	4	5	6	7	8]

[Substituted by C.S. No. 88, dated 16.05.1987.]

**4. Registration shall be valid only until the close of the year within which it takes place. Each card (which shall be strictly non-transferable) shall be returned at the close of the year with (when it is desired to renew the clerk's registration) an application for the purpose, and the certificate mentioned in Rule 9 below.**

On the 15th day of January of each year the Registrar shall strike from the register the names of all clerks who have not applied for renewal. Any such clerk shall from that date ceases to enjoy the privileges accorded to authorised clerks under these Rules. He shall be called upon through the advocate employing him to surrender his card. Upon his failure to comply within a reasonable time he may be declared ineligible for any subsequent employment as an authorised clerk.

**5. An advocate shall at once report to the Registrar the termination of his employment of any authorised clerk, and on termination of his employment clerk shall immediately return his card, failure to do so rendering him liable to the penalty mentioned in the last preceding Rule.**

**6. No clerk employed by an advocate referred to in Rules 1 and 2 of these Rules shall be allowed to transact any business with or to have access to any of the offices of the Court or the Courts subordinate thereto unless he is at the time an authorised clerk, and properly dressed as such:**

Provided that an authorised clerk shall not be debarred from working only by reason of the fact that his card has been sent before the 15th day of January to the Registrar for renewal in the ordinary



course: Provided also that lost cards may be replaced on payment of a fee to be prescribed by the Registrar, and during the interval the clerk may work on a temporary permit to be granted by the Registrar.

**7. It shall be the duty of an advocate at once to inform the Registrar of any serious misconduct which comes to his knowledge on the part of his authorised clerk.**

When it is alleged that an authorised clerk is guilty of misconduct, the Registrar may, for reasons to be recorded in writing, and after hearing the clerk in his defence if the latter so desires, order his suspension, or the removal of his name from the register and the cancellation of his card, and on the passing of such order the clerk shall cease to be an authorised clerk. The Registrar may further in his discretion declare the clerk ineligible for any subsequent employment as an authorised clerk or may pass such other order as he may deem just and proper.

**8. If a person who has been suspended or whose name has been removed from the register under Rule 7 is thereafter recommended for registration by any advocate, the fact of such suspension or removal shall be mentioned in the recommendation.**

**9. When submitting an application under Rule 2, and when it is desired to renew registration, the advocate shall furnish certificate to the effect that he knows personally, or has satisfied himself by proper enquiry, that the clerk in question is a person of good character and antecedents; that he is fit to be employed as authorised clerk, and will be employed bona fide and solely (subject to the proviso to Rule 10) in the advocate's own service and for the purpose of his legal business in accordance with these rules; that his employment is necessary for the advocate's professional practice and that the advocate will make it a condition of his accepting a brief that remuneration shall be paid to the authorised clerk or clerks in an amount not less than five percent of the fee paid to the advocate subject to a minimum of Rs. 2.**

In the case of a first application he shall further furnish an undertaking that if it comes to his notice that the clerk is or has been working as a tout he shall at once report the fact to the Registrar.

**10. An authorised clerk shall transact business for remuneration in the offices of the High Court or Court's subordinate thereto only on behalf of the advocate whose clerk he is or of the clients of the said advocate:**

Provided that whenever the sole authorised clerk of an advocate is unavoidably absent from the Court the authorised clerk of an advocate may work in his place, with the previous consent in each case of the advocates concerned.

**11. No authorised clerk shall demand or accept remuneration from any person except from the advocate whose clerk he is or from the clients of his advocate.**

**12. The Registrar shall be entitled, for reasons to be recorded in writing, in his discretion to reject any application for the registration or renewal of registration of an authorized clerk.**

**13. Should it come to the notice of any advocate or of any officer or assistant of the High Court that any person other than an authorised clerk as hereinbefore defined, is transacting or attempting to transact any of the business of an authorised clerk within the precincts of the High Court, he shall at once report the fact to the Registrar, who shall take such action as he may deem fit, and may exclude such person from the precincts of the Court.**

**14. No authorised clerk shall do an act which his master himself is not empowered to do, e.g., he shall do not act in a case in which his master is employed to plead only.**

**15. Subject to Rule 14 an authorised clerk may act in all matters of a routine nature which do not require the personal attendance of the advocate, and shall be allowed to do the following acts on behalf of his master: -**

(1)To receive notices, and to obtain forms of notices from the office.(2)To obtain reports by the Stamp Reporter on civil appeals and applications and by the Trial Clerk on Criminal appeals, before their presentation in Court.(3)To file appeals and applications before the Peshkar of the Bench or Registrar, and to present appeals and applications under Rule 26 and 27, Chapter VII, Part II of the Patna High Court Rules and applications for Interlocutory Orders to the Deputy Registrar and the Assistant Registrar, as the case may be.(4)To obtain office reports upon applications.(5)To present to the Registrar or Deputy Registrar or in the absence of the Deputy Registrar to the Assistant Registrar applications signed by his master for -(a)inspection of records and registers.(b)Return of documents.(c)Refund of surplus balances at credit.(d)Inclusion of documents in a paper-book.(5A)To make application for copy under his signature, stating the name of the advocate and description of the party represented by such advocate.(6)To take notes from deficiency reports of the Stamp Reporter and file necessary stamps.(7)To inspect records with his master, or with another advocate if his master permits it and is himself empowered to inspect.(8)To deposit money and file court-fees.(9)To receive paper-books, copies and the like.(10)To file vakalatnamas, retainer

slips, certificates of fees, written forms of processes, and copies of papers and breifs.(11)To identify, if required and in a position to do so, persons making inspection of records or swearing affidavits.(12)To apply for copies in his own name, stating that the application is being made on behalf of his master to be named.

## **Chapter XIX**

### **Preservation and Destruction of Civil and Criminal Records**

The following Rules have been prescribed by the High Court under Section 3 of Act V of 1917, with the confirmation of the State Government: -

- 1. Every record, unless otherwise provided, shall consist of two parts to be styled respectively Part I and Part II. To Part I there shall be prefixed a title page coloured white and to Part II a title page coloured blue.**
- 2. Part I shall be preserved for ever and Part II for [3] [Substituted by C. S. No. 95, dated 21.06.1990.] years, after the expiry of which it shall be destroyed.**
- 3. The period of [3] [Substituted by C. S. No. 98, dated 07.12.1991.] years mentioned in the preceding Rule shall be calculated from the date of the final decree or order, which, in cases of appeal to the Privy Council or the Federal Court or the Supreme Court, will be that of the decree or order of His Majesty in Council or of the Federal Court or of the Supreme Court respectively.**
- 4. All copies of paper-books in excess of the number to be preserved, either permanently or for [3] [Substituted by C. S. No. 98, dated 07.12.1991.] year as directed in these Rules shall be kept separate from the records to which they relate and be destroyed on the expiry of one year from the final decree or order of the High Court, or of the Privy Council or of the Federal Court or of the Supreme Court as the case may be.**

#### **Civil Records**

#### **5. Part I of the record of every Original Civil Case shall contain the following papers: -**

(i)The table of contents.(ii)The order sheet.(iii)Preliminary decree, if any, preceded by the judgment on which it is founded.(iv)The judgment.(v)The final decree.(vi)The copy of the judgment and decree in appeal.(vii)Plaint or application initiating the proceedings with any schedule.(viii)The written statement of the defendant or the counter petition.(ix)Memorandum of the issues.(x)Award

of arbitrators on petitions of compromise, if given effect to in the decree: also the return or report and the map and field book (if any) of a Commissioner in matters relating to immovable property if referred to or given effect to in the decree, but not any portion of the evidence taken by such Commissioner: also in the case of minors or lunatics, any order of the Court sanctioning the compromise.(xi)Any paper whose preservation may be directed by the Presiding Judge or Judges.[Part II shall contain all other papers including Caveat filed if any.] [Substituted by C. S. No. 91, dated 22.03.1988.]

**6. Rule 5 shall apply, as far as possible, to all records of Original Matrimonial cases, Testamentary and Intestate case, and inquiries under the Letters Patent into the conduct of Advocates, Vakils and Attorneys of the Court.**

**7. Part I of every Civil Appeal shall contain the following papers: -**

(i)[Deleted by C. S. No. 95, dated 21.6.1990.](ii)The order sheet.(iii)Remand order of the Court, if any.(iv)[Deleted by C. S. No. 95, dated 21.6.1990.](v)Final judgment of this Court.(vi)Decree.(vii)-(xi) [Deleted by C. S. No. 95, dated 21.06.1990.](xii)Any paper whose preservation may be directed by the Presiding Judges or Judges.[Part II shall contain all other papers including Caveat filed if any.] [Substituted by C. S. No. 91, dated 22.03.1988.]

**8. [Judgments/orders in Civil Appeals dismissed under Order XLI, Rule 11, of Letters Patent Appeals dismissed summarily and of cases dismissed for default or in which the plaint or memorandum of appeal has been rejected or returned, shall be included in Part I and Part II shall contain other papers."]**  
**[Substituted by C. S. No. 99, dated 24.05.1995.]**

**9. Judgments and orders/order sheet passed by this Court in applications giving rise to the Civil Revision, Civil Review, Tax Cases, and MJC shall be treated as Part I record, whereas the remaining papers shall be contained in Part II and the same shall be destroyed after three years."**

**10. Part I of the records of Original Criminal cases shall be the following papers: -**

(i)[Deleted by C.S. No. 95, dated 21.6.1990.](ii)The order sheet.(iii)-(vi) [Deleted by C.S. No. 95 dated 21.6.1990.](vii)Order of the Presiding Judge.(viii)[Deleted by C.S. No. 95 dated 21.6.1990.](ix)Copy of order commuting a sentence or suspending the execution thereof or remitting punishment.(x)Any paper whose preservation may be directed by the Presiding Judge or Judges.

**Part II – shall contain two copies of the printed paper-book and all other papers.**

**11. [Part I in Criminal Appeals, Revisions, References and Miscellaneous cases shall contain only Judgments/orders/order sheets and Part II shall contain rest of the papers.] [Substituted by C. S. No. 99, dated 24.05.1995.]**

**12. [The order-sheets and index about the result of Criminal Appeals and Revisions which have been summarily dismissed shall be maintained in Part I and other papers shall be shown in Part II.] [Substituted by C. S. No. 99, dated 24.05.1995.]**

**13. [Regarding application for bail and suspension of sentence and orders thereon, which are treated as Miscellaneous cases Part I shall contain index indicating the date on which bail was granted or refused. Rest of the papers shall be kept in Part-II and preserved for a period of three years.] [Substituted by C. S. No. 99, dated 24.05.1995.]**

**14. The order sheets and judgment passed in writ cases should be included in Part I, records. The other papers including the applications and affidavits, if any, filed in reply should be included in Part II records which should be preserved for 6 years.**

## **Chapter XX**

### **Mode of Recording Evidence in Civil Cases**

**1. Upon the hearing of any suit or matter in Court or before a Judge the evidence of each witness examined shall be taken down in English by or in the presence and under the superintendence of the Judge or one of the Judges.**

Such evidence shall be taken down ordinarily in narrative form when in long hand, and in the form of question and answer when in shorthand, by such officers of the Court as may be appointed for the purpose.

**2. When the evidence is taken down in shorthand, the shorthand writer shall make a transcript thereof; shall sign both the shorthand note and the transcript, and shall certify that the former is a correct record of the evidence, and the latter is a correct transcript of the former.**

The shorthand note and the transcript shall form part of the record of the case.

**3. Exhibit marks on documents and material objects shall be written by the Peshakar of the Court and signed by the Judge or one of the Judges.**

Part - V Rules under Special Acts

## **Chapter XXI**

### **Rules under Section 25 of the Press (Objectionable Matter) Act**

(Act LV of 1951)

**1. Every appeal under Section 23 of the Act shall be made in the form of a memorandum signed by the appellant or his Advocate and accompanied by a certified copy of the order appealed from.**

The memorandum shall set forth concisely and under distinct heads the grounds of objection against the order appealed from.

**2. Every application to the High Court under Section 24 of the Act to set aside an order of forfeiture under Section 11 or sub-section (2) of Section 6 or sub-section (3) of Section 9 or an order under sub-section (2) of Section 12 shall be made by the presentation of a petition which shall be signed by the applicant or his Advocate and verified at the foot by an affidavit of the applicant or of someone on his behalf.**

The application shall be accompanied by a certified copy of the order sought to be set aside. There shall also be annexed to the petition as exhibits all documents or copies thereof which will not be available from the record of the authority against whose order the application is directed and on which the applicant proposes to rely in support of his application.

**3. The affidavit in support of the application under Section 24 shall set out the interest of the applicant in the property to which the application relates. Where such interest is not admitted or will not appear from the record of the**

**authority against whose order the application is directed, there shall be annexed to the affidavit as exhibits all documents or copies thereof relied on in proof of the interest claimed.**

**4. A copy of the memorandum of appeal or of the application, as the case may be and of the annexures thereto, if any, along with a notice in writing for the presentation of the appeal or application, as the case may be, shall be served on the Advocate-General not less than twenty-four hours before it is moved.**

**5. Appeals under Section 23 and applications under Section 24 shall be presented to the Criminal Bench and during the vacation to the Vacation Bench. Such appeals and applications and submissions made by the Sessions Judge under Section 21 shall be dealt with by the Criminal Bench or the Vacation Bench, as the case may be.**

**6. Immediately after admission as many copies of the memorandum of appeal or of the application as the case may be and of the annexures thereto as there are parties to be served shall be filed by the appellant or by the applicant, as the case may be, along with the requisite process fee required for service according to the scales prescribed by the High Court Rules for the service and execution of processes.**

**7. When an appeal or a submission or an application under sub-section (2) of Section 6 or under sub-section (3) of Section 9 or Section 11 or sub-section (2) of Section 12 of the Act has been admitted, the Registrar shall send for the record and on receipt thereof shall take steps for the preparation of paper books in accordance with the High Court Rules so far as they are applicable.**

**8. Orders for costs passed in proceedings under Section 21, Section 23 or Section 24 shall be executable by the District Judge within whose jurisdiction either the person or the property of person against whom the order is directed is situated, on an application for execution filed in his court, in accordance with the requirements of the Civil Procedure Code. It shall be open to the District Judge to transfer the execution to a civil court of competent jurisdiction as provided in the Code.**

**9. An application under Section 31 of the Act will be dealt with in the same manner as an application under Section 528 of the Code of Criminal Procedure.**

**10. The table of fees in force in this Court shall be applicable to all proceedings under the Act, and steps taken therein and costs payable in respect of such proceedings and steps shall be taxed, where so desired, by the Taxing Officer.**

**11. So far as they are not inconsistent with any provisions in these Rules, the General Rules applicable to applications and affidavits filed in the High Court shall apply to all applications and affidavits filed in proceedings in this Court under the Act.**

**12. All appeals, submission and applications under the Act shall be treated as Miscellaneous Criminal Cases and registered in the register in P.H.C. Schedule VIII-C, 13.**

## **Chapter XXIA**

**Rules under Section 99F of the Criminal Procedure Code, Act V of 1898.**

[Deleted by C.S. No. 52, dated 22.8.1983.]

## **Chapter XXIB**

**Rules under Section 491 (2) of the Code of Criminal Procedure.**

[Deleted by C.S. No. 52, dated 22.8.1983.][CHAPTER XXIBB] [Added by C.S. No. 10, dated 11.12.1975.] Rules framed by the High Court of Judicature at Patna under sub-section (1) of each of the Sections 13 and 18 of the Code of Criminal Procedure, 1973 (Act 2 of 1974)

**1. (i) These Rules may be called the Special Judicial Magistrates/Special Metropolitan Magistrates (Specification of Qualification) Rules, 1974.**

**(ii) They shall come into force-at once.**



**2. [(i) No power of Magistrate of Second Class shall be conferred under subsection (1) of Section 13 or sub-section (1) of Section 18 of the Code of Criminal Procedure, 1973 (Act 2 of 1974) on a person unless he -**

(a) holds a degree in law of an Indian University or of a Foreign University recognised in India by law; or (b) has exercised the powers of a Magistrate under the Code of Criminal Procedure, 1898 (Act 5 of 1898) for not less than one year; or (c) (i) has exercised the powers of an Executive Magistrate under the Criminal Procedure Code, 1973 (Act 2 of 1974) for not less than one year; or (ii) If he is a member of the Indian Administrative Service on training, has exercised the powers of an Executive Magistrate under the Criminal Procedure Code (Act 2 of 1974) for not less than three months; (d) has acquired experience in relation to judicial and quasi-judicial work for not less than three years.](2)[No power of a Magistrate of first class shall be conferred under subsection (1) of Section 13 or sub-section (1) of Section 18 of the Code of Criminal Procedure, on a person unless he has previously exercised the power of a Magistrate of second class for two years to the satisfaction of the High Court. Note. - The word 'Magistrate' includes Special Judicial Magistrate and Special Metropolitan Magistrate for the purpose of previous experience.

**3. On a question as to whether a person does or does not possess any of the qualifications or experience specified in Rule 2, the decision of the High Court shall be final.] [Added by C.S. No. 92, dated 14.07.1988.]**

## **Chapter XXI**

### **C Rules for Disposal of Applications under Articles 226 and 227 of the Constitution of India**

**1. An application for a direction or order or writ under Article 226 of the Constitution of India shall state the names, description and addresses of the applicant and the party against whom the relief is sought, the relief sought and the grounds upon which it is sought and be supported by an affidavit by the petitioner or by one of the petitioners or by some other person proved to the satisfaction of the Court to be acquainted with the facts of the case as specified in sub-rule (1) of Rule 15 of Order 6 of Schedule of the Code of Civil Procedure. It shall also state whether an application on the same facts had been previously filed before this Court, and if so, with what result.**

[1-A. Every application under Articles 226 and 227 of the Constitution of India for quashing of the investigation with prayer for stay of arrest during the pendency of such writ application or for grant of bail or anticipatory bail shall state whether the petitioners or any one of them have previously filed before this Court any petition for bail or anticipatory bail, and, if so, shall state the number of the case, the date of disposal and result thereof.] [Added by C. S. No. 65, dated 04.07.1984.][1-B. (i)

All Civil Writ applications, which are ipso facto treated as urgent may ordinarily be presented [at centralised filing counter] [Inserted by C.S. No. 66, dated 04.07.1984.] on any working day, which is not a court holiday:[Proviso Deleted by C.S. No. 111, dated 30.09.1996.](ii)These applications will be laid before the Registrar who shall ordinarily post them for hearing on the next day or the second following day. If, however, the Registrar is satisfied that there is sufficient urgency, he shall mark the petition for hearing on the same day.]

**2. [XXX] [Deleted by C.S. No. 67, dated 04.07.1984.] If the direction or order of writ is sought against the Government or Union of India or the State of Bihar or a public officer action or purporting to act in discharge of his official duty, [two copies] [Substituted by C.S. No. 96, dated 16.04.1991.] of the application with its annexure, if any, shall be served on the Advocate-General or, in the case of any department, or officer of a department, of the Union of India, having a retained counsel known as the Standing Counsel or otherwise, on such Counsel of the appropriate department, not later than noon of the day preceding that on which the application is moved.**

**3. Applications under Article 226 of the Constitution shall be registered as Civil Writ Jurisdiction Cases (C.W.J.C.) or Criminal Writ Jurisdiction Case (Cr. W.J.C.), as the case may be.**

[4. All writ applications be placed before Division Bench for admission and for their hearing by Single Bench (Judge) unless the Division Bench admitting the writ application at the time of the admission, orders for its being heard by a Division Bench or a Single Judge, at the time of hearing, refers it to the Division Bench.] [Substituted by C.S. No. 71, dated 12.12.1984.]

**5. The notice of the application alongwith a copy of the application and annexures, if any, shall be served on all persons directly affected and on such other persons as the Court may direct:**

Provided that on the hearing of any such application, any person who desires to be heard in opposition and appears to the Court to be a proper person to be heard shall be heard, notwithstanding that he has not been served with notice of the application and shall be liable to costs in the discretion of the Court, if the order shall be made.

**6. An answer to the Rule NISI or to the notice to show or to the notice of the application showing cause against such Rule, show cause or application, shall except with the leave of the Court, be made by filing an affidavit and by serving a copy thereof along with the copy of annexure; if any, upon the applicant or his Advocate, as the case may be, not later than the date fixed**

**for showing cause:**

Provided that an answer showing cause filed beyond the period prescribed by this Rule shall be placed for orders before the Bench at the time of hearing of the application and the Bench may pass such order on the affidavit as it thinks fit: Provided further that if notice of the writ application is accepted in Court and a date is fixed for hearing with consent of the parties without issuing formal notice, an answer showing cause must be made by filing an affidavit and by serving a copy thereof with annexures, if any, upon the Advocate for the applicant not later than twenty-four hours before the date fixed for hearing.

**7. All applications, affidavits, answers showing cause and affidavits in reply along with the annexures, if any, filed by any party, shall be in duplicate and typed legibly in double space. Before the case is put up for hearing, the High Court office shall prefix a table of contents with reference to the page numbers of the papers or record:**

Provided that if papers are filed during the course of hearing the parties shall prefix a table of contents giving serial page numbers in continuation of the page mentioned in the original table of contents.

**8. Rule 23, in Part II, Chapter VIII of the Patna High Court Rules shall apply mutatis mutandis to applications under Article 226.**

**9. Unless the Court otherwise directs, the application shall be heard at least eight clear days after the service of notice of the application thereof in the manner specified in Rule 5.**

**10. In case of difference of opinion between the Judges composing the Division Bench, the point of difference shall be decided in accordance with the provisions of clause 28 of the Letters Patent.**

**11. The Court may in such proceedings impose such terms as to costs, and as to the giving of security as it thinks fit.**

**12. These Rules shall also apply mutatis mutandis to applications under Article 227 of the Constitution.**

Standing Order No. 3 of 1994(i) It is hereby ordered that until further orders all applications under Articles 226 and 227 of the Constitution of India shall be placed for admission and hearing before a single Judge except for issuance of writs of habeas corpus and for issuance of writs in cases of, externment from one State to another; deportation; validity of statutes and public interest litigation,

which shall be placed for admission and hearing before a Division Bench: Provided that the Chief Justice may direct any writ application to be posted before a Bench of two or more Judges. (ii) Unless otherwise directed by Bench, all applications shall be placed for hearing before a single Judge, except cases which are admitted to hearing before a Division Bench or referred to hearing before a Division Bench by a Single Judge at the time of admission or hearing which shall be placed before a Division Bench for hearing. It will come into effect from 2.1.95. [CHAPTER XXI-CC] ['Chapter XXI-CC' Added by C.S. No. 132, dated 06.04.2010.]

**1. (i) These Rules shall be called Rules of Patna High Court to deal with Public Interest Litigation.**

(ii) They shall come into force from the date of their notification.

**2. In these Rules unless the context otherwise requires: -**

(a) 'Chief Justice' means the Chief Justice of Patna High Court. (b) 'High Court' means the High Court of Judicature at Patna. (c) 'Judge' means Judge of the High Court of Judicature at Patna. (d) 'PIL' means and includes a writ petition filed by way of Public Interest Litigation or any case taken up as a writ petition suo motu on receipt of appropriate and adequate information, by the Chief Justice. (e) 'Registrar General' means Registrar General of the High Court of Judicature at Patna. (f) All other words and expressions not defined in these Rules shall have the same meaning as assigned to them in the Patna High Court Rules.

**3. To encourage only genuine and bona fide PIL and discourage PIL filed for extraneous considerations, the Bench hearing a PIL shall first verify the prima facie credentials of the Petitioners before entertaining any case as a PIL. Thereafter, notice may be issued to the Advocate General or to any other authority to enable the Bench hearing the matter to come to a prima facie satisfaction regarding the correctness of the contents of the petition or information before entertaining the same as PIL.**

**4. For the aforesaid purpose, A PIL shall first be listed with appropriate office notes under the heading "For Orders" before the appropriate Division Bench.**

**5. Only those matters shall be treated as PIL which involve substantial public interest aimed at redressal of genuine public harm or public injury and for this the Bench hearing the matter shall ensure that there is no personal gain, private motive or oblique motive behind filing the public interest litigation.**

**6. To facilitate the aforesaid purpose, a petitioner in a PIL shall state in clear terms the relief prayed for in paragraph-1 of the petition and grounds in paragraph-2. In paragraph-3, he must give a full and complete detail of himself to reveal his interest, credentials and qualification relevant for the PIL, alongwith a declaration that he has no personal interest, direct or indirect, in the subject matter of PIL. In addition, ordinarily, the petitioner is required to set out all relevant facts with supporting datas, reports etc.**

**7. After arriving at a prima facie satisfaction regarding credentials of the petitioner and correctness of the contents of the petition, if the Court finds that the petition was filed by busy bodies for extraneous or ulterior motives, the Bench may impose exemplary costs.**

**8. The procedure for dealing public interest litigation shall otherwise be the same as that for a Civil Writ Jurisdiction case requiring consideration by a Division Bench, usually headed by the Chief justice or by any other Bench assigned by the Chief Justice.**

**9. The procedure in these Rules shall be without prejudice to the power of the Court under Articles 226 and 227 of the Constitution under which the Bench hearing a PIL, may in the interest of justice and to promote public interest devise special procedure for satisfying itself with the credentials and bona fide of the petitioner and also to find out relevant facts deemed necessary for the purpose of the case.**

## **Chapter XXI**

**D Rules for Disposal of Appeals under Section 116A of the Representation of the People Act, 1951.**

[Deleted]

## **Chapter XXI**

**E Rules for the Disposal of Election petition filed under Section 81 of the Representation of the People Act, 1951.**

**1. In these Rules, unless the context otherwise requires: -**

(a)"the Act" shall mean the Representation of the People Act, 1951;(b)"the Code" shall mean the Code of Civil Procedure, 1908;(c)"the Court" shall mean the High Court of Judicature at Patna;(d)"the Judge" shall mean the Judge or Judges of the Court who, from time to time, have been assigned by the Chief Justice under subsection (2) of Section 80A of the Representation of the People Act, 1951, for exercising the jurisdiction of the High Court under subsection (1) of Section 80A of the Act;(e)"the Commission"shall mean the Election Commission of India.

**2. The Rules in Chapter-III of the Patna High Court Rules shall apply as far as possible to applications made under this Chapter.**

**3. As soon as an election petition is filed, but not later than a week, an intimation thereof shall be sent to the Commission in the form specified in the Schedule appended to these Rules.**

**4. Every election petition shall, immediately below the title, have endorsed on it "Election Petition" and shall, in addition to the grounds and date or dates specified in Section 81 and the contents required by Section 83 or any other section of the Act dealing with the presentation of such petitions, state -**

(a)the name and complete address of the petitioner;(b)the name and complete address with postal address of each person impleaded as respondents; and(c)the relief claimed.

**5. Every election petition shall be accompanied by (i) challan showing deposit of Rs. 2,000 as required by Section 117 of the Act, with the Cashier of the Court towards security for the costs of the petition; and (ii) as many copies of the petition with copies of annexures, if any, as there are respondents mentioned in the petition and every such copy shall be attested by the petitioner under his signature to be a true copy.**

**6. Subject always to the orders of the Judge, before a formal presentation of the election petition is made to the Judge in open Court, it shall be presented to the Stamp Reporter of the Court, who shall certify thereon if it is in time and in conformity with the requirements of the Act and the Rules in this behalf, or is defective and shall thereafter return the petition to the petitioner for making the formal presentation after removing the defects, if any:**

Provided that if on any Court day the Judge is not available on account of temporary absence or otherwise, the petition may be presented before the Bench hearing civil applications and motions.

**7.**

(1)The date of presentation to the Judge or the Bench as mentioned in the proviso to Rule 6 shall be deemed to be the date of the filing of the election petition for the purposes of limitation.(2)Immediately after it is presented, the petition shall be entered in a special register maintained for the registration of election petitions.

**8. Where more election petitions than one are presented in respect of the same election, the Judge may, in his discretion, try them separately or in one or more groups.**

**9.**

(1)As soon as may be, after an election petition has been presented and registered, it shall be placed before the Judge for such orders as may be required to be passed under Section 86 of the Act.(2)If the petition is not dismissed under Section 86 (1) of the Act, a summons, on the direction of the Judge, shall be issued to the respondents to appear before the Judge on a day not earlier than three weeks from the date of the issue of the summons, unless otherwise ordered by the Judge.(3)The summons shall be for filing written statement and settlement of issues and shall be served on the respondents through the District Judge of the district to which the respondent belongs or in the district in which he ordinarily resides, in the manner provided for the service of summonses in the Code of Civil Procedure and the concerned District Judge will make his best endeavour to get the summons duly served and make a return of the service of summons before the date fixed.

**10. In addition to the service of summons to be effected as aforesaid, summonses shall also be sent to the respondents to the address given by the petitioner by registered post prepaid for acknowledgement. The petitioner shall file extra copies of petition along with copies of annexures, if any, duly attested as required by Rule 5 (ii) to be served along with the summons by registered post.**

**11. Process fee to be paid shall be the same as provided in the Table under Rule 2 of Chapter XIII Part III, of the Patna High Court Rules. No extra process fees shall be charged for service of summonses by registered post except the requisite postal charges.**

**12. Those of the respondents who file written statements or recriminatory statement as provided under Section 97 (2) of the Act shall also furnish copies of such written statements and recriminatory statement and copies of annexures, if any, duly attested by such respondents, as the case may be,**

**and where a recriminatory statement under Section 97 (2) alleges any corrupt practice, such a statement shall be accompanied by an affidavit in support of the allegation of such corrupt practice and the particulars thereof.**

**13. After the pleadings in the election petition are received, a date shall be fixed, at the direction of the Judge, for (1) discovery of documents, (2) inspection of the documents disclosed, and (3) the production of documents which are in the possession and power of the parties and issues will then be settled.**

**14.**

(1) Within seven days of the settlement of issues, parties shall file a list of witnesses and pay the process fees along with the travelling allowance, the diet allowance and the local conveyance allowance as may be required. (2) If no such list is filed or the required payment is not made within the period mentioned in sub-rule (1), the petition shall be placed before the Judge for necessary orders.

**15. Witnesses may also be produced by the parties on the date of hearing without a summons provided the parties have filed a list of the same as required under Rule 14.**

[16. (a) A party applying for a summons to a witness shall be required to deposit with the cashier of the Court at the time of applying for summons a sum sufficient to cover the travelling allowance, the diet allowance and the local conveyance allowance of the witnesses according to the scale given below: Provided that in cases not fully or clearly covered by this Scale or in cases where the Judge thinks special considerations should prevail, the Judge shall award such amounts as he deems proper: Provided further that the local conveyance allowance shall be payable only if the party calling the witness does not provide conveyance to him. Scale

Class of witness	Travelling allowance	Diet Allowance	Local conveyance allowance
Class-1			
Gazetted Officers	By Rail	Rs. 35/- per day.	By Taxi
Professionals like Doctors, Advocates, Architects. Chartered Accountant, etc. Income Tax payees, Members of Parliament, Members of State Legislatures.	1st class or 2nd class A.C. Sleeper/Chair Carfare.		



**By Road**

Taxi fare at the rate prescribed by the Directorate of Transport of the State Govt. and if no such rate has been fixed as the Court thinks reasonable.

**Class-II**

All others except those mentioned in Class-I.

**By Rail**

Sleeper class or 2nd class fare.

Rs. 25/- per day

By three wheeler, Auto Rickshaw

**By Road**

Actual Bus fare

Note 1. - Travelling allowance will be payable for the Journey performed by the shortest route. Note 2. - If in addition to travelling by rail a witness is required to travel by bus also, the actual bus fare paid for such part of the Journey shall also be admissible for travelling allowance. Note 3. - Diet allowance shall be payable, irrespective of the distance travelled, for the actual time required for journey each way and also for the time taken in giving evidence and for the time of detention necessary for the purpose of giving evidence. A part of the day shall be counted as equal to a day. Note 4. - (a) The Joint Registrar of the Court shall decide as to which class a witness belongs or which of the alternative modes of travelling should be allowed in a particular case. A witness dissatisfied by his decision may request that a reference be made to the Judge and upon such request the question shall be referred to the Judge. The Judge thereupon shall give such directions as he thinks just and proper in the case. (b) Payment shall be made to the witness out of the amounts deposited with the cashier after the witness has given evidence or he is discharged by the Judge and a certificate to either effect has been given by Bench Clerk".]

**17.**

(1) The evidence of each witness examined shall be taken down in English by or in the presence and under the superintendence of the Judge in which case such evidence shall be taken down ordinarily in narrative form when in long hand, and in the form of question and answer when in shorthand, by a Personal Assistant or by such other person as may be appointed for the purpose. The judge may, in his discretion, permit the evidence, in any case, to be recorded in narrative form in shorthand also. (2) The evidence so taken down, if in long hand, shall be read and, where necessary, interpreted to the witness and shall be signed by him. When the evidence is taken down in shorthand, the shorthand writer shall make a transcript thereof; shall sign both the shorthand note and the transcript, and shall certify that the former is a correct record of the evidence, and the latter is a correct transcript of the former and the shorthand note and the transcript shall form part of the record of the case.

**18. No commission for the examination of any witness will be issued unless the Judge considers it absolutely necessary and the party at whose instance such commission is to be issued has deposited with the Cashier of the Court within such time as may be fixed, such sum as the Court may consider reasonable for the purpose.**

**19. (a) No document in any language other than English shall be admitted in evidence unless it is accompanied by an English translation which shall either be the official translation or a translation, the accuracy of which is certified by an Advocate of the Court. Costs of the translations shall be at the discretion of the Court.**

(b) Exhibit marks on documents and material objects shall be written by the Bench Clerk and signed by the Judge or under his orders by the Bench Clerk.

**20. In case of filing of an application for withdrawal of an election petition the cost for publication in the Official Gazette of the notice as required under subsection (2) of Section 109 shall be realised from the petitioner, who shall deposit the necessary amount as soon as the withdrawal petition is filed.**

**21.**

(1) Where an election petition abates under sub-section (1) of Section 112, the notice of such abatement shall be published in the Official Gazette. (2) No cost shall be realised for publication of the notice required under clause (b) of sub-section (3) of Section 110, sub-section (2) of Section 112 and Section 116. (3) Unless otherwise directed by the Judge the Official Gazette, in which the notice as required under sub-Section (2) of Section 109, clause (b) of sub section (3) of Section 110, sub-section (2) of Section 112 and Section 116 shall be published, in the Bihar Gazette in case of election petitions relating to the State Legislatures and the Gazette of India in case of election petitions relating to the Parliament. (4) The office shall send such notices for publication in the Official Gazette within one week of the time when such publication becomes necessary.

**22. As soon as an election petition is dismissed by the High Court under subsection (1) of Section 86, or the same has been finally disposed of on merits as provided for under Sections 98 and 99, or the High Court passes an order under subsection (1) of Section 116-B, the office shall intimate the order or the decision of the High Court to (i) the Commission and (ii) the Speaker or the Chairman, as the case, may be, of the Houses of Parliament or of the State Legislature concerned; and thereafter, as soon as possible, it shall also forward to the Commission an authenticated copy of the Judgment**

and the formal order of the Court. The office shall also report to the Commission when an election petition is allowed to be withdrawn under Section 111 after orders are passed in that behalf by the High Court. Where an election petition abates and no attempt has been made for substituting another person for continuing the said petition as provided under Section 116, and the Court passes a final order treating the petition as abated, the office shall also report to the Commission.

**23. An advocate intending to act for a party shall file a Vakalatnama signed by his client. He shall also give his office address where all notices, processes, etc. may be served on him, if necessary. Such service will be regarded as proper service on the party.**

**24. The Patna High Court Rules, except in so far as they are inconsistent with the above Rules, shall apply mutatis mutandis to all election petitions. Where no specific provision is made in the Act, the Code or the High Court Rules, the Judge may pass such orders as he may consider necessary.**

**25. These Rules shall come into force with effect from the 27th day of April, 1967:**

Provided that the election petitions pending in the High Court on the date these Rules come into force, shall also be heard and disposed of in accordance with the foregoing provisions of these Rules.

## Schedule

In the High Court of Judicature at Patna. Election Petition No.....of 20....

Petitioner (s) .....

vs.

Respondent (s) .....

Calling in question the election to the House of the People/Council of States/ Legislative Assembly/Legislative Council.....of Respondent (s) no. ....from the Constituency in the district or districts of.....Presented to the High Court on the .....day of .....20

## Chapter XXII

### Rules under the Indian Companies Act, 1913

Rules framed by the High Court under the Indian Companies Act, 1913 have been printed separately.

## Chapter XXII

### A Rules under the Banker's Books Evidence Act, 1891 (XVIII of 1891).

1. A Bank ordered under the Banker's Books Evidence Act XVIII of 1891, to supply certified copies of entries from its books shall be entitled to charge on the following scale: -  

Searching fee.- For each year or part of a year in respect of which search is made.	... Rs. 5
Copies.- For each Bank folio or part thereof	... Rs. 5
Certificate. - For the certificate under Section 6 of the Act	... Rs. 5

A Bank folio for this purpose is a page of the Bank's books of not less than 40 and not more than 50 lines.
2. An application for an order under the said Act shall be made ex parte upon petition and the Court or a Judge may direct that notice of the application shall be served on the Bank or Banks named in the application. The petition shall set out particulars of the entries of which it is desired to obtain copies (or, if this is impossible, the year or years in which such entries will appear) and the materiality of such entries.  

Application how made.
3. All applications shall be made in sufficient time to allow three clear day's notice required to be given by Section 6(2) of the Banker's Books Evidence Act, and all applications made in insufficient time shall state the reason thereof.  

Application made in insufficient time and procedure in such cases.
4. The party who has obtained such order shall serve it upon the Bank or Banks affected and at the same time pay to the Bank or Banks the searching fee of which the amount shall be stated in the order.  

Service of order in Bank.
5. Upon service of the order of Bank or Banks shall forthwith cause search to be made and shall thereafter forthwith inform the party who has obtained the order the amount to be paid to such Banks or Banks for copies of the entries to be made in terms of the order.  

Banks to make search and make out demand for fees for copies.
6. Thereupon the party concerned shall pay to the Bank or Banks the amount so stated and the fee for the certificate and the Bank or Banks shall upon receipt thereof forthwith prepare and deliver to the party the copies of the relevant entries together with the certificate under Section 6 of the Act.  

Party to pay for certified copies and certificate.

7. Nothing in the above Rules shall be construed as derogating from the power of the Court or the Judge to make such orders as to costs in particular cases as may seem appropriate to it or him under Section 7 of the Act.

## **Chapter XXII**

### **B Rules under the Banking Companies Act, 1949 (Act X of 1949)**

Rules framed by the High Court under Section 45-U of the Banking Companies Act, 1949, as amended by the Banking Companies (Amendment) Act, 1953, have been printed separately.

## **Chapter XXII**

### **C Rules Relating to Cases under the Chartered Accountants Act, 1949**

(Act XXXVIII of 1949)

**1. The Council of the Institute of Chartered Accountants of India (hereinafter referred to as the Council), shall forward to the High Court, along with the finding of the Council, the following documents in original:**

(a) Report of the Disciplinary Committee; (b) Complaint or information; (c) Written statement in defence, if any; (d) Deposition of witnesses, affidavits, exhibits and other oral and documentary evidence; (e) Notes of the hearing before the Disciplinary Committee and the Council; (f) Such other papers which were before the Disciplinary Committee as the Council may consider relevant for the disposal of the case: Provided that the High Court may thereafter call for any other paper from the Council which the High Court would consider necessary for the proper determination of the case. The Council shall also furnish the High Court with five additional identical copies of the papers aforesaid to be used as paper-books, out of which one will be handed over to the opposite party.

**2. A translation in English of the documents, which are required to be translated according to Rule 2 of Chapter IX (A), and are included in the material papers, shall be furnished by the Council under its own authority. If the High Court considers that an official translation of any document or documents is necessary, such translation shall be made in the High Court at the cost of the Council.**

**3. The Council shall forward, along with the material papers mentioned above, a memorandum containing the full and correct postal addresses of all the persons or authorities on whom notices are required to be served under Section 21 (2) of the Act and also of the State Government concerned in case**

**the complaint had been lodged by such Government.**

**4. Cases forwarded to the High Court under Section 21 of the Chartered Accountants Act, 1949 (hereinafter referred to as the Act), shall be registered as Civil References and shall be dealt with on the Appellate side.**

**5. On the case being registered, the Registrar shall fix a date for the hearing of the case and shall cause notice to be served under Section 21 (2) of the Act in the form prescribed in Appendix CCC. The date shall be so fixed that there will be an interval of not less than fifteen days between the date of the service of the notice and the date of hearing.**

Notice of the date fixed for further hearing of the case under Section 21 (3) of the Act shall be given to the advocates of the parties, or to the party himself, if he is not represented, after receipt of further finding under Section 21 (3).

**6. The notice to all persons or authorities referred to in Rule 3 at their addresses furnished by the Council shall be sent by registered post, with acknowledgement due, at the cost of the Council.**

The cost of service of the notice shall be deposited by the Council with the High Court within two weeks of the forwarding of the findings mentioned in Section 21(1) and (2) of the Act.

**7. The case shall be placed for hearing before a Division Bench, hearing Miscellaneous Appeals. If no such Bench be available, the case shall be placed before a Bench hearing First Appeals.**

**8. Except as otherwise provided in these Rules, the provisions of the Code of Civil Procedure, 1908, so far as may be, shall ordinarily apply.**

**9. After the hearing of the reference when the High Court has passed its final order in the case, the Deputy Registrar shall forward a certified copy of the said order to the Secretary of the Council for necessary action.**

## **Chapter XXII**

**D Rules under Section 77 of the Trade-Marks Act, 1940 (Act V of 1940)**

**1. Definition. - In these Rules, unless there is anything repugnant in the subject or context: -**

(i)"Act" means the Trade Marks Act, 1940;(ii)"Registrar of Trade Marks" includes the Deputy Registrar of Trade Marks and the officer to whom any particular functions of the Registrar are delegated in pursuance of Section 4 (28);(iii)"Registrar and Deputy Registrar" shall mean respectively the Registrar and the Deputy Registrar of the Patna High Court;(iv)"Judge" means the Judge nominated by the Chief Justice for the purpose; and(v)"Court" means the High Court of Judicature at Patna.

**2. Title of Applications and other proceedings. - All applications or appeals under any provision of the Act shall be entitled: -**

In the High Court of Judicature at Patna Application/Appeal under Section..... of the Trade Marks Act, 1940.

.....Petitioner/Appellant.

versus

.....Opposite party/Respondent.

**3. Mode of Applications and Appeals. - All applications and appeals under the Act shall be made by petition supported by affidavit and shall be presented [at the centralised filing counter] [Substituted by C.S. No. 112, dated 30.9.96],**

**4. Jurisdiction. - All matters under the Act shall be ordinarily heard by the Judge sitting singly.**

**5. Admission of Applications and Appeals. - If the Registrar finds the application or appeal, as the case may be, to be in order, he shall place it before the Judge for admission, who may either admit it and direct notice thereof to be given to the opposite party or may reject it summarily or may make such other order as he thinks fit.**

**6. Service of notice on Registrar of Trade Marks. - Notice of all applications and appeals admitted by the Court shall be served on the Registrar of Trade Marks who shall have a right to appear and be heard and shall appear if so directed by the Court.**

**7. Stay of pending suits and proceedings. - If any application, reference or appeal is made to the High Court under the Act and any suit or other proceeding concerning the trade marks in question is pending before the High Court or any District Court, the High Court may stay such suit or proceeding until the disposal of such application, reference or appeal.**

**8. Reference under Section 72(b) of the Act. - When the Registrar of Trade Marks makes a reference to the Court under Section 72(b), he shall give notice thereof to the party or parties concerned.**

(b) On receipt of the reference in the Court, the Registrar shall fix a date for the hearing of the same and the parties concerned shall be given at least one month clear notice of the date so fixed. The reference shall thereafter be placed in due course before the Judge for hearing.

**9. Procedure for withdrawal of application under Section 76(2). - Where under Section 76(2) an applicant becomes entitled to, and intends to withdraw, his application, he shall give notice of the intention in writing to the Registrar of Trade Marks and to the other parties, if any, to appeal within one month after the necessary permission of the Court to advance additional grounds has been obtained. He shall also give notice of such intention in writing to the Registrar who shall thereupon place the appeal on the list for disposal as soon as possible.**

**10. Counter-claim for rectification of the register in a suit for infringement. - Defendant in a suit for infringement filed in the Court may, in regard to any registered trade mark in issue, make a counter-claim for the rectification of the register and shall, within the time prescribed for the filing of the counter-claim serve a copy of his counter-claim upon the Registrar of Trade Marks who shall thereupon be entitled to take part in the suit.**

**11. Order of Court to be sent to Registrar of Trade Marks. - A certified copy of every judgment passed by the Court shall be sent by the Deputy Registrar to the Registrar of Trade Marks who shall comply with the directions therein as soon as possible.**

**12. Application of the Code of Civil Procedure and Rules of the Court. - In cases not provided for in these Rules, the provisions of the Code of Civil Procedure, 1908, and the Rules of the Court shall apply mutatis mutandis to**



**all proceedings under the Act in the Court.**

[Chapter XXII-E] [Chapter XXIIE inserted by C.S. No. 123, dated 31.03.2000.] Rules under the Company Secretaries Act, 1980(Act No. 56 of 1980)

**1. A case (hereinafter in this Chapter referred to as a "reference") received by the High Court under Section 21 of the Company Secretaries Act, 1980 (hereinafter in this Chapter referred to as the "Act") shall be filed in the filing section of the Court and shall be registered as a reference and entered in a separate Register.**

**2. An appeal or a revision under Section 30 of the Act shall be made by petition.**

**3. An appeal or a revision under Section 30 of the Act shall be filed in triplicate in the filing section of the Court and shall be registered as an appeal or a revision and entered in a separate Register.**

**4.**

(1)The Council of the Institute of Company Secretaries of India (hereinafter in his Chapter referred to as the "Council") shall, in a reference forwarded by it to the High Court under Section 21 of the Act, file in the filing section of the Court the findings of the Council and forward along with it the report of the Disciplinary Committee and all other relevant papers which were before the Council and the Disciplinary Committee and, in particular the following documents:(a)Complaint or information,(b)Written statement of Defence(c)Depositions of witnesses together with Exhibits.(d)Notes of the hearing before the Disciplinary Committee and the Council,(2)The Council shall furnish the postal addresses of all persons on whom notices are required to be served under Section 21 (6) of the Act and of the person who has made the complaint.(3)The Council shall furnish two extra copies of all the papers mentioned in sub-rule (1).

**5. When a reference, appeal or revision is filed in Court, the Registrar shall fix a date for the hearing of such reference, appeal or revision and shall forthwith issue notice as per appendices "A", "B" and "C" hereunder, as the case may be.**

**6. (a) In the case of a reference under Section 21 of the Act, notices shall be sent to (1) the members of the Institute concerned (2) the Council and (3) the Central Government.**

(b) In the case of an appeal under Section 30 of the Act, notices shall be sent to the Council. (c) In the case of a revision under Section 30(2) of the Act, notices shall be sent to the Council and the Member of the Institute concerned. (d) The Court may, at any time, direct that notice of the reference, appeal or revision be sent to the person, who has made the complaint. In all cases, notices shall be sent by registered post at the addresses supplied by the Council and shall be served not less than one month before the date fixed for the hearing of the case.

**7. In an appeal or revision under Section 30(1) of the Act, the Council shall, on being served with notice of the appeal or revision forward to the Registrar within two weeks from the date of service, the findings of the Council and all other documents mentioned in Rule 4(1) and the extra copies, referred to in Rule 4(3).**

**8. Reference, appeal and revision under the Act shall be heard by a Division Bench of not less than two Judges to be nominated by the Chief Justice.**

**9. The Registrar shall send to the Council a certified copy of the final order passed by the High Court in every reference, appeal or revision.**

Note. - The following are the Appendices - "A", "B" and "C" under Rule 5 of these Rules. Appendix-A In the High Court of Judicature at Patna Reference No. \*\*\*\* of (Under the Company Secretaries Act, 1980) Notices under Section 21 of the Company Secretaries Act, 1980, (Rule-5)

In the matter of Company Secretaries Act, 1980 (Act No. 56 of 1980)

And

In the matter of ..... a Member of the Institute of Company Secretaries of India.

To (1) ... Member of the Institute of Company Secretaries of India; (2) The Secretary of the Council of the Institute of Company Secretaries of India; (3) The Secretary of the ministry of Finance, Union Government, New Delhi. Whereas the Council of the Institute of Company Secretaries of India has filed in this Court its findings dated ..... day of ..... 200 ..... in the above Reference. Now take notice that the Reference will be placed for hearing before a Division Bench of this Court on ..... the day ..... of 200 ..... at 11 O' Clock in the forenoon, when you are required to appear either in person or by an Advocate entitled to practise in this Court; And take further notice that in default of your appearance either in person or by an Advocate, the reference will be heard and determined in your absence. Dated this ..... day of ..... 200 .... Registrar Sealer The ..... day ..... of 200 ..... Advocate for ..... Appendix-B In the High Court of Judicature at Patna Appeal No. .... of ..... (Under the Company Secretaries Act, 1980) Notice under Section 30 of the Company Secretaries Act, 1980 (Rule 5)

In the matter of Company Secretaries Act, 1980 (Act No. 56 of 1980)

And

In the matter of .....a Member of theInstitute of Company Secretaries of India.....Appellant To,The Secretary of the Council of the Institute of Company Secretaries of India,Whereas the Appellant above named has filed in this Court an "Appeal" against the order dated the ....day of....200... of the Council of the Institute of Company Secretaries of India.You are required to forward to the Registrar within two weeks from the date of service of this Notice upon you the findings of the Council and all the other documents mentioned in Rule 4(1) of the Rules of the High Court and the extra copies referred in sub-rule (3) of the said Rule; andNow take notice that the Appeal will be placed for hearing before a Division Bench of this Court on..... the .....day 200.....at 11 O' clock in the forenoon, when you are required to appear either in person or by an Advocate entitled to practise in this court;And take further notice that in default of your appearance either in person or by an Advocate, the Appeal will be heard and determined in your absence.Dated this.....day of.....200.....RegistrarSealerThe....day of.....200..... Advocate for.....Appendix-CIn the High Court of Judicature at PatnaRevision Application No.....of.....(Under the Company Secretaries Act, 1980)(Rule 5)

In the matter of Company Secretaries Act, 1980(Act No. 56 of 1980)

And

In the matter of .....a Member of theInstitute of Company Secretaries of India.....Appellant To(1).....Member of the Institute of Company Secretaries of India.(2)The Secretary of the Council of the Institute of Company Secretaries of India.Whereas the Applicant abovementioned has filed in this Court a Revision Application against the order dated .....day of..... 200....of the Council of the Institute of Company Secretaries of India.\*\* "And Whereas you are hereby required to forward to the Registrar within two weeks from the date of service of this Notice upon you, the findings of the Council and all other documents mentioned in Rule 4(1) of the Rules of the High Court and the extra copies referred to in sub-rule (3) of the said Rule; andNow take notice that the Revision Application will be placed for hearing before a Division Bench of this Court on .....the day of....200..... at 11 O'clock in the forenoon, when you are required to appear either in person or by an Advocate entitled to practise in this Court;And take further notice that in default of your appearance either in person or by an Advocate, the Revision Application will be heard and determined in your absence,Dated this .....day of .....200.....RegistrarSealerThe ....day of.....200.....Advocate for.....\*\* This para is to be inserted only in the Notice to be sent to the Secretary of the Council of the Institute of Company Secretaries of India.

## Chapter XXIII

### Power of Attorney

**1. The Registrar shall have the custody of all instruments deposited in this Court under Section 4, Clause (a), of the Powers of Attorney Act, VII of 1882.**

**2. A Register of all such documents shall be kept under the following headings:**

**1. Description of document.**

**2. Date.**

**3. By whom deposited.**

**4. When deposited.**

**3. The following fees shall be paid by means of Court-fee stamps under Section 4, Clauses (a), (b), (c): -**

	Rs.
For filing and registering every power, and filing every other document.	
For a Copy -	4.50
Where the copy is presented by the party, at 35 paise per folio.	0.35
Where the copy is prepared in the Registrar's office, at 70 paise per folio.	0.70
For searching and inspecting each set of documents.	1.00

## **Chapter XXIV**

A. - Rules framed by the High Court of Judicature at Patna in exercise of the powers conferred under Section 16 (2) of the Advocates Act, 1961 The Chief Justice and the Judges may, with the consent of an Advocate, designate the Advocate as Senior Advocate, if in their opinion by virtue of his ability, experience and standing at the Bar the said Advocate is deserving of such distinction.

**2. The Chief Justice and the Judges may also, upon a written proposal, made by a Senior Advocate, with the consent of the Advocate concerned, endorse thereon, designate such an Advocate as Senior Advocate, if in their opinion, by virtue of his ability experience and standing at the Bar the said Advocate is deserving of such distinction. The written proposal may be forwarded either by a messenger or by post to the Registrar.**

**3. An application by an Advocate for being designated as a Senior Advocate may be made to the Registrar stating therein the number of years of his standing at the Bar and whether similar application had been made by him to any other Court previously and with what result. The applications, so made, will be considered by the Chief Justice and the Judges and all such applicants whom the Judges may regard as deserving of distinction of being designated as Senior Advocates by virtue of ability, experience and standing at the Bar may be designated as Senior Advocates.**

**4. The Advocate to be designated as Senior Advocate shall be of not less than ten years' standing, ordinarily practising within the jurisdiction of the Patna High Court.**

**5. Upon conferment of the distinction on the Advocate, the Registrar shall notify the same to the Advocate concerned, and to the president of the High Court Bar Associations and the Bar Council of Bihar and India and the Registrar of the Supreme Court.**

**6. A proposal or an application once rejected cannot be renewed for two years.**

B. - Rules Framed by the High Court of Judicature at Patna under Section 34 (i) of the Advocates Act, 1961.

**1. In these Rules unless there is anything repugnant in the subject or context, the word "Advocate" shall include a partnership or a firm of Advocates.**

**2. Save as otherwise provided for in any law for the time being in force, no [Advocate-on-Record] [Substituted by C.S. No. 127, dated 10.12.2009.] shall be entitled to appear, plead or act for any person in any Court in any proceeding unless the [Advocate-on-Record] [Substituted by C.S. No. 127, dated 10.12.2009.] files an appointment in writing signed by such person or his recognised agent or by some other person duly authorised by or under a power of attorney to make such appointment and signed by the [Advocate-on-Record]<sup>1</sup> in token of its acceptance or the [Advocate-on-Record] [Substituted by C.S. No. 127, dated 10.12.2009.] files a memorandum of appearance in the form prescribed by the High Court:**

Provided that where an [Advocate-on-Record] [Substituted by C.S. No. 127, dated 10.12.2009.] has already filed an appointment in any proceeding, it shall be sufficient for another [Advocate-on-Record]<sup>1</sup>, who is engaged to appear in the proceedings merely for the purposes of pleading to file a memorandum of appearance or to declare before the Court that he appears on instructions from the [Advocate-on-Record] [Substituted by C.S. No. 127, dated 10.12.2009.] who has already filed his appointment in the proceedings. Provided further that nothing herein contained shall apply to an [Advocate-on-Record] [Substituted by C.S. No. 127, dated 10.12.2009.] who has been requested by the Court to assist the Court amicus curie in any case or a proceeding or who has been appointed at the expense of the State to defend an accused person in a criminal proceeding. Explanation. - A separate appointment or a memorandum of appearance shall be filed in

each of the several connected proceedings, notwithstanding that the same [Advocate-on-Record] [Substituted by C.S. No. 127, dated 10.12.2009.] is retained for the party in all the connected proceedings.[3. An Advocate who is not on the Roll of Advocates of the Bar Council of the State in which the Court is situate, shall not appear, or act in such Court, unless he files an appointment alongwith an [Advocate-on-Record] [Substituted by C.S. No. 127, dated 10.12.2009.] of this Court.] [Substituted by C.S. No. 103, dated 23.05.1996.]

**4. In cases in which a party is represented by more than one**

**[Advocate-on-Record] [Substituted by C.S. No. 127, dated 10.12.2009.] , it shall be necessary for all of them to file a joint appointment or for each of them to file a separate one.**

**5. The acceptance of an appointment on behalf of a firm or partnership of [Advocate-on-Record] [Substituted by C.S. No. 127, dated 10.12.2009.] shall be indicated by a partner affixing his own signature as a partner on behalf of the firm or Partnership of [Advocate-on-Record] [Substituted by C.S. No. 127, dated 10.12.2009.].**

**6. An [Advocate-on-Record] [Substituted by C.S. No. 127, dated 10.12.2009.] at the time of acceptance of his appointment shall also endorse on it his address, which address shall be regarded as one for service within the meaning of Rule 5 of Order 3 of the Code of Civil Procedure, 1908:**

Provided that where more than one [Advocate-on-Record] [Substituted by C.S. No. 127, dated 10.12.2009.] accepts the appointment, it shall be sufficient for one of them to endorse his address, which address shall be regarded as one for service within the meaning of Rule 5 of Order 3, C.P. Code.

**7. Where an [Advocate-on-Record] [Substituted by C.S. No. 127, dated 10.12.2009.] appointed by a party in any of the proceedings is prevented by reasonable cause from appearing and conducting the proceedings at any hearing, he may instruct another [Advocate-on-Record] [Substituted by C.S. No. 127, dated 10.12.2009.] to appear for him at that hearing.**

**8.**

(1)In civil cases, the appointment of an [Advocate-on-Record] [Substituted by C.S. No. 127, dated 10.12.2009.], unless otherwise limited, shall be deemed to be in force to the extent provided in that behalf by Rule 4 of Order 3 of the Code of Civil Procedure, 1908.(2)In criminal cases, the appointment of an [Advocate-on-Record] [Substituted by C.S. No. 127, dated 10.12.2009.], unless

otherwise limited, shall be deemed to be in force until determined with the leave of the Court by writing, signed by the party or the [Advocate-on-Record] [Substituted by C.S. No. 127, dated 10.12.2009.], as the case may be, and filed in Court or until the party or the [Advocate-on-Record] [Substituted by C.S. No. 127, dated 10.12.2009.], dies, or until all proceedings in the case are ended so far as regards the party.(3)For the purposes of sub-rule (2), a case shall be deemed to mean every kind of enquiry, trial or proceeding before a Criminal Court whether instituted on a police report or otherwise than on a police report; and further -(i)an application for bail or reduction, enhancement or cancellation of bail in the case,(ii)an application for transfer of the case from one Court to another,(iii)an application for stay of the case pending disposal of a civil proceeding in respect of the same transaction out of which the case arises,(iv)an application for suspension, postponement or stay of the execution \_\_\_\_\_ of the order or sentence passed in the case,(v)an application for the return, restoration or restitution of the property as per the order of disposal of property passed in the case,(vi)an application for leave to appeal against an order of acquittal passed in the case,(vii)any appeal or application for revision against any order or sentence passed in the case,(viii)a reference arising out of the case,(ix)an application for review of an order or sentence passed in the case or in an appeal, reference or revision arising out of the case,(x)an application for making concurrent sentences awarded in the case or in an appeal, reference, revision or review arising out of the case,(xi)an application relating to or incidental to or arising in or out of any appeal, reference, revision or review arising in or out of the case (including an application for leave to appeal to the Supreme Court),(xii)any application or act for obtaining copies of documents or for the return of articles or documents produced or filed in the case or in any of the proceedings mentioned hereinbefore,(xiii)any application or act for obtaining the withdrawal or the refund or payment of or out of the monies paid or deposited in the Court in connection with the case or any of the proceedings mentioned hereinbefore (including monies paid or deposited for covering the costs of the preparation and the printing of the Transcript Record of Appeal to the Supreme Court),(xiv)any application for the refund of or out of the monies paid or recovered as fine or for the return, restitution or restoration of the property forfeited or confiscated in the case or in any appeal, reference, revision or review arising out of the case as per final orders passed in that behalf,(xv)any application for expunging remarks or observations on the record of or made in the judgment in the case or any appeal, reference, revision or review arising out of the case, and(xvi)any application or proceeding for sanctioning prosecution under Chapter XXXV of the Code of Criminal Procedure, 1898, or any appeal or revision arising from and out of any order passed in such an application or proceeding shall be deemed to be proceedings in the case:Provided that where the venue of the case or the proceedings is shifted from one Court (subordinate or otherwise) to another, the [Advocate-on-Record]<sup>1</sup> filing the appointment referred to in sub-rule (1) and (2) above in the former Court shall not be bound to appear, act or plead in the latter Court, unless he files or he has already filed a memorandum signed by him in the latter Court that he has instructions from his client to appear, act and plead in that Court.

## 9.

(1)Except when specially authorised by the Court or by consent, of the party, an [Advocate-on-Record] [Substituted by C.S. No. 127, dated 10.12.2009.], who has advised in connection with the institution of a suit, appeal, or other proceeding or has drawn up pleadings in

connection with such matter, or has during the progress of any suit appeal or other proceeding appeared, acted or pleaded for a party, shall not, unless he first gives the party whom he has advised or for whom he has drawn up pleadings, appeared, acted or pleaded an opportunity of engaging his services, appear or Act or plead in such suit, appeal or other proceeding or in an appeal or application for revision arising therefrom or in any matter connected therewith for any person whose interest is in any manner in conflict with that of such party: Provided that the consent of the party may be presumed if he engages another Advocate [on record] [Substituted by C.S. No. 127, dated 10.12.2009.] to appear, act or plead for him in such suit, appeal or other proceeding without offering an engagement to the Advocate [or Advocate-on-Record] [Substituted by C.S. No. 127, dated 10.12.2009.] whose services were originally engaged by him or on his behalf. (2) Where it appears on the face of the record that the appearance of an advocate in any proceeding for any party is prejudicial to the interest of the other party on account of the reasons mentioned in sub-rule (1) above, the Court may refuse to permit the appearance to be filed or cancel such appearance if it has already been filed, after giving the said advocate [on record] [Substituted by C.S. No. 127, dated 10.12.2009.] an opportunity of being heard. (3) An advocate [on record] [Substituted by C.S. No. 127, dated 10.12.2009.] who discloses to any party information confided to him in his capacity as an advocate [on record] [Substituted by C.S. No. 127, dated 10.12.2009.] by another party without the latter's consent shall not be protected merely by reason of his being permitted to appear, act or plead for the said party.

**10. (a) The appointment of a firm or partnership of [Advocate-on-Record] [Substituted by C.S. No. 127, dated 10.12.2009.] may be accepted by any partner on behalf of the firm.**

(b) No such firm or partnership shall be entitled to appear, act or plead in any Court unless all the partners thereof are entitled to appear, act or plead in such Court. (c) The name of the firm or partnership may contain the names of the persons who were or are members of the partnership but of no others. (d) The words "and Company" shall not be affixed to the name of any such partnership or firm. (e) The name of all the members of the firm shall be recorded with the Registrar of the High Court and/or the District Judge, as the case may be, and the State Bar Council, and the names of all the partners shall also be set out in all professional Communications issued by the partners or the firm. (f) The firm of [Advocate-on-Record] [Substituted by C.S. No. 127, dated 10.12.2009.] shall notify to the Registrar of the High Court and/or the District Judge, as the case may be, and the State Bar Council, any change in the composition of the firm or the fact of its dissolution as soon as may be from the date on which such change occurs or its dissolution takes place. (g) Every partner of the firm of [Advocate-on-Record] [Substituted by C.S. No. 127, dated 10.12.2009.] shall be bound to disclose the names of all the partners of the firm whenever called upon to do so by the Registrar of the High Court, the District Judge, the State Bar Council, any Court or any party for or against whom the firm or any partner thereof has filed the appointment or memorandum of appearance. (h) In every case where a partner of a firm of [Advocate-on-Record] [Substituted by C.S. No. 127, dated 10.12.2009.] signs any documents or writing on behalf of the firm he shall do so in the name of the partnership and shall authenticate the same by affixing his own signature as a partner. (i) Neither the firm of [Advocate-on-Record] [Substituted by C.S. No. 127, dated 10.12.2009.] nor any partner thereof shall advise a party or appear, act or plead on behalf of a party



in any matter proceeding where the opposite party is represented by any other partner of the firm or by the firm itself.

**11. No [Advocate-on-Record] [Added by C.S. No. 127, dated 10.12.2009.] shall be permitted to file an appointment or memorandum of appearance in any proceedings in which another [Advocate-on-Record] [Added by C.S. No. 127, dated 10.12.2009.] is already on record for the same party save with the written consent of the former Advocate on record or the leave of the Court, unless the former Advocate has ceased to practise or has by reason of infirmity of mind or body or otherwise become unable to continue to act.**

**12. An [Advocate-on-Record] [Added by C.S. No. 127, dated 10.12.2009.] may correct any clerical error in any proceedings with the previous permission of the Registrar or an officer of the Court specially empowered in this behalf by the Court obtained on a memorandum stating the correction desired.**

**13. No Advocate [on Record] [Added by C.S. No. 127, dated 10.12.2009.] who has been disbarred or suspended or whose name has been struck off the Roll of Advocates shall be permitted to act as a recognised agent of any party within the meaning of Order 3 of the Code of Civil Procedure, 1908.**

**14. No Advocate [on Record] [Added by C.S. No. 127, dated 10.12.2009.] who has been found guilty of Contempt of Court shall be permitted to appear, act or plead in any Court unless he has purged himself of contempt.**

[15. Advocates [on Record] [Substituted by C.S. No. 36, dated 07.08.1980.] appearing before the Court shall wear the following dress:(1)Advocates [on Record] [Added by C.S. No. 127, dated 10.12.2009.] other than Lady Advocates: -(a)a black buttoned up coat, Chapkan, Achkan, black Sherwani and white bands with Advocates' Gowns, or,(b)a black open breast coat, white shift, white collar, stiff or soft, and white bands with Advocate's Gowns, In either case long trousers (white, black or balck stripped or grey) or Dhoti.(2)Lady Advocates: -(a)Black and full or half sleeve jacket or blouse, white collar, stiff or soft with white bands with Advocates Gowns;(b)Sarees, or long skirts (white or black) or flare....Provided that the wearing of Advocate's Gown shall be optional except when appearing in the Supreme Court or in a High Court:Provided further that in the Court other than the Supreme Court, High Court, District Court, Sessions Court or City Civil court a black tie may be worn instead of bands.] [Substituted by C.S. No. 92, dated 14.07.1988.][16. Counsel for the petitioner/appellant should stand or take his seat on the right side of the Judge and that of the respondent/opposite party on the left side.] [Inserted by C.S. No. 101, dated 23.05.1996.]C. - Rules framed by the High Court of Judicature at Patna under Section 16 of the Indian Bar Councils Act, 1926 (XXXVIII of 1926).

**1. The fees payable as costs by any party in respect of the fees of his adversary's advocate upon all proceedings in the High Court shall be fixed and payable in accordance with Rules 14 to 26 of Chapter XIII, Part III of the Rules of the High Court.**

**2. The fees payable as costs by any party in respect of the fees of his [Adversary's advocate] [These words were substituted for the word 'adversary' by Notification No. 69, published in Part III, page 24, of the Bihar and Orissa Gazette, dated the 14th January, 1931.] upon all proceedings in any court subordinate to the High Court shall be in the discretion of that court and shall ordinarily be according to the scale prescribed for pleaders in Rule 426 of the Civil Court Rules, Volume. I.**

(D)[ Rules framed by the High Court of Judicature at Patna Under Section 34 (1) of the Advocates Act, 1961 exclusively for practice in the High Court.] [Inserted by C.S. 126, dated 10.12.2009.]

**1. These Rules may be called as "Registration of Advocates as Advocates-on-Record of the Patna High Court Rules".**

**2. They shall come into force from the date of their Notification.**

**3. In these Rules unless there is anything repugnant to the subject or context, -**

(a)"Act" means the Advocates Act, 1961.(b)"Advocates" mean those who have been enrolled in terms of the provision of the Act.(c)"Advocates-on-Record" mean those advocates, who intend to act in addition to plead.(d)"High Court" means the High Court of Judicature at Patna.(e)"Registrar" means the Registrar General of the High Court.(f)"Register of Advocates-on-Record" mean the register maintained by the Registrar incorporating the names and other particulars of advocates registered as Advocates-on-Record of the Patna High Court.(g)"Registered Advocates-on-Record" mean those advocates, who have been registered in the register of Advocates-on-Record.(h)"Registered Clerk" means clerk, who has been registered in accordance with the existing Rules applicable.(i)"Senior Advocate" means an advocate, who has been designated as such by the Patna High Court.

**4. After expiry of two months from the date of coming into force of these Rules, no one shall be entitled to engage an advocate to act in connection with any litigation whether pending or to be instituted in the High Court as his/her Advocate-on-Record unless he is a registered as Advocate-on-Record.**

**5. Unless an advocate is possessed of the following, he shall not be entitled to register himself in the register of Advocates-on-Record.**

(i)Has an Office in the city of Patna.(ii)Has a Registered Clerk working with him exclusively or with other advocates collectively; and(iii)Has been recommended in writing at least by one Senior Advocate.

**6. As a transitory measure within two months of coming in force of the Rules an advocate desiring to be registered as an Advocate-on-Record shall apply in writing in the prescribed format (Appendix-1) to the Registrar and in support thereof shall furnish the following: -**

(i)The address of his office with telephone/Mobile No.:(ii)The name and address of his Registered Clerk; and(iii)The recommendation in writing of "Senior advocate"/'1 Advocates-on-Record of not less than ten years experience at the Bar".

**7. On receipt of an application in the prescribed format (Appendix-2) by an advocate containing a request for being registered as Advocates-on Record, the Registrar shall have the same verified and on being satisfied as to the fulfillment of conditions for being registered as Advocate-on-Record. The advocate concerned shall be required to pass a test to be held by the High Court, details of which are given below before they are registered as an Advocate-on-Record: -**

(i)The examination shall be held under the supervision of a Committee of three Judges of the Court to be appointed by the Chief Justice of Patna High Court and to be designated as the Examination Committee; unless otherwise specifically ordered by the said Committee the examination will be held twice in a year preferably in May and December.(ii)The examination will be held in the Court building or such place as the Committee may direct to be appointed by the Committee and notified in the Official Gazette.(iii)The examination shall be conducted by a Board of Examiners to be nominated by the committee, of which Board the Registrar General of the Court will be the ex-officio Secretary.(iv)The examination shall be held in the following subjects: -

SI No.	Subject	Syllabus
1.	Practice and procedures of Patna High Court	(a) Relevant provisions in the Constitution of India to the Jurisdiction of the court.(b) Patna High Court Rules, Relevant provision of Civil Procedure Code, Criminal Procedure Code, Limitation Act and General Principles of Court Fees Act including fees and costs.
2.	Drafting in two parts	

(a) Petition formemorandum of appeals & Statements of cases etc.(b) Decree & Orders, Civil Writ, Cr. Writetc., Cr. Appeals, Cr. Revision & Civil Revision.

Elementary knowledge of

3. book keeping &Accounts  
and professional ethics

4. Leading cases

(v)(a)Each paper will carry 100 marks and in order to pass the examination a candidate must obtain a minimum 50 per cent of marks in each paper and 60 per cent in aggregate.(b)If the Committee, on the recommendation of the Board of Examiners, is of the opinion that a candidate has not sufficiently prepared himself for the examination they may prescribe a time within which he shall not present himself again for the examination,(vi)(a)No Advocate shall be eligible to appear at the examination unless he has received training from an Advocate-on-Record of not less than ten years Standing for a continuous period of one year commencing from the end of second year of date of his/her enrolment, ending on the 30th April or 30th November, of the year of the examination, as the case may be (This will however not prevent the concerned Advocate from receiving training for entire period of 2 years commencing from the date of his enrolment):Provided that the Committee may, in appropriate cases, extend the period beyond the aforesaid dates Viz., 30th April and 30th November, and admit an Advocate to an examination subject to the condition that one year's training is completed and the certificate of completion of training along with a detailed report on his/her work by the concerned Advocate-on-Record is produced before the commencement of the examination.(Explanation. - If an Advocate has undergone the training for a continuous period of one year and furnished the necessary Certificate about the completion of his training but fails to appear at the next examination for sufficient cause or fails to pass the examination he need not to undergo fresh training).(b)Every candidate receiving training from an Advocate-on-Record shall send to the Registrar General of this Court and intimation in writing of the name of Advocate-on-Record from whom he is receiving training together with the consent in writing to the Advocate concerned within seven days of the commencement of training.(c)The Registrar General shall maintain a register in which address of the Advocate-on-Record, the date of intimation and the date of actual commencement of training.(vii)Every Advocate who desires to appear at the examination shall present an application in prescribed Form at least 30 days before the date of such examination the applicants shall be accompanied by an examination fee of Rs. 100/- in Cash, deposited in the Counter of the Accounts (General) Department of the Court.(viii)The Board of Examiners shall from among its members appoint paper setters and examiners of each papers. After the papers have been set the board shall submit the same to the Committee. The Committee may moderate or revise the papers in any manner it thinks fit.(ix)The Board of Examiners, shall at the conclusion of the examination and after scrutiny of the answer papers, submit the result along with the answer papers for approval of the committee may, in its discretion moderate the said results in any manner it thinks fit.(x)As soon as the Committee has scrutinized the results and approved the same, the Secretary of the Board shall notify the results on the Court's Notice Board. Every candidate who is declared to have passed the Examination shall be given a Certificate to that effect under the hand of the Secretary.(xi)(a)A candidate who fails to obtain 50 per cent in one paper only but 40 per cent in that paper and also obtain 60 per cent in the remaining papers, shall be allowed to appear in the paper at (any one) subsequent, examination on payment of the full examination fee

and he/she shall be declared to have passed the Advocate-on-Record Examination if the marks obtained by him/her at the subsequent examination taken with the marks obtained in the remaining papers at the earlier examination are 60 per cent of the aggregate marks in all papers.(b)A candidate who passed in all the papers at any single Committee and on payment of the full examination fee, appear at (any one) subsequent examination in one of the papers only in which he/she has obtained less than 60 per cent marks and shall be declared to have passed the Advocate on Record. Examination if the marks obtained in the remaining papers at the earlier examination is 60 per cent of the aggregate marks in all the papers.(xii)All expenses on account of the examination shall be incurred by the Registrar General as departmental expenditure.(xiii)The scale of remuneration of the paper setter and/or examiner shall be as may be prescribed by the Committee from time to time.(xiv)The Secretary of the Board shall be in charge of the Examination, and he may with the approval of the Committee, appoint any officer of the Court to assist him in the supervision of the examination.(xv)(a)Any candidate bringing into the examination room any book, document or printed or written paper whatsoever or communicating in any way with any other candidate or mobile phone in the examination room or using any unfair means whatsoever or assisting any other candidate in so doing will be liable to be summarily rejected from the examination room, and shall automatically be disqualified from sitting in the said examination,(b)The Secretary shall forthwith report the names of the candidate found using unfair means and the circumstances pertaining thereto to the Committee. The Committee may disqualify the said candidate from appearing in any subsequent examinations and may direct that the matter be reported to the Court for such further action against the Advocates as the Court may deem proper.(xvi)At the conclusion of each examination the Secretary of the Board shall collect and forward the answer papers to the Examiner in sealed cover; of the examiner in residing outside Patna, the answer papers shall be forwarded to him under registered cover with acknowledgement and insured for Rs. 100/-

**8. The Register of Advocates-on-record shall contain serial nos. An advocate, on being registered in the Register of Advocates-on-Record, shall be supplied his serial number and date of registration.**

**9. In the Vakalatnama or Memorandum of appearance to be filed by an Advocate-on-Record, he shall indicate the serial no. against which he is registered in the register of Advocates-on-Record and the date of his registration. Failure to furnish such serial number and date of registration in the Vakalatnama or Memorandum of appearance will entail non acceptance thereof by the High Court.**

[10. Those Advocates who, on the date of the notification of these Rules, are already enrolled as advocates in the Bihar State Bar Council and members of any of the three associations of this court or practicing in any court/tribunal and a member of any Bar Association within a radius of ten kilometers from the seat of Patna High Court and fulfill the condition of Rules 5 and 6 above shall be entitled to be registered as Advocates on Record, being at par with the aforesaid three associations, without having appeared in the Advocates on Record examination:Provided that the said Advocates

within a period of one month from the date of notification of this Rule, apply before the Registrar giving all the details mentioned above in Rules 5 and 6, so that it may be verified and recorded.]  
[Substituted by C.S. No. 129, dated 08.03.2010.]

**11. The Register of Advocates-on-Record shall be kept and maintained by the Registrar.**

**12. A registered Advocates-on-Record shall inform in writing within 15 days to the Registrar the change of address of his Office or his Registered Clerk. On receipt of such information, the Registrar shall verify the same and upon being satisfied shall modify the Register of Advocates-on-Record suitably.**

**13. At any time after an advocate is registered in the Register of Advocates-on-Record, if it is found that any of the information furnished by him is untrue, he shall be de-registered, upon giving Office of Patna High Court shall be informed in relation to such de-registration, whereupon the office shall not accept any Vakalatnama or Memorandum of appearance filed by such de-(sic) registered Advocate-on-Record.**

**14. The Committee of Judges appointed by the Chief Justice shall be vested with the powers to delist the name of any Advocate from the Register of Advocates on Record on ground of indiscipline and violation of the provision of Advocates" Act, professional misconduct or on any ground which the Committee deems fit and proper.**

Appendix-I(To be submitted before the Registrar General)

{|

Paste Passport size Photograph

|}Application for being enrolled as Advocate-On-Record of Patna High Court.

**1. Name:.....**

**2. Father's Name: .....**

**3. Date of Birth: .....**

**4. Qualification: .....**

**5. Registration No. with date:**

**6. Name of Association of which he/she is a member:.....**

**7. (a) Present Address: .....**

Mob. No.....Phone. No.....(b)Residential Address:  
.....Mob. No.....Phone. No.....

**8. Name of the Clerk: .....**

and his address.....Mob. No.....Phone. No.....

**9. Name and address of Sr. Advocate making recommendation.....**

Mob. No.....Phone. No.....

Specimen Signatures of the Applicant.

1.....

2.....

Signature of the Applicant

Signature of Sr. Adv./Adv.-on-Record making recommendation

Place:.....

Signature of the Registrar General

Date:..... Patna High Court.

Appendix-II To, The Registrar General, Patna High Court, Patna. Sir, I am enclosing herewith my bio-data in proper format along with recommendation made by Sr. Advocate/Advocates-on-Record having seven years experience for registration as an "Advocate-on-Record".

Yours faithfully,

Address:.....

Phone/Mobile No.....

Dated.....

## **Chapter XXV**

**Rules framed by the High Court of Judicature at Patna in exercise of the powers conferred upon it by Section 73 of the Copyright Act, 1957 (Act XIV of 1957).**

**1. In these Rules unless there is anything repugnant in the subject or context, -**

(i)"Act" means the Copyright Act, 1957;(ii)"Registrar of Copyrights" includes the "Deputy Registrar of copyrights" to whom any particular function of the Registrar of copyrights may be assigned in pursuance of Section 10(2) of the Act;(iii)"Board" means the "Copyright Board" constituted under Section II (i) of the Act;(iv)"Court" means the High Court of Judicature at Patna;(v)"Registrar" and "Deputy Registrar" means, respectively, Registrar and the Deputy Registrar of the Patna High Court.(vi)"Section" means a Section of the Act.

**2. All appeals under Section 72(2) shall be registered and styled as "Miscellaneous Appeals".**

**3. (i) Every appeal under Section 72 (2) shall be made in the form of a memorandum signed by the appellant or his Advocate and shall be accompanied by a certified copy of the decision or order appealed from and shall set forth the grounds of objection concisely and under distinct heads. The memorandum and its annexures shall be filed in duplicate with a complete index of the papers filed.**

(ii)[Deleted by C.S. No. 113. dated30.9.1996.]

**4. Every appeal shall, soon after it is registered, be posted for orders before a Division Bench as to issue of notice to the respondents. The Court may either direct notice to issue and pass such interim order as it may deem necessary or reject the appeal.**

**5. (a) The service of notice to the respondent or respondents shall ordinarily be effected through registered post. An acknowledgement purporting to be signed by the respondent or the agent or an endorsement by a postal employee that the respondent or the agent refused to take delivery may be deemed by the Court to be prima facie proof of service. The appellant shall file as many typed copies of the memorandum of the appeal as there may be parties to be served and also the requisite number of postal envelopes bearing adequate postal stamps to enable service to be effected on the respondent or respondents by registered post with acknowledgement due.**

(b)The notice of appeal shall be served on all respondents affected and on such other persons as the Court may direct:Provided that on the hearing of any such appeal, any person who desires to be heard in opposition and appears to the Court to be a proper person to be heard, shall be heard



notwithstanding that he has not been served with the notice of the appeal and shall be liable to costs in the discretion of the Court if so ordered.(c)Notice meant for the Board shall be served on the Registrar of copyrights in the manner provided in clause (a) of this Rule the Board shall have a right to appear in the appeal through the Registrar of Copyrights.

**6. If the appellant does not remove the defect, if any, in the memorandum of appeal, or, if he does not file the requisites within a time to be fixed by the Registrar, the appeal shall be laid before the Court for such orders as may be deemed fit.**

**7. When an appeal under Section 72(2) has been admitted, the Registrar shall send for the record and on receipt thereof shall take steps for the preparation of paper books, so far as may be, in accordance with the Rules of the Court regarding preparation of paper books in appeals from original orders.**

**8. Appeals under Section 72(2) shall be heard by a Bench of not less than two Judges.**

**9. When an appeal under Section 72 (2) has been preferred, the Court may, on such terms and condition as it thinks fit, stay further proceedings in any matter relating to the copyright concerned before the Board till the disposal of the appeal.**

**10. Save as provided in the Act and these Rules, the provisions of the Code of Civil Procedure and the Rules of the Court shall apply mutatis mutandis to such appeals.**

The Court may in such appeals impose such terms as to costs as it thinks fit and also at its discretion may award a special hearing fee at the time of disposal of the appeal by way of cost over and above other costs.

**11. A certified copy of decision or order of the Court shall be sent to the Registrar of copyrights for information and compliance of the directions given therein.**

## **Chapter XXVI**

[Chapter XXVI deleted by C. S. No. 124, dated 13.03.2001][CHAPTER XXVII] [Added by C.S. No. 34, dated 24.04.1979.] General Provisions[1. Where a petition or appeal is expected to be lodged or filed (in the case of a petition it should not relate to any pending appeal), any person claiming a right

to appear before the Court at the time of admission of such petition or appeal, may lodge a caveat in the matter thereof] [Substituted by C.S. No. 35, dated 18.10.1979.][For the purpose of Court fees, caveat shall be treated as a petition.] [Added by C.S. No. 90, dated 22.03.1988.]

**2. When a caveat has been filed, the name of the counsel for caveator shall be printed in the cause list. The Judge or Judges hearing the case for admission may hear the counsel for the caveator at the stage of admission.**

**3. Notwithstanding anything contained in the Patna High Court Rules, in all cases in the High Court (except death references) paper book shall be typed/ cyclostyled, except where otherwise ordered by the Court/Registrar.**

[CHAPTER XXVIII] [Added by C.S. No. 76, dated 08.01.1985] Rules under the Contempt of Courts Act, 1971 (Act 70 of 1971)

**1.**

(1)These Rules shall be called the Contempt of Courts (Patna High Court) Rules.(2)They shall come into force on the date of their publication in the Official Gazette.

**2. In these Rules unless there is anything repugnant to the subject or context:**

(a)'Act' means the Contempt of Courts Act, 1971 (Act 70 of 1971)(b)'High Court' means the High Court of Judicature at Patna.(c)'Judge' means Judge of the High Court of Judicature at Patna(d)'Subordinate Court' means any court subordinate to the High Court of Judicature at Patna.(e)'Registrar' means the Registrar of the High Court of Judicature at Patna.[Words "and includes Additional Registrar, Ranchi Bench" deleted by C.S. No. 124 dated 13.3.2001.](f)All other words and expressions used in these Rules, but not defined therein, shall have the meanings respectively assigned, to them in the Act.

**3. (i) Every petition for initiating a proceeding for civil contempt within the meaning of the Act shall be registered as Miscellaneous Judicial Case whereas petitions for initiating proceedings for criminal contempt shall be registered as Original Criminal Miscellaneous Cases.**

(ii)In every such petition the State of Bihar shall be made a respondent.(iii)Every such petition shall contain -(a)Name, description and place of residence of the petitioners and of person or persons charged;(b)Nature of the contempt alleged and such material facts, including the date or dates of the commission of the alleged contempt, as may be necessary for proper determination of the case.(c)If a petition has previously been made by him on the same facts, the petitioner shall give the details of the petition previously made and shall also indicate the result thereof.(iv)The petition shall be

supported by an affidavit.(v)Where the petitioner relies upon a document or documents in his possession or power, he shall file such document or documents or true copies thereof with the petition.(vi)No court- fee shall be payable on the petition, and on any document filed in the proceeding.

**4. A petition for civil contempt as well as for criminal contempt shall be filed [at the Centralised filing Counter] [Substituted by C.S. No. 114 dated, 30.09.1996.] of the High Court.**

**5. Every motion made by the Advocate-General under Section 15 of the Act shall state the allegations of the facts and the view of the motion maker that in relation to those facts contempt appears to have been committed of which the court should take cognizance and take further action. The motion should contain sufficient material to indicate why the Advocate-General is inclined to move the Court.**

**6. Every petition for initiating a contempt proceeding shall be posted before a Bench of the Court for preliminary hearing and for orders as to issue of notices, except petitions in respect of civil contempt which relates to orders or directions passed by a Judge of this Court which shall be listed for preliminary hearing and orders as to issue of notice before a Judge of this Court. Upon such preliminary hearing the Court if satisfied that no prima facie case has been made out for issue of notice, may dismiss the petition, and if not so satisfied, direct that notice of the petition be issued to the contemner.**

**7. (i) The notice to the person charged shall be issued in Form 1. when action is instituted on a petition, a copy of the petition along with annexures and affidavits shall be served upon the person charged.**

(ii)The person charged may file his reply show cause duly supported by an affidavit or affidavits.(iii)The person charged shall, unless otherwise ordered, appear in person before the Court as directed on the date fixed for hearing of the proceeding, and shall continue to remain present during the hearing till the proceeding is finally disposed of by the order of the Court.

**8. The Court may direct the Advocate General or any other State Counsel to appear and assist the Court.**

**9. The Court may in appropriate cases before initiating proceeding for contempt against the contemner, issue notices to such contemner directing him to show cause as to why a proceeding for contempt be not initiated against him. In such cases, it shall not be necessary for the alleged contemner to be present in Court and question of initiating a proceeding for contempt shall be considered on the basis of the show cause filed.**

**10. The notice of every proceeding for contempt shall be served personally on the person charged unless the Court, for the reasons recorded, direct otherwise. In that event the service may be effected by alternative form of service authorised by the Code of Civil Procedure or Code of Criminal Procedure, as the case may be.**

**11. (i) The Court may, if it has reason to believe, that the person charged is absconding or is otherwise evading service of notice, or if he fails to appear in person or to continue to remain present in person in pursuance of the notice, direct a warrant bailable or non-bailable for his arrest, addressed to one or more police officers and may order attachment of property. The warrant and the writ of attachment shall be issued under the signature of the Registrar. The warrant shall be in Form II and shall be executed, as far as may be in the manner provided for execution of warrants under the Code of Criminal Procedure.**

(ii) The warrant shall be executed by the officer or officers to whom it is directed, and may also be executed by any other police officer whose name is endorsed upon the warrant by the officer to whom it is directed or endorsed. (iii) every person who is arrested and detained shall be produced before the nearest Magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the Court of the Magistrate, who shall authorise detention for the period till such person is produced before the High Court. (iv) Every person who is arrested and detained when produced before the High Court, shall be released on bail if a bond for such sum of money as the Court thinks sufficient is executed with or without sureties, with condition that the person charged shall attend at the time and place mentioned in the bond and shall continue to so attend until otherwise directed by the Court. Provided further that the Court may if it thinks fit, instead of taking bail from such person, shall release him on his execution of a bond without sureties for his attendance as aforesaid or without executing any such bond. The provisions of the Code of Criminal Procedure, 1973 shall, so far as may be, apply to all the bonds executed under the Rules.

**12. If it appears to the Court that an enquiry should be held in which witnesses have to be examined, the court may make order for purpose of securing the attendance of any person to be examined as a witness and for discovery or production of any document.**

**13. The Court may pass such order as it thinks fit consistent with the provisions of the Act.**

**14. Where contempt is committed in the presence of Court, or during the hearing of a case by the Court, the proceeding initiated for such contempt shall be conducted in accordance with the procedure prescribed by Section 14 of the Act.**

**15. (i) Reference under Section 15 (2) of the Act may be made by a subordinate court either suo motu or on application received by it.**

(ii) Before making a reference the subordinate court shall hold a preliminary enquiry by issuing a show cause notice accompanied by copies of the relevant documents, if any, to the contemner and after hearing him the subordinate court shall write a concise reasoned order of reference indicating why contempt appears to have been committed.

**16. The Patna High Court Rules which are not inconsistent with the provisions of these Rules mutatis mutandis shall apply to the proceedings in the High Court.**

**17. Where a person charged with contempt is adjudged guilty and is sentenced to suffer imprisonment, a warrant of commitment and detention shall be made out in Form III under the signature of the Registrar. Every such warrant shall remain in force until it is cancelled by order of the Court or until it is executed. The Superintendent of the Jail shall in pursuance of the order receive the person so adjudged and detain him in custody for the period specified therein, or until further orders.**

**18. Appeal. - The appeal presented to the Court against the decision of a Single Judge under Section 19(1 )(a) of the Act shall be filed in accordance with the Patna High Court Rules meant for Letters Patent Appeals and such appeal shall be placed before a Division Bench for admission and hearing. After admission of the appeal, the provisions regarding issuance of notice, and preparation of paper book shall be governed by the Patna High Court**



(Seal) Registrar.

Appendix A(Deleted)Appendix BAppendix of Saleable forms under Rule 10

## Chapter XV

(P.H.C Schedule VI-3)

{|

Space for Searching fees

|

Thirty Paise Court-fee on application.

|

Space for Expedition fees.

| -| Serial No. ....| |} In the High Court of Judicature at Patna

Application for| UrgentOrdinary| Copy

\* .....No. of 19\* Here state classof case, e.g., S.A. L.P.A. etc.

.....Appellant/Petitionervs.....Respondent/Opp.

Party

Description ofdocument of which copy is wanted with date,  
where necessary: -

Application is made  
by.....the  
undersigned,for copy the  
marginally named document  
from{|

the| High CourtLower Court| Court file in the above case which  
was disposed of on...../is still pending. The following stamps  
and stamped sheets are filed:

| -| Dated 20| Signature and description of applicant.}|

Office Report

Estimate Of Court

The copy  
willcover.....,Vernacular/EnglishsheetsDate  
Assistant.Typist's Report.Short folios and stamps  
notified on....."Do" filedon.....Total no. of  
foliosused....Total amount of Ex.feeRs... No. of  
foliosreturned....Date....typists.

(Excluding what  
hasbeen filed)Rs.  
Paisastamped sheets  
ato.35.....Court-feestamps.....Extra  
stamp  
forurgency....Searching  
fee in stamp...

Estimated  
stamps,etc.notified  
on.....Supplied  
on.....Applicant  
Recordreceived on  
.....Copy will be  
ready on.....Copy  
actually  
readyon.....Copy  
delivered on....

Total Rs.....

Date Section Officer

Serial No.Received an application for copy bearing the above number.

Section Officer.

Date 20

Estimated stamps and sheets valued at Rs.  
Paisa Supplied on.....To attend for  
copy on.....

Received copy on.....with unused  
stamps and sheets valued at Rs. Paisa Applicant.

[P.H.C. Schedule VI-4]

\*\*\* See Note Below

Application for Information

Number and date	Name and residence of applicant	Nature of the information required	Date on which the information is to be ready	Signature of the officer receiving the application	Remarks
1	2	3	4	5	6

\*\*\*Note. - The application will not be considered as complete until stamps and costs have been supplied in full, which must, be done within seven days of the date of the estimate. All enquiries and complaints shall be accompanied by this counterfoil. It will have to be given up when the copy is delivered.

Number and date	Name and residence of applicant	Nature of the information required	Date on which the information is to be ready	Signature of the officer receiving the application	Remarks
1	2	3	4	5	6

Note. - The person applying for information is to fill up columns 1 [except the nos. 2 and 3] and present it to the officer appointed to receive such applications, who, if the information required cannot be immediately supplied, will fill up, tear off, and return the bottom part of the form to the applicant.[P.H.C. Schedule VI - 1(a)]Patna High CourtChallan For Deposit of Money With Cashier.(To be filled up by the applicant)I. Number, class and year of the case in which money is to be deposited.....Appellantversus.....RespondentII. Name of parties Respondent(first names only)III. Name of person on whose behalf money is tendered.....IV. Nature of deposit.....V. Amount tendered (in words and figures).....VI. By whom tendered.....Signature of AdvocateCashier's memo.Date of deposit.....No. of deposit.....

Accountant. Cashier Signature of person tendering money.

(N.B.- Deposit must be made between the hours of 10.30 A.M. and 3 P.M. No deposit will be received by the Cashier after 3 P.M.)

[P.H.C. Schedule VI-2]In The High Court of Judicature at Patna,Application For Refund of Deposit.Case No.

19.....Appellant,vs.....Res

Name of applicant	Nature of Deposit	Date and no. of deposit.	Amount claimed  Rs.	Name of the person to whom payment is to be made(vide Patna High Court Rules, Chapter XV)  Paise
----------------------	----------------------	-----------------------------	------------------------------	--



Accountant's Report  
Signature of applicant or his Advocate  
Section Officer's Report  
Authentication or counter-signature where necessary  
Registrar's Order

Section Officer

Registrar

Passed for

by Repayment order.

No.....Dated.....20

Accountant

Deputy Registrar

[P.H.C. Schedule VI-5]In the High Court of Judicature at Patna.First Appeal

No.....of.....20Appellantsvs.Respondents.List of papers to be inserted in the Paper-book on behalf of the.....in the abovenamed Appeal.

Number on the record.	Mark (in any) in the Court below	Description and date of paper	Whether the whole or portion is to be inserted in the paper-book.	Number of words
-----------------------	----------------------------------	-------------------------------	---	-----------------

Patna: Signature of Advocate for

Date

(N.B. - If a portion is to be inserted it shall be marked.)[P.H.C. Schedule

VI-6]MEMO.....No..... of 20

.....| AppellantPetitioner

versus

(a) Appearance for(b)Paper-Book for

.....| RespondentOpp. Party

To,The Deputy Registrar of theHigh Court of Judicature at Patna.....No.....of 20

.....| AppellantPetitioner

versus

.....| RespondentOpp. Party

Sir,I have the honour to state that I have been authorised by .....to appear on behalf of the.....in the above mentioned case and to request that(a)the fact may be

noted.\_\_\_\_\_ (b)a copy of the paper-book may be supplied to me.

Patna: Yours faithfully,

Advocate for.....

Note. - Separate forms to be used for (a) and (b) and the unnecessary clause scored out.Appendix B (I)In The High Court of Judicature at Patna.Requisition for Books (Chapter IIA, Rule 10)Please send the following books.: -For...../reference to File no.....Case No.....

Serial No. Title of books Name of author

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

7.

8.

Signature with date of the Assistant complying with requisition Signature with date and designation  
Countersignature, where necessary.

The above has/have been received back librarian.

Appendix C Appendix of Account Forms and Registers under Rule 11, Chapter XV Register of  
Deposits Received in The High Court of judicature

Date of Receipt	No. of each deposit	From whom received	Nature of Deposit	Amount of each Deposit	Initial of D.R.	Daily total carried to Cash Book
Date	Amount of each Repayment	Initial of D.R.	Date	Rs.	Paise	Rs. Paise
at Patna in the Month of .....20						
Details of Repayment	Total Repayment	Balance carried to clearance register	Lapsed and credited to Government	Amount of each Repayment	Initial of D.R.	Amount of each Repayment
Rs.	Paise	Date	Rs. Paise	Rs. Paise	Rs. Paise	Rs. Paise

[P.H.C. Schedule VII-6] Register of Receipts of the High Court of Judicature at Patna Nature of the  
Receipts to be Credited to Government

Date	No. of Entry	Number of case	Person from whom received	Fines	Deficit printing cost	Miscellaneous	Sale proceeds of Paper Books	Total	Signature of Deputy Registration
1	2	3	4	5	6	7	8	9	10

Register of Payment Orders issued by the High Court at Patna in the Month of.....20.....

Date	Consecutive number of payment order	To whom paid	Number and date of item in the Register of Receipts against which the payment is to be made	Amount to be paid	Initials of Deputy Register	Date of Payment by Collector	Initials of Deputy Register	Remarks
------	-------------------------------------	--------------	---	-------------------	-----------------------------	------------------------------	-----------------------------	---------

In  
Cash By Transfer

1	2	3	4	5	6	7	8	9	10
				Rs.	Paise	Rs.	Paise		

Note. - After the receipt of the Treasury advice for the last day of the month, the monthly total of this Register should be compared with the monthly totals of the Register of Repayments of Deposits. The difference, if any, will be due to orders granted, but not cashed, and the amount of those which have lapsed should be written off.

## No. 9

[C.A.C. Form 30]

Register of Repayments of Deposits at Treasury of -

Details of Original Deposit	Date of present repayment	Number of repayment voucher	To whom repaid	Whether paid in cash or by transfer	Initials of	Daily total carried to cash book
Date of receipt	Number as per Register of Receipts	Amount or balance of Deposit	Accountant	Treasury or Disbursing Officer		

N.B. - The same Form will serve for the list of repayments submitted each months, a single column "Amount repaid" should be substituted for the 2 sub-columns, 'In cash' and 'by transfer' and the last four columns as well as columns 4 and 6 may be struck out by hand and the heading of the form changed to list of Repayments of, etc. Appendix-C[P.H.C. Schedule VI 10] Ledger of security deposit.... High Court...Appellate Side.

No..... Name .....

Date of deposit	Amount deposited	Initials of
-----------------	---------------------	-------------

In Government promissory  
notes

No. and year	Amount	Name of endorser	In cash
--------------	--------	---------------------	---------

Accountant Registrar

Interest account on above

Date of payment order	No of cheque	To whom paid	Particulars of interest order	Initial of Registrar	Signature of payee
--------------------------	-----------------	-----------------	----------------------------------	-------------------------	-----------------------

[P.H.C. Schedule VII 5] General Cash Book, Patna High Court, Receipts

Date	Nature of receipts	No. of items	Amount	Daily total	Initial of accountant	Remarks
Other Receipts						

Judicial  
Deposits

1	2	3	4	5	6	7	8
	Opening BalanceJudicial DepositsFines.....Sales of paper-booksSale ofform.....Cash Receipts byM.O. Miscellaneous..Total		Rs.	Paise	Rs.	Paise	Rs. Paise

....

Cashier Deputy Registrar

General Cash Book, Patna High Court.Disbursements

Date	Nature of payment	No. of voucher	Amount	Daily total	Initial of Accountants	Remarks	
Judicial Deposits	Other Disbursements						
1	2	3	4	5	6	7	8
	Remitted to StateBank of India: -(1) By paid vouchers.(2) By CashContingencies.....G. C. AllowanceEstablishment Pay.		Rs.	Paise	Rs.	Paise	Rs. Paise

Analysis  
of  
Closing  
Balance

Judicial Depositsetc.....PermanentAdvance.....Establishmentpay.....Grain Comp.Allowance.....R. T. Receipts andBank Draft.Travellingallowance.....Money Orderreceipts..Total....	Rs.	Paise
	Closing Balance Total	

Cashier Deputy Registrar

[P.H.C. Schedule VII-7]Pass Book, Patna High Court

Dr. Cr.

Payments and Remittances From the Court

Date of payment	Court's numbers of of	Particulars	Amount	Signature of the	Date of receipt	Particulars of	Head of account	Amount
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repayment vouchers	payments	Agent, State Bank or T.O.	Receipts	under which to be scheduled at Treasury	Judicial Deposit of justice.-Miscellaneous
Cash remittance from the Court.	Rs.	Paise.	Treasury OfficerAgent	High Court Deposit Receipts	XV.
Sale-proceeds of paper-books					
Sale proceeds of Forms..					
Sale of old stores,					
etc....Miscellaneous (other items).					
Total...					Total...

Patna

The 20 Deputy Registrar

Patna High Court

[P.H.C. Schedule VII-8]Register of money orders received

Serial number	Date	Number of money order with dates	Name of remitter	Station or post town	Amount	Daily total	Signature of Deputy Registrar	Signature of treasurer	Date of disposal or transfer to other heads	How disposed of
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[P.H.C. Schedule VII-8]Register of saleable forms

Date	Application for copy	Price	Application by Counsel	Price	Application for refund	Price	Challans	Price	Application for information	Price	List	Price	To val
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Register of payments made in Court

Number of repayment order	Date of order	Amount paid	Date of payment	To whom paid	How identified	Signature of cashier	Signature of recipient
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Appendix C (1)In The High Court of Judicature at PatnaCourt's Certificate to WinessesCertified that (1).....(2).....appeared before the Court as a witness on behalf of.....in.....case no.....of.....for.....days from.....to.....in his Official/Private Capacity to depose to facts within his (3)..... knowledge, and that he has been paid (4) the undermentioned allowances: -

(a) Name

(2) Designation

(3) Here state whether official or private.

(4) If nothing is paid under either head, it should be clearly stated.

As travelling allowance ... .. Rs.

As halting allowance ... .. Rs.

A sum of Rs.....has been deposited as his pay.

Date..... Deputy Registrar

Appendix C (2) Form No. 1 In the High Court of Judicature at Patna. (Original Jurisdiction.) Inventory (Chapter XI, Rule 30) To be filed within six months from the grant of Probate or Letters of Administration (Under Section 317 of the Indian Succession Act). -

Property in

possession of  
executor

Credits

or administrator

Immovable  
property

Movable  
property

Description	Government revenue payable (if any)	Recorded rental (if any)	Estimated market value	Description	Estimated value	Amount due to estates	From whom due	Nature of security (if any)
1	2	3	4	5	6	7	8	9

Debits  
Property  
bequeathed  
by Will of  
deceased

Amount due	To whom due by estate	On what account	Amount of value	To whom bequeathed	Remarks
10	11	12	13	14	15

Note. - The inventory must be verified in the manner prescribed by Rule 30. Form No. 2 In the High Court of Judicature at Patna (Original Jurisdiction) Account. (Chapter XI, Rule 30) To be filed within one year from the grant of Probate or Letters of Administration (Under Section 317 of the Indian Succession Act.)

Assets  
Application  
for  
disposal of  
assets

Property in possession of executor	Income from such property	Credits realised out of those	Other assets or credits	Total assets which have come into the	Debts paid out of those	Legacies paid out of those entered in	Other payments made	Total payme made
--	---------------------------------	-------------------------------------	-------------------------------	---	-------------------------------	---	---------------------------	------------------------

under entered in recovered hands entered in the inventory  
the inventory the inventory or realised of executor or the  
Form no. administrator inventory  
up to date of  
filing the  
account

1 2 3 4 5 6 7 8 9

Note. - This account must be verified in the manner prescribed by Rule 30. Appendix CC Form No. 1 (Criminal) Rule 5, Chapter XXIB. Form of Production Warrant. (Under Section 491 of the Code of Criminal Procedure.) In the High Court of Judicature at Patna Criminal Jurisdiction To - The Officer-In-Charge of (name of jail or other place, where the person is detained in custody) or to (name of person). You are hereby required to have the body of B.C. now a prisoner in your custody (or now in your custody) before the High Court, on the ..... day of ..... next by ..... of the clock in the forenoon of the same day to be dealt with according to law and you shall then and there abide by such order as shall in that behalf be made by the said Court (if the prisoner is detained in public custody add) and unless the said B.C. shall then and there, by the said Court, be ordered to be released, you shall, after the said Court shall have dispensed with his further attendance, cause him to be conveyed, under safe and sure conduct back to the said) jail or other place of custody).

Dated this day of 20.

Deputy Registrar, Form No. 2 (Criminal) Rule 5, Chapter XXIB Form of Production Warrant. (Under Section 491 of The Code of Criminal Procedure) In The High Court of Judicature at Patna. Criminal Jurisdiction To - The Officer-in-Charge of The (Name of Jail). You are hereby required to have the body of B.C. now a prisoner in the (name of Jail), ..... under safe and sure conduct before the High Court on the ..... day of ..... next, by ..... of the clock in the forenoon of the same day, there to give testimony in (particulars of the case) ..... (now pending before the said Court against D.E. and after the said B.C. shall then and there have given his testimony before the said Court, or the said Court shall have dispensed with his further attendance, cause him to be conveyed, under safe and sure conduct, back to the said (name of jail).

Dated this day of 20.

Deputy Registrar Form No. 3 (Criminal) Rule 5, Chapter XXIB Form of Production Warrant. (Under Section 491 of The Code of Criminal Procedure) In the High Court of Judicature at Patna Criminal Jurisdiction To - The Officer in Charge of the (Name of Jail) You are hereby required to have the body of B.C. now a prisoner in the (name of jail) ..... under safe and sure conduct, before the officers assembled at a Court- Martial (or before the Commissioners) at ..... on the ..... day of next, by ..... of the clock, in the forenoon of the same day, for the trial of the said B.C. (or there to give testimony in a certain trial now pending before the said Court-Martial, or the said Commissioners against D.E., or as the case may be), and after the trial of the said B.C. or after the said B.C. shall then and there have given his testimony before the said Court-Martial (or the said Commissioners), or the said Court-Martial (or the said Commissioners) shall have dispensed with his further attendance, cause him to be conveyed, under safe and sure conduct, back to the said (name of jail).

Dated this day of 20.

Deputy Registrar Form No. 4 (Criminal) Rule 5, Chapter XXIB Form of Production Warrant. (Under Section 491 of the Code of Criminal Procedure) In the High Court of Judicature at Patna. Criminal Jurisdiction To - The Officer In Charge of the (Name of Jail). You are hereby required to cause the body of B.C. now a prisoner in the (name of jail).....conveyed, under safe and sure conduct, to the jail at.....and on or before the.....day of.....made over to the officer-in-charge of such jail, to be by him there kept in intermediate custody for the purpose of trial before (name of Court).....at (name of place).

Dated this day of 20.

Deputy Registrar Appendix CCC Vide Rule 5, Chapter XXII-C. Form of Notice. In the High Court of Judicature at Patna. Appellate Jurisdiction. Civil side Civil Reference No.....of.....19. Under the Chartered Accountants Act, 1949. (Act XXXVIII of 1949) The Council of the Institute of Chartered Accountants of India.....Referring Authority Versus Respondents To (1)..... Member of the Institute.....the ..... Respondents above named. (2) The Secretary to the Council of the Institute of Chartered Accountants of India. (3) Secretary to the Government of India (Ministry of Finance), New Delhi. (4) Chief Secretary to the State Government Concerned\*. Whereas the Council of the Institute of Chartered Accountants of India has forwarded to this Court its findings, dated the .....20, and the report of the Disciplinary Committee, dated the .....20 .....in the above mentioned case: Now, therefore, take notice that the .....day of .....20, has been fixed for hearing and that the case will be laid before the Court for the said purpose on that date or as soon thereafter as the business of the Court will permit. Given under my hand and the seal of the Court.....this day of .....20. By order of the Court, Deputy Registrar\* To be scored out in case the complaint has not been lodged by the State Government. Appendix D Note. - The Bar Council of Bihar has framed rules relating to admission of Advocate and other matters under the Advocates' Act, 1961. These Rules have been separately printed by the Bar Council. Appendix E Letters Patent Constituting the High Court of Judicature at Patna. Recital of Acts 24 and 25 Vict.c. 104. - George The Fifth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the seas, King, Defender of the Faith, Emperor of India, To All whom these Presents shall come, greeting: Whereas by an Act of Parliament passed in the Twenty-fourth and Twenty-fifth Years of the Reign of Her Late Majesty Queen Victoria, and called the Indian High Courts Act, 1861, it was, amongst other things, enacted, by section one, that it should be lawful for Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, to erect and establish a High Court of Judicature at Fort William in Bengal; for the Bengal Division of the Presidency of Fort William; and, by section two, that such High Court should consist of a Chief Justice and as many Judges, not exceeding fifteen, as Her Majesty might, from time to time, think fit to appoint, who should be selected from among persons qualified as in the said Act was declared: and, by section eight, that upon the establishment of such High Court as aforesaid the Supreme Court and the Court of Sadr Diwani Adalat and Sadr Nizamat Adalat at Calcutta, in the said Presidency, should be abolished; and, by section nine, that the High Court of Judicature so to be established should have and exercise all such civil, criminal, admiralty and vice admiralty, testamentary, intestate and matrimonial jurisdiction, original and appellate, and all such Presidency, as Her Majesty might by such Letters Patent as aforesaid grant and direct, subject, how ever, to such directions and limitations, as to the exercise of original, civil and criminal jurisdiction beyond the limits of the Presidency town, as might be prescribed thereby; and that, save as by such Letters Patent might be otherwise directed,



and subject and without prejudice to the legislative powers in relation to the matters aforesaid of the Governor-General of India in Council, the High Court so to be established should have and exercise all jurisdiction, and every power and authority whatsoever, in any manner vested in any of the Courts in the same Presidency abolished under the said Act at the time of the abolition of such last mentioned Courts: And whereas it was further declared by section sixteen of the said recited Act that it should be lawful for Us by Letters Patent to erect and establish a High Court of Judicature in and for any portion of territories within Our Dominions in India, not included within the limits of the local jurisdiction of another High Court, to consist of a Chief Justice and such number of other Judges, with such qualifications as were by the same Act required in persons to be appointed to the High Courts established at the Presidencies of Fort William in Bengal, or Madras, and of Bombay, as We from time to time might think fit and appoint; and that it should be lawful for Us, by such Letters Patent, to confer on any new High Court which might be so established any such jurisdiction, powers and authority as under the same Act was authorized to be conferred on or would become vested in the High Court established in any of the said Presidencies; and that, subject to the directions of the Letters Patent, all the provisions of the said recited Act relative to High Courts and to the Chief Justice and other Judges of such Courts, and to the Governor-General or Governor of the Presidency in which such High Courts were established, should, as far as circumstances might permit, be applicable to any new High Court which might be established in the said territories, and to the Chief Justice and other Judges thereof, and to the persons administering the Government of the said territories: Recital of establishment of High Courts at Fort William and Allahabad. - And whereas, upon full consideration of the premises, Her late Majesty Queen Victoria by Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the Fourteenth day of May, in the Twenty fifth Year of Her Reign, in the Year of Our Lord One thousand eight hundred and sixty-two, did erect and establish a High Court of Judicature at Fort William in Bengal for the Bengal Division of the Presidency of Fort William aforesaid, and did constitute that Court to be a Court of Record: And whereas Her late Majesty Queen Victoria, by Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the Twenty eight day of December, in the Twenty-ninth Year of Her Reign in the Year of Our Lord One thousand eight hundred and sixty five, did revoke the said Letters Patent bearing date the Fourteenth day of May in the Year of Our Lord, One thousand eight hundred and sixty-two, but notwithstanding that revocation did continue the said High Court of Judicature at Fort William in Bengal and declared that the Court should continue to be a Court of Record: And Whereas, upon full consideration of the premises, Her late Majesty Queen Victoria, by Letters Patent under the Great Seal of the Kingdom of Great Britain and Ireland, bearing date at Westminster the Seventeenth day of March in the Twenty ninth year of Her Reign, in the Year of Our Lord One thousand eight hundred and sixty-six, did erect and establish a High Court of Judicature for the North-Western Provinces, which said Court is situated at Allahabad in the Province of Agra and is now called the High Court of Judicature at Allahabad, and did constitute the Court to be a Court of Record: Recital of Acts 1 & 2 Geo. 5, c. 18. - And whereas by an Act of Parliament passed in the First and Second Years of our Reign, and called the Indian High Courts Act, 1911, it was enacted, amongst other things, by section one, that the maximum number of Judges of a High Court of Judicature in India, including the Chief Justice, should be twenty; and, by Section two, that Our power under section sixteen of the Indian High Courts Act, 1861, might be exercised from time to time, and that a High Court might be established under the said section sixteen in any portion of the

territories within Our Dominions in India, whether or not included within the limits of the local Jurisdiction of another High Court: and that, where such a High Court was established in any part of such territories included within the limits of the local jurisdiction of another High Court, it should be lawful for Us by Letters Patent to alter the local jurisdiction of that other High Court, and to make such incidental, consequential and supplemental provisions as might appear to be necessary by reason of the alteration of those limits; Recital of Acts 5 & 6 Geo. 5, c. 61. - And whereas the said Indian High Courts Act, 1861 and 1911, have been repealed and re-enacted by an Act of Parliament passed in the Fifth and Sixth Years of Our Reign, and called the Government of India Act, 1915; Recital of creation of Province of Bihar and Orissa. - And whereas certain territories formerly subject to and included within limits of the Presidency of Fort William in Bengal were, by Proclamation made by the Governor-General of India on the Twenty-second day of March in the Year of Our Lord One thousand nine hundred and twelve, constituted a separate Province, called the Provinces of Bihar and Orissa, and are now governed by a Lieutenant-Governor in Council:

**1. Establishment of High Court at Patna. - Now know ye that We, upon full consideration of the premises, and of Our special grace, certain knowledge, and mere motion, have thought fit to erect and establish, and by these presents We do accordingly for Us, Our Heirs and Successors, erect and establish, for the Province of Bihar and Orissa aforesaid, with effect from the date of the publication of these presents in the Bihar and Orissa Gazette, a High Court of Judicature, which shall be called the High Court of Judicature at Patna, and we do hereby constitute the said Court to be a Court of Record.**

**2. Constitution and first Judges of the High Court. - And We do hereby appoint and ordain that the High Court of Judicature at Patna shall, until further or other provision be made by Us, or Our Heirs and Successors, in that behalf in accordance with section One hundred and one of the said recited Government of India Act, 1915, consist of a Chief Justice and six other Judges, the first Chief Justice being Sir Edward Maynard Des Champs Chamier, Knight, and the six other Judges being Saiyid Shurf-uddin, Esquire, Edmand Pelly Chapman, Esquire, Basanta Kumar Mullick, Esquire, Francis Reginald Roe, Esquire, the Hon'ble Cecil Atkinson, and Jowala Prasad, Esquire, being respectively qualified as in the said Act is declared.**

**3. Declaration to be made by Judges. - And We do hereby ordain that the Chief Justice and previously to entering upon the execution of the duties of his every other Judge of the High Court of Judicature at Patna, office, shall make and subscribe the following declaration before such authority or person as the Lieutenant-Governor in Council may commission to receive it:**

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"I, A, B, appointed Chief Justice (or a Judge) of the High Court of Judicature at Patna, do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge and judgment."

**4. Seal. - And We do hereby grant, ordain and appoint that the High Court of Judicature at Patna shall have and use, as occasion may require, a seal bearing a device and impression of Our Royal arms within an exergue or label surrounding the same, with this inscription, "The Seal of the High Court at Patna." And we do further grant, ordain and appoint that the said seal shall be delivered to and kept in the custody of the Chief Justice, and in case of vacancy of the office of Chief Justice or during any absence of the Chief Justice, the same shall be delivered over and kept in the custody of the person appointed to act as Chief Justice under the provisions of section One hundred and five of the Government of India Act, 1915; and We do further grant, ordain and appoint that, whensoever the office of Chief Justice or of the Judge to whom the custody of the said seal be committed is vacant, the said High Court shall be, and is hereby, authorized and empowered to demand, seize and take the said seal from any person or persons whomsoever, by what ways and means soever the same may have come to his, her or their possession.**

**5. Writs, etc. issue in name of the Crown and under seal. - And We do hereby further grant, ordain and appoint that all writs, summonses, precepts, Rules, Orders and other mandatory process to be used issued or awarded by the High Court of Judicature at Patna shall run and be in the name and style of Us, or of Our Heirs and Successors, and shall be sealed with the seal of the said High Court.**

**6. Appointment of officers. - And We do hereby authorize and empower the Chief Justice of the High Court of Judicature at Patna from time to time, as occasion may require, and subject to any Rules and restrictions which may be prescribed from time to time by the Lieutenant-Governor in Council, to appoint so many and such clerks and other ministerial officers as may be found necessary for the administration of justice and the due execution of all the powers and authorities granted and committed to the said High Court by these Our Letters Patent. And it is Our further will and pleasure, and we do**

hereby, for Us, Our Heirs and Successors, give, grant, direct and appoint, that all and every officers and clerks to be appointed as aforesaid shall have and receive respectively such reasonable salaries as the Chief Justice may, from time to time, appoint for each office and place respectively, and as the Lieutenant-Governor in Council, subject to the control of the Governor-General in Council, may approve of: Provided always, and it is Our will and pleasure, that all and every the officers and clerks to be appointed as aforesaid shall be resident within the limits of the jurisdiction of the said Court, so, long as they hold their respective offices; but this proviso shall not interfere with or prejudice the right of any officer or clerk to avail himself of leave of absence under any Rules prescribed from time to time by the Governor-General in Council, and to absent himself from the said limits during the term of such leave in accordance with the said Rules.

Admission of Advocates, Vakils and Attorneys

**7. Powers of High Court in admitting Advocates, Vakils, and Attorneys. - And We do hereby authorize and empower the High Court of Judicature at Patna to approve, admit and enrol such and so many Advocates, Vakils and Attorneys as to the said High Court may seem meet and such Advocates, Vakils and Attorneys shall be and are hereby authorized to appear for the suitors of the said High Court, and to plead or to act, or to plead and act, for the said suitors, according as the said High Court may by its Rules and directions determine, and subject to such Rules and directions.**

**8. Powers of High Court making Rules for the qualifications, etc., of Advocates, Vakils and Attorneys. - And We do hereby ordain that the High Court of Judicature at Patna shall have power to make Rules from time to time for the qualification and admission of proper persons to be Advocates, Vakils and Attorneys-at-law of the said High Court, and shall be empowered to remove or to suspend from practice, on reasonable cause, the said Advocates, Vakils or Attorneys-at-Law; and no person whatsoever but such Advocates, Vakils or Attorneys shall be allowed to act or to plead for or on behalf of, any suitor in the said High Court, except that any suitor shall be allowed to appear, plead or act on his own behalf, or on behalf of a co-suitor.**

Civil Jurisdiction of the High Court

**9. Extraordinary Original Civil Jurisdiction. - And we do further ordain that the High Court of Judicature at Patna shall have power to remove, and to try and determine, as a Court of Extraordinary Original Jurisdiction, any suit being or falling within the jurisdiction of any Court subject to its superintendence, when the said High Court may think proper to do so, either on the agreement of the parties to that effect, or for purpose of justice, the reasons for so doing being recorded on the proceedings of the said High Court.**

**10. Appeal to the High Court from Judges of the Court. - And we do further ordain that an appeal shall lie to the said High Court of Judicature at Patna from the Judgement (not being a Judgment passed in the exercise of appellate jurisdiction in respect of a decree or order) made in the exercise of Appellate Jurisdiction by a Court subject to the superintendence of the said High Court, and not being an order made in the exercise of Revisional Jurisdiction, and not being a sentence or order passed or made in the exercise of the power of superintendence under the provisions of Section 107 of the Government of India Act, or in the exercise of Criminal Jurisdiction of one Judge of the said High Court or one Judge of any Division Court, pursuant to Section 108 of the Government of India Act, and that notwithstanding anything hereinbefore provided an appeal shall lie to the said High Court from a judgment of one Judge of the said High Court or one Judge of any Division Court. Pursuant to Section 108 of the Government of India Act, made on or after the first day of February, One thousand nine hundred and twenty-nine, in the exercise of Appellate Jurisdiction in respect of a decree or order made in the exercise of Appellate jurisdiction by a Court subject to the superintendence of the said High Court, where the Judge who passed the Judgment declares that the case is a fit one for appeal; but that the right of appeal from other judgments of Judges of the said High court or of such Division Court shall be to Us, Our Heirs or Successors in Our or Their Privy Council, as hereinafter provided.**

**11. Appeal from other Civil Courts in Province of Bihar and Orissa. - And We do further ordain that the High Court of Judicature at Patna shall be a Court of Appeal from the Civil Courts of the Province of Bihar and Orissa and from all other Courts subject to its superintendence, and shall exercise Appellate Jurisdiction in such cases as were, immediately before the date of the**

**publication of these presents, subject to appeal to the High Court of Judicature at Fort William in Bengal by virtue of any law then in force, or as may after that date be declared subject to appeal to the High Court of Judicature at Patna by any law made by Competent Legislative Authority for India.**

**12. Jurisdiction as to Infants and Lunatics. - And We do further ordain that the High Court of Judicature at Patna shall have the like power and authority with respect to the persons and estates of infants, idiots and lunatics within the Province of Bihar and Orissa as that which was vested in the High Court of Judicature at Fort William in Bengal immediately before the publication of these presents.**

Law to be administered by the High Court

**13. By the High Court in the exercise of extraordinary original civil Jurisdiction. - And We do further ordain that, with respect to the law or equity to be applied to each case coming before the High Court of Judicature at Patna in the exercise of its Extraordinary original civil jurisdiction, such law or equity shall, until otherwise provided, by the law or equity which would have been applied to such case by any local Court having jurisdiction therein.**

**14. By the High Court in the exercise of appellate jurisdiction. - And We do further ordain that, with respect to the law or equity Rule of good conscience to be applied by the High Court of Judicature at Patna to each case coming before it in the exercise of its appellate jurisdiction, such law or equity and Rule of good conscience shall be the law or equity and Rule of good conscience which the Court in which the proceedings in such case were originally instituted ought to have applied to such case.**

Criminal Jurisdiction

**15. Ordinary original criminal jurisdiction of the High Court. - And We do further ordain that the High Court of Judicature at Patna shall have ordinary original criminal jurisdiction in respect of all such person within the Province of Bihar and Orissa as the High Court of Judicature at Fort William in Bengal had such criminal jurisdiction over immediately before the publication of**

these presents.

**16. Jurisdiction as to persons. - And We do further ordain that the High Court of Judicature at Patna, in the exercise of its ordinary original criminal jurisdiction, shall be empowered to try all persons brought before it in due course of law.**

**17. Extraordinary original criminal jurisdiction. - And We do further ordain that the High Court of Judicature at Patna shall have extraordinary original criminal jurisdiction over all persons residing in places within the jurisdiction of any Court subject to its superintendence, and shall have authority to try at its discretion any such persons brought before it on charges preferred by any Magistrate or other officer specially empowered by the Government in that behalf.**

**18. Court may reserve points of Law. - And We do further ordain that there shall be no appeal to the High Court of Judicature at Patna from any sentence or order passed or made by the Courts of original criminal jurisdiction which may be constituted by one or more Judges of the said High Court. But it shall be at the discretion of any such court to reserve any point or points of law for the opinion of the said High Court.**

**19. High Court to review cases on points of law reserved, by one or more Judges of the High Court. - And We do further ordain that, on such point or points of law being so reserved as aforesaid, the High Court of Judicature at Patna shall have full power and authority to review the case, or such part of it as may be necessary, and finally determine such point or points of law, and thereupon to alter the sentence passed by the court of original jurisdiction, and to pass such judgment and sentence as to the said High Court may seem right.**

**20. Appeals from other Criminal Courts in the Province of Bihar and Orissa. - And We do further ordain that the High Court of Judicature at Patna shall be a Court of Appeal from the Criminal Courts of the Province of Bihar and Orissa, and from all other Courts, subject to its superintendence, and shall exercise appellate jurisdiction in such case as were, immediately before the date of the publication of these presents, subject to appeal to the High Court of Judicature at Fort William in Bengal by virtue of any law then in force, or**

**as may after that date be declared subject to appeal to the High Court of Judicature at Patna by any law made by Competent Legislative Authority for India.**

**21. Hearing of referred cases and revision of criminal trials. - And we do further ordain that the High Court of Judicature at Patna shall be a court of reference and revision from the Criminal Courts subject to its appellate jurisdiction, and shall have power to hear and determine all such cases referred to it by the Sessions Judges, or by any other officers in the Province of Bihar and Orissa who were, immediately before the publication of these presents, authorized to refer cases to the High Court of Judicature at Fort William in Bengal, and to revise all such case tried by any officer or Court possessing criminal jurisdiction in the Province of Bihar and Orissa, as were, immediately before the publication of these presents, subject to reference to or revision by the High Court of Judicature at Fort William in Bengal.**

**22. High Court may direct the transfer of a case from one Court to another. - And We do further ordain that the High Court of Judicature at Patna shall have power to direct the transfer of any criminal case or appeal from any Court to any other Court of equal or superior jurisdiction, and also to direct the preliminary investigation or trial of any criminal case by any officer or Court otherwise competent to investigate or try it, though such case belongs in ordinary course to the Jurisdiction of some other officer or Court.**

Criminal Law

**23. Offenders to be punished under Indian Penal Code. - And We do further ordain that all persons brought for trial before the High Court of Judicature at Patna, either in the exercise of its original jurisdiction, or in the exercise of its jurisdiction as a Court of appeal, reference or revision, charged with any offence for which provision is made by Act No. XLV of 1860, called the "Indian Penal Code" or by any Act amending or excluding the said Act which may have been passed prior to the publication of these presents, shall be liable to punishment under the said Act or Acts, and not otherwise.**

Admiralty Jurisdiction



**24. Civil. - And We do further ordain that the High Court of Judicature at Patna shall have and exercise in the Province of Bihar and Orissa all such civil and maritime jurisdiction as was exercisable therein immediately before the publication of these presents by the High Court of Judicature at Fort William in Bengal as a Court of admiralty, and also such jurisdiction for the trial and adjudication of prize cause and other maritime questions as was so exercisable by the High Court of Judicature at Fort William in Bengal.**

**25. Criminal. - And We do further ordain that the High Court of Judicature at Patna shall have and exercise in the Province of Bihar and Orissa all such criminal jurisdiction as was exerciseable therein immediately before the publication of these presents by the High Court of Judicature at Fort William in Bengal as a Court of Admiralty, or otherwise in connection with maritime matters or matters of prize.**

**26. Testamentary and intestate jurisdiction. - And We do further ordain that the High Court of Judicature at Patna shall have the like power and authority as that which was immediately before the publication of these presents lawfully exercised within the Province of Bihar and Orissa by the High Court of Judicature at Fort William in Bengal, in relation to the granting of Probates of Last Wills and statements, and Letters of Administration of the Goods, Chattels; Credits and all other effects whatsoever of persons dying intestate: Provided always that nothing in these Letters Patent contained shall interfere with the provisions of any law which has been made by Competent Legislative Authority for India, by which power is given to any other Court to grant such Probates and Letters of Administration.**

#### Matrimonial Jurisdiction

**27. Matrimonial jurisdiction. - And We do further ordain that the High Court of Judicature at Patna shall have jurisdiction, within the Province of Bihar and Orissa, in matters matrimonial between Our subject professing the Christian religion: Provided always that nothing herein contained shall be held to interfere with the exercise of any jurisdiction in matters, matrimonial by any Court, not established by Letters Patent within the said Province, which is lawfully possessed of that jurisdiction.**

#### Powers of Single Judges and Division Courts

**28. Single Judges and Division Courts. - And We do hereby declare that any function which is hereby directed to be performed by the High Court of Judicature at Patna, in the exercise of its original or appellate Jurisdiction, may be performed by any Judge, or by any Division Court, thereof, appointed or constituted for such purpose in pursuance of section one hundred and eight of the Government of India Act, 1915; and if such Division Court is composed of two or more Judges and the judges are divided in opinion as to the decision to be given on any point, such point shall be decided according to the opinion of the majority of the Judges, if there be a majority, but, if the Judges be equally divided, they shall state the point upon which they differ and the case shall then be heard upon that point by one or more of the other Judges and the point shall be decided according to the opinion of the majority of the Judges who have heard the case including those who first heard it.**

Civil Procedure

**29. Regulation of proceedings. - And We do further ordain that it shall be lawful for the High Court of Judicature at Patna from time to time to make Rules and orders for regulating the practice of the Court and for the purpose of adapting as far as possible the provisions of the Code of Civil Procedure, being an Act, No. V of 1908, passed by the Governor-General in Council, and the provisions of any law which has been or may be made, amending or altering the same, by Competent Legislative Authority for India, to all proceedings in its testamentary, intestate and matrimonial jurisdiction, respectively.**

Criminal Procedure

**30. Regulation of proceedings. - And We do further ordain that the proceedings in all criminal cases brought before the High Court of Judicature at Patna, in the exercise of its ordinary original criminal jurisdiction, shall be regulated by the procedure and practice which was in use in the High Court of Judicature at Fort William in Bengal immediately before the publication of these presents, subject to any law which has been or may be made in relation thereto by Competent Legislative Authority for India; and that the proceedings in all other criminal cases shall be regulated by the Code of Criminal Procedure, being an Act, No. V. of 1898, passed by the**

**Governor-General in Council, or by such further or other laws in relation to criminal procedure as may have been or may be made by such authority as aforesaid.**

Appeals to Privy Council

**31. Power to appeal in civil cases. - And We do further ordain that any person or persons may appeal to Us, Our Heirs and Successors, in Our or their Privy Council, in any matter not being of criminal jurisdiction, from any final Judgment, decree, or order of the High Court of Judicature at Patna made on appeal, and from any final judgment, decree or order made in the exercise of original jurisdiction by Judges of the said High Court, or of any Division Court, from which an appeal does not lie to the said High Court under the provisions contained in the 10th Clause of these presents; provided, in either case, that the sum or matter at issue is of the amount or value of not less than 10,000 rupees, or that such judgment, decree or order involves, directly or in directly, some claim, demand or question to or respecting property amounting to or of the value of not less than 10,000 rupees; or from any other final judgment, decree or order made either on appeal or otherwise as aforesaid, when the said High Court declares that the case is a fit one for appeal to Us, Our Heirs or Successors, in Our or their Privy Council; but subject always to such Rules and Orders as are now in force, or may from time to time be made, respecting appeals to Ourselves in Council from the Courts of the Province of Bihar and Orissa, except so far as the said existing Rules and Orders respectively are hereby varied; and subject also to such further Rules and Orders as We may, with the advice of Our Privy Council, hereafter make in that behalf.**

**32. Appeal from interlocutory judgments. - And We do further ordain that it shall be lawful for the High Court of Judicature at Patna, at its direction, on the motion, or, if the said High Court be not sitting, then for any Judge of the said High Court, upon the petition, or any party who considers himself aggrieved by any preliminary or interlocutory Judgment, decree or order of the said High Court, in any such proceeding as aforesaid, not being of criminal jurisdiction, to grant permission to such party to appeal against the same to us, Our Heirs and Successors, in Our or their Privy Council, subject to the same Rules, Regulations and Limitations as are herein expressed**

respecting appeals from final judgments, decrees and orders.

**33. Appeal in criminal cases. - And We do further ordain that from any judgment, order or sentence of the High Court of Judicature at Patna, made in the exercise of original criminal jurisdiction, or in any criminal case where any point or points of law have been reserved for the opinion of the said High Court, in manner provided by the 18th clause of these presents, by any Court which has exercised original jurisdiction, it shall be lawful for the person aggrieved by such judgment, order or sentence to appeal to Us, Our Heirs or Successors, in Council provided the said High Court declares that the case is a fit one for such appeal, and that the appeal be made under such conditions as the said High Court may establish or require, but subject always to such Rules and orders as are now in force, or may from time to time be made, respecting appeals to Ourselves in Council from the Courts of the Province of Bihar and Orissa.**

**34. Rule as to transmission of copies of evidence and other documents. - And We do further ordain that, in all cases of appeal made from any judgment, decree, order or sentence of the High Court of Judicature at Patna to Us, Our Heirs or Successors, in Our or their Privy Council, such High Court shall certify and transmit to Us, Our Heirs and Successors, in Our or their Privy Council, a true and correct copy of all evidence, proceedings, judgments, decrees and orders had or made, in such cases appealed, so far as the same have relation to the matters of appeal, such copies to be certified under the seal of the said High Court. And that the said High Court shall also certify and transmit to Us, Our Heirs and Successors, in our or their Privy Council, a copy of the reasons given by the Judges of such Court, or by any of such Judges, for or against the judgment or determination appealed against. And we do further ordain that the said High Court shall, in all cases of appeal to Us, Our Heirs or Successors, conform to and execute, or cause to be executed, such judgments and orders as We, Our Heirs or Successors, in Our or their Privy Council, may think fit to make in the premises, in such manner as, any original judgment, decree or decretal orders, or other order or Rule of the said High Court, should or might have been executed.**

Exercise of Jurisdiction elsewhere than at the usual place of sitting of the High Court.

**35. Judges to visit Orissa by way of Circuit. - And We do further ordain that, unless the Governor General in Council otherwise directs, one or more Judges of the High Court of Judicature at Patna shall visit the Province of Orissa, by way of circuit whenever the Chief Justice from time to time appoints, in order to exercise in respect of cases arising in that province the jurisdiction and power vested in the said High Court by or under the Government of India (Constitution of Orissa) Order, 1936: Provided always that such visits shall be made not less than four times in every year, unless the Chief Justice, with the approval of the Governor of Bihar in Council, otherwise directs: Provided also that the said High Court shall have power from time to time to make Rules, with the previous sanction of the Governor of Bihar in Council, for declaring what cases or classes of cases arising in the province of Orissa shall be heard at Patna and not in that Province, and that the Chief Justice may, in his discretion, order that any particular case arising in the Province of Orissa shall be heard at Patna or in that Province: Provided further that the approval and sanction of the Governor of Bihar in Council under the foregoing provisos shall be subject to the control of the Governor-General in Council.**

**36. Special Commissions and circuits. - And We do further ordain that whenever it appears to the Lieutenant-Governor in Council, subject to the control of the Governor-General in Council, convenient that the jurisdiction and power by these our Letters Patent or by or under the Government of India Act, 1915, vested in the High Court of Judicature at Patna should be exercised in any place within the jurisdiction of any Court subject to the superintendence of the said High Court, other than the usual place of sitting of the said High Court, or at several such places by way of circuit one or more Judges of the Court shall visit such place or places accordingly.**

**37. Proceedings of Judges on special commission or circuit. - And We do further ordain that whenever any Judge or Judges of the High Court of Judicature at Patna visit any place under the 35th or the 36th clause of these presents the proceedings in cases before him or them at such place shall be regulated by any law relating thereto which has been or may be made by Competent Legislative Authority for India.**

Delegation of Duties to Officers

**38. Power to delegate duties. - The High Court of Judicature at Patna may from time to time make Rules for delegating to any Registrar, Prothonotary or Master or other official of the Court any Judicial, quasi-judicial and non-judicial duties.**

Cessation of Jurisdiction of the High Court of Judicature at Fort William in Bengal

**39. Cessation of jurisdiction of the High Court of Judicature at Fort William over the Province of Bihar and Orissa. - And We do further ordain that the jurisdiction of the High Court of Judicature at Fort William in Bengal in any matter in which jurisdiction is by these presents given to the High Court of Judicature at Patna shall cease from the date of the publication of these presents, and that all proceedings pending in the former Court on the date in reference to any such matter shall be transferred to the latter Court:**

Provided, first, that the High Court of Judicature at Fort William in Bengal shall continue to exercise jurisdiction -(a)in all proceedings pending in that Court on the date of the publication of these presents in which any decree or order, other than an order of an interlocutory nature, has been passed or made by that Court, or in which the validity of any such decree or order is directly in question; and(b)in all proceedings [not being proceedings referred to in paragraph (a) of this clause] pending in that Court, on the date of the publication of these presents, under the 13th, 15th, 22nd, 23rd, 24th, 25th, 26th, 27th, 28th, 29th, 32nd, 33rd, 34th or 35th clause of the Letters Patent bearing date at Westminster the twenty-eight day of December, in the Year of Our Lord One Thousand eight hundred and sixty-five, relating to that Court; and(c)in all proceedings instituted in that Court, on or after the date of the publication of these presents, with reference to any decree or order passed or made by that Court:Provided, secondly that, if any question, arises as to whether any case is covered by the first proviso to this clause, the matter shall be referred to the Chief Justice of the High Court of Judicature at Fort William in Bengal, and his decision shall be final.Calls for Records, etc., by the Government

**40. High Court to comply with requisitions from Government for records etc. - And it is Our further will and pleasure that the High Court of Judicature at Patna shall comply with such requisitions, as may be made by the Lieutenant-Governor in Council for records, returns and statements, in such from and manner as he may deem proper.**

Powers of Indian Legislatures

**41. Powers of Indian Legislatures preserved. - And We do further ordain and declare that all the provisions of these Our Letters Patent are subject to the Legislative powers of the Governor-General in Legislative Council, and also of the Governor-General in Council, under section seventy-one of the Government of India Act, 1915, and also of the Governor-General in Cases of emergency under section seventy-two of the Act, and may be in all respects amended and altered thereby.**

In witness whereof We have caused these Our Letters to be made Patent. Witness Ourselves as Westminster the Ninth day of February in the Year of Our Lord One thousand nine hundred and sixteen and in the Sixth Year of Our reign. [Substituted by C. S. No. 56, dated 07.06.1984.] [Inserted by C. S. No. 118, dated 28.08.1997.] [Added by C. S. No. 72, dated 14.12.1984.]