

# The Appellate Side Rules of The High Court at Calcutta

WEST BENGAL

India

## The Appellate Side Rules of The High Court at Calcutta

### Rule

### THE-APPELLATE-SIDE-RULES-OF-THE-HIGH-COURT-AT-CALCUTTA of 1966

- Published on 25 April 1966
- Commenced on 25 April 1966
- [This is the version of this document from 25 April 1966.]
- [Note: The original publication document is not available and this content could not be verified.]

The Appellate Side Rules of The High Court at Calcutta

## Part I – General Rules

### Chapter I

### Business not of a Judicial Character

The Administrative Committee[1. There shall be an Administrative Committee of the Judges composed of the Chief Justice and at least four other Judges to be nominated from time to time by the Chief Justice.] [[Substituted by Notification No. 1954-G, dated the 5th May, 2003. Earlier it read as under:</p>1. There shall be a Standing Committee of the Judges composed of the Chief Justice and at least four other Judges to be appointed from time to time by the Chief Justice, which shall be called the Administrative Committee.Note : The Administrative Committee shall include the Administrative Judges of the different zones.]]

**2. The Administrative 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 Administrative Committee shall have power, without reference to the Judges generally -(a)to make recommendations for appointment to the Selection Grade posts of the Higher Judicial Service;(b)to make recommendations -(i)for selection of Assistant District Judges for appointment

to the Higher Judicial Service,(ii)for selection of Assistant District Judges for appointment as Assistant Sessions Judges,(iii)for selection of Munsifs for appointment as Assistant Sessions Judges;(c)to make recommendations -(i)for confirmation of Assistant District Judges and Munsifs,(ii)for allowing Munsifs to cross Efficiency Bars,(iii)for appointment to the Selection Grade posts of Assistant District Judges;(d)to make recommendations for disciplinary action including degradation and suspension against members of the Higher Judicial Service and State Judicial Service;(e)to issue circulars, orders and general letters to the Subordinate Courts;(f)to dispose of any matter which might ordinarily have been dealt with by the Judge - in - Charge of the Administrative Department and which he or the Chief Justice may have referred to the Committee for their opinion.].Judge-in-Charge, Administrative Department

**4. One Judge, being a member of the Administrative Committee, shall have executive charge of the Administrative Department, by which is meant the administrative business of the court on its Appellate Side:**

Provided that the Chief Justice may at any time direct that the powers conferred on the Judge in the Administrative Department shall be exercised by two or more Judges of the Court, who shall also be members of the Administrative Committee, and who may apportion the duties of the post between them, subject to the approval of the Chief Justice.Powers of the Judge in the Administrative Department

**5. Order on all correspondence and on all returns and statements (not being returns to precepts and judicial orders or explanations called for by particular Judges or Benches) shall ordinarily be passed under his powers, as hereinafter specified, by the Judge in the Administrative Department (or by the Registrar under his superintendence):**

[Provided that the sessions statement which is required from each Sessions Judge at the close of every month shall be submitted for the orders of the Judges of the Division Bench sitting for the disposal of the Criminal Business or such other Judges as the Chief Justice may direct. This statement will, however, be dealt with by such Judges from the judicial point of view only, and when returned by them, will be laid before the Judge in the Administrative Department, whenever any orders are required on any administrative questions (including delays in commitment) in connection with the statement.] [For the procedure to be followed in the office in dealing with this statement, see Proceedings for April 1918, No. 77.][6. The Judge of the Administrative Department is empowered to pass orders in the following matters, namely:(a)matters arising out of the review of all periodical returns and statements furnished by the Subordinate Civil and Criminal Courts, and also sessions statements in the manner provided in the proviso to Rule 5;(b)the posting, transfer and the grant of leave to the members of the Higher Judicial Service:[Provided that in respect of the posts of - (i) Secretary, Additional Secretary and/or Joint Secretary, Judicial Department; (ii) Secretary, Additional Secretary and /or Joint Secretary, Legislative Department; (iii) Legal Remembrancer, Additional and /or Joint Legal Remembrancer; (iv) Chief Judge, City Civil and Sessions Courts; (v) Chief Metropolitan Magistrate; and (vi) District and Sessions Judge,

247Parganas, the selection shall be made, in the first instance, by the Judge of the Administrative Department in consultation with the Chief Justice, such selection be circulated to all the Judges, and, if no objection is raised by any Judge, it shall be deemed to have been approved by all the Judges, and in case any such objection is raised, the matter is to be decided at a meeting of all the Judges;] [[Substituted by Notification No. 2559-G, dated 26.03.1971. Earlier it read as under:'6. The Judge in the English Department is empowered to pass Orders on the following matters, namely : (a)matters arising out of the Review of all periodical returns, and statements furnished by subordinate Civil and Criminal Courts, and also Sessions Statements in the manner provided in the proviso to Rule 5 above; (b)the posting and promotion of, and the grant of leave to, persons belonging to the Subordinate Civil Judicial Service; (c)recommendations to Government for the appointment of Assistant Sessions Judges and for the investiture of Subordinate Judges and Munsifs with extraordinary powers, e.g. powers under the Indian Succession Act (XXXIX of 1925), the Land Acquisition Act, etc.; (d)applications and routine references connected with the admission and enrolment of Pleaders and Mukhtars under Act XVIII of 1879; (e)all other correspondence not relating to matters Judicial, or to Orders of other Judges, unless there be, as to any subject, and express Rule to the contrary, or unless the importance of the subject may render it, in his opinion, fit to be laid before a greater number of Judges.'.] (c)the posting, transfer and the grant of leave to the Assistant District Judges and Munsifs; (d)vesting Munsifs with higher powers or with powers under the Provincial Small Causes Court Act; and (e)recommendations to the State Government for vesting Assistant District Judges and Munsifs with powers under the Indian Succession Act, the Land Acquisition Act and other Statutes under which the State Government is to vest Subordinate Judges and Munsifs with powers.] Special Committees

**7. A Special 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.**

**8. 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.**

Contemplated Legislation

**9. Bills of the Legislative Department of the Central Government 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 Special Committees appointed under Rule 7, consisting of not less than three members.**

General

**10. The Registrar, Appellate Jurisdiction, is in administrative control of the offices on the Appellate Side of the Court, and the Officers in immediate charge of such offices are responsible to the Registrar and he to the Chief Justice for their efficient administration. Matters affecting all departments on the Appellate Side, and establishment questions in particular, shall be submitted to the Registrar through the Deputy Registrar.**

**10A. [ [Rule 10A added by Notification No. 5659-G, dated 17.8.1966.] The expression 'Registrar' occurring in these rules includes 'Additional Registrars':**

Provided that the powers and the duties of the Registrar under the Appellate Side Rules may be distributed as between the Registrar and the Additional Registrars by the Chief Justice from time to time.] [[Substituted by Notification No. 2559-G, dated 26.03.1971. Earlier it read as under: '3. The English Committee shall have power without reference to the Judges, generally -(a) to dispose of all correspondence within its own Department, urgent in its nature and not of general importance; (b) to make recommendations for the appointment of Subordinate Judges, and Munsifs; (c) to issue Circular Order and General Letters to the mufassal Court, and (d) to dispose of any matter which might ordinarily have been dealt with by the Judge - in - Charge of the English Department, and which he may have referred to the Committee for its opinion.' ]]

**11. The office rooms of the court are not open to the public. Information regarding cases shall only be obtained upon filing an application in the form prescribed in Chapter XVI. Advocates may, however, interview any Gazetted Officer of the court during office hours on official business. They or their clerks shall also have free access to the proper officials for the purposes mentioned in the Schedule appended to this Chapter.**

**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. [(1) When the Administrative Committee has acted under Rule 3 of this Chapter the relevant papers shall be laid on the table; and there shall be circulated to all the Judges as soon after each meeting as possible, a notice in which shall be stated the matters which have been laid before the Committee and the manner in which they have disposed of with a note that in the absence of any objection being raised by any Judge, the resolutions of the Administrative Committee would be deemed to be approved by all the Judges of the court.] [Substituted by Notification No. 2559-G, dated**

**26.3.1971.]**

(2) When a Special Committee is appointed under Rule 7 of this Chapter, a notice shall be circulated to all the Judges informing them of the appointment, of the names of the members, and of the matters which have been referred to it. When any matters are pending before such Special Committee, notices shall be circulated fortnightly to all the Judges stating what matters are pending. If a Special Committee enters upon and conducts any correspondence under Rule 8 of these rules, the relevant papers shall be laid on the table for the information of the Full Court.

**14. 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.**

**15. On the following matters all the Judges shall be consulted: -**

(a) 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. (b) The Administration Reports yearly submitted to Government. (c) Rules which, when published, will have the force of law. (d) Subjects connected with the relations between the Supreme Court and the High Court. (e) All appointments which by law are made by the High Court and which are not otherwise expressly provided for by the rules in this Chapter. (f) [Omitted].

**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. With the notice of a meeting of the Administrative Committee, or of the Full Court, there shall ordinarily be distributed a list setting out the matters for discussion.**

**18. 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 meeting.**

**19. The proceedings of all meetings of the Full Court and of the Administrative 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.**

## Schedule

[See Rule 11](1)Obtaining an official report from the Stamp Reporter under Rule 13 of Chapter V;(2)Presenting memoranda of appeals, memoranda of objections under Order XLI, Rules 22 and 26, Civil Procedure Code, in accordance with Rule 12, Chapter V, and getting the court - fee stamps attached to such memoranda cancelled by the Filing Clerk;(3)Having court - fee stamps affixed to miscellaneous applications intended to be presented to the Court or to the Registrar, or applications for copies, information or inspection cancelled by the Filing Clerk and entered in the Filing Register;(4)Transacting business connected with the deposit and withdrawal of money, etc., with the Accountant of the Court;(5)Filing applications for leave to appeal to the Supreme Court after cancellation of the court - fee stamps attached to such applications and entry in the Filing Register;(6)Filing applications for copies and folios with the Superintendent of the Copying Section, and appearing before him when required to do so;(7)Inspecting records in the Inspection Room and in the presence of the Inspection Clerk;(8)Filing applications with the Assistant Registrars (Court) and appearing before them to settle draft decrees;(9)Filing applications for information and inspection of records with the officers empowered to deal with these matters;(10)Filing miscellaneous documents not referred to above with the Court - fee Clerk for cancellation of the court - fee stamps, (if any), attached to such documents, and for distribution to the sections concerned;(11)Receiving manuscripts, receiving and filing proofs of paper - books and filing paper - books;(12)Translating documents for purposes of paper - books (only such advocates and their clerks as are referred to in Rule 37 of Chapter IX of these Rules);(12a)Translating documents in relation to Second Appeals, Second Miscellaneous Appeals, Revision Cases and References (only such Advocates and their clerks as are referred to in Rule 37 of Chapter IX of these Rules);(13)Obtaining prescribed forms from the Forms Clerk;(14)Having oaths and affirmations administered before a Commissioner of Affidavits;(15)Getting affidavits explained to declarants by translators of the court;(16)Paying Talabana and other costs.[CHAPTER IA] Supervision and Control of the Subordinate Courts Division, Administrative Judges in Charge of Districts. Functions and Responsibilities of Inspecting Judicial Officers

**1. For more effective control and supervision of the subordinate courts, the District Courts should be divided on the basis of separate administrative districts.**

**2. The two Inspecting District Judicial Officers should be responsible for looking after the different districts placed in their charge. This will be a continuous process by the Inspecting Judicial Officers throughout the year.**

**3. Into the following Districts the subordinate Courts may be divided.**

Districts

1. Calcutta

11. Bankura

- |                          |                                |
|--------------------------|--------------------------------|
| 2. 24 - Parganas (South) | 12. Malda                      |
| 3. 24 - Parganas (North) | 13. Purulia                    |
| 4. Howrah                | 14. Uttar Dinajpur             |
| 5. Midnapore             | 15. Dakshin Dinajpur           |
| 6. Burdwan               | 16. Cooch Behar                |
| 7. Hooghly               | 17. Jalpaiguri                 |
| 8. Nadia                 | 18. Darjeeling                 |
| 9. Murshidabad           | 19. Andaman & Nicobar Islands. |
| 10. Birbhum              |                                |

**4. For more effective control and supervision of the subordinate Courts in each District the following work are to be undertaken:**

(i) Inspection Notes of the District and Sessions Judge/Chief Judge, City Civil and Sessions Courts /Chief Judge, Presidency Small Causes Court/Chief Metropolitan Magistrate, on the inspection of Subordinate Courts and offices.(ii) Periodical Returns and Statements furnished by the Subordinate Civil and Criminal Courts.(iii) Sessions Statements in the manner provided in the Proviso to Rule 5, Chapter 1, of the Appellate Side Rules.

**5. The Chief Justice will nominate a Judge who will be in-charge of a District. Such nomination by the Chief Justice may be reviewed periodically by the Chief Justice.**

**6. Judge - in - charge of a District hereinafter called the "Hon'ble Inspecting Judge".**

**7. There shall be an Administrative Committee constituted by the Chief Justice in the manner the Chief Justice thinks it fit and proper for effective control and functioning of the subordinate Courts.**

**8. The Hon'ble Inspecting Judge of each District will give his opinion and/or shall fill up the Annual Confidential Roll (hereinafter called "ACR") in respect of different judicial officers posted in Courts, as the case may be, of the concerned District.**

**9. Such ACRs containing the opinion of the concerned Inspecting Judge will be placed before the Chief Justice for gradation.**

**10. In case of Officers of Higher Judicial Service, he shall forward his ACR filled with necessary data to the Inspecting Judge. The Inspecting Judge will give his remarks and thereafter ACR will be placed before the Chief Justice for gradation.**

## **Chapter II**

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

[1. All appeals (other than First Appeals), reference or revisions in respect of the order or decrees of any subordinate Civil Court or of the Rent Controller or Tribunal or any other Authority established by any other law for the time being in force and amenable to the revisional or appellate jurisdiction of the High Court shall be heard by a Single Judge.] [Substituted by Notification No. 3036-G, dated 25.4.1997 w.e.f. 02.05.1997.]: Provided that all appeals from Original Orders made by the subordinate trial court arising out of suits and proceeding shall be heard by a Division Bench: Provided further that all Second and Miscellaneous Appeals required to be heard under Order 41, Rule 11, C.P.C. for the purpose of admission shall be heard by a Division Bench consisting of two or more Judges as the Chief Justice may think fit: Provided also that on the requisition of any Division Bench, or whenever he thinks fit, the Chief Justice may appoint a special Division Bench, consisting of three or more Judges, for the hearing of any particular appeal, or any particular question of law arising in an appeal, or of any other matter: Provided also that where at any stage of the hearing of an appeal, application or other matter it appears to the Judge that it involves a substantial question of law as to the interpretation of the Constitution of India, he shall send the appeal, application or other matter to the Division Bench taking such cases for disposal. (2) No appeal shall lie from any order passed in appeal under this section. [1A. All Transfer Applications under section 24 of the Civil Procedure Code shall be heard by a single Judge.] [Inserted by Notification No. 5202G dated 30.8.1994 w.e.f. 9.9.1994.]

**2. In addition to the powers conferred upon him by other rules the Registrar shall have the following duties and powers in relation to civil and criminal matters:**

(1) To receive an appeal under [Clause] [Substituted by Notification No. 4667-G, dated 27.4.1977.] 15 of the Letters Patent from the judgment of a Division Bench, and to issue notices as soon as the appeal is registered. (2) To receive an appeal under [Clause] [Substituted by Notification No. 4667-G, dated 27.4.1977.] 15 of the Letters Patent from the judgment of the Judge sitting singly, and to post it for hearing. (3) To receive an appeal from the decree or order of a subordinate Civil Court, and in the case of Second Appeals and Appeals from Orders, if in order, to post them for hearing under Order XLI, Rule 11, and, in the case of Appeals from Original Decrees, to issue notices as soon as the appeal is registered. (4) To dispose of all matters relating to court - fees (other than appeals the subject - matter of which is the amount of court - fee payable) and to the service of notices or other



processes: Provided that all rules, in which there has been default in paying process - fees within the time allowed in Rule 12, Chapter IV of these Rules, shall be laid before the Bench which issued them, or if the Judges composing that Bench are no longer sitting together, before the senior of the two Judges and in his absence before the junior, to be dealt with by that Judge and the Judge who happens to be sitting with him: Provided further that in the event of both Judges who issued the rule being absent or otherwise unable to deal with it, the rule shall be laid before the Division Bench taking Lawazima matters: Provided also that a rule issued by a Judge sitting singly in which there is default in paying process fees, shall be laid before the Judge who issued the rule, if he is sitting singly and taking rules at the time the default occurs; otherwise it shall be laid before the Division Bench taking Lawazima matters. (5) To dispose of all matters relating (i) to the substitution of the heirs of parties provided no question of limitation arises, (ii) to the representation of minor parties when there is no dispute as to guardianship, and (iii) to applications under Order XXII, Rule 10, C.P.C., to record an assignment, creation or devolution of an interest during the pendency of an appeal, provided that such assignment, creation or devolution is not disputed. (6) To dispose of all matters relating to the appointment, removal or discharge of next friends or guardians ad litem of minors of persons of unsound mind: Provided that a next friend or a guardian ad litem, as the case may be, shall not be removed except on a written and stamped application supported by an affidavit and on notice to the person sought to be removed, and also with notice to such party or parties as the Registrar in his discretion directs. (7) To require any memorandum of appeal, petition, application or other proceeding, presented to the court or to the Registrar to be amended in accordance with the procedure or practice of the court. (8) To call for records from subordinate courts. (9) To dispose of requisitions by subordinate courts for records and documents. (10) To receive and dispose of an application for the return of a document. (11) 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. (12) 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. (13) To dispose of all applications for copies of records, whether presented by parties or persons who are not parties to the proceedings to which such records relate. (14) To decide the question of the necessity for transcribing and printing any accounts, not specifically applied for by the parties to an appeal to the Supreme Court. (15) To call for a further deposit when the deposit already made by the appellant in an appeal to the Supreme Court is not sufficient to defray the cost of preparing the record, and to fix the time within which such further deposit shall be made. (16) To order payment of the interest accruing on Government Promissory Notes deposited under Order XLV, Rule 7, Civil Procedure Code, and to order the refund of any unexpended balance under Order XLV, Rule 12, of the Code. (17) To dispose of all Lawazima reports relating to the preparation of paper - books, and to hear all applications in any of the above matters. (18) To deal with and hear applications to dispense with more than one copy of the judgment, under Order XLI, Rule 1 of the Civil Procedure Code and Chapters V and VI, Rules 3 and 11, respectively, of these Rules and direct analogous hearing of appeals. (19) Subject to the provisions of Rule 57 of Chapter V of these Rules to deal with an application to the effect that a case be not placed on the Daily Cause List for a particular day or days: Provided that where a case is on the Daily List of a particular Bench which is sitting, any application for its removal from that list shall be made to the Court and not to the Registrar. When, however, an application has to be made to remove a case from the Daily List of a Bench which is not sitting on the day when the application has to be made, or from the 'Blank List' on a day when that list is not being taken, such applications shall

be made to the Registrar.(20)To deal with all matters relating to the service, non - service and defect of service of the court's notices in criminal cases.(21)To deal with all matters relating to the substitution of legal heirs of deceased parties in all criminal cases wherein such substitution may be necessary.(22)To deal with all defects in vakalatnamas in criminal cases.(23)To deal with applications for copies in criminal cases, where such copies are not ordinarily granted without the permission of the court.(24)To deal with, and dispose of, all petitions of appeals in criminal cases wherein appeals may not be preferred to this court.(25)To record an order of abatement of all appeals and applications after the expiry of the statutory period, provided that he shall not be entitled to entertain applications of parties for the revival or abatement of any appeal or other proceeding.(26)To deal with and pass orders on matters referred to in Order XLI, Rule 14(3) of the Code of Civil Procedure.(27)To dispose of applications under Order XXVII, Rule 8 of the Code of Civil Procedure for causing a note (to be entered in the appropriate register) of the Government Pleader's authority to prosecute or contest a proceeding in this court on behalf of a public officer in the employ of Government, or an application for causing a note (to be duly recorded) of the authority of any other pleader to act under the directions of the Government pleader in any proceeding before this court on behalf of Government or of any public officer in its employ.

**2A. Nothing in Rule 2 shall be deemed to authorize the Registrar to make an order of dismissal of an appeal for default or for any reason or to determine disputed questions of representation under Order XXII, Rule 5, Civil Procedure Code, or to pass final orders on contested applications for the appointment and removal of next friends and guardians ad litem, or on contested applications under Order XXII, Rule 10, C.P.C.**

**2B. The Registrar may delegate to the Deputy Registrar or to an Assistant Registrar any function with which he is vested under Chapters IV and V and VIII to XIII except those referred to in clauses (5) to (7), (10), (11), (14) to (19) and (25) of Rule 2. He may also refer any matter under Rule 2 to the Court for orders.**

**3. Applications entertainable by the Registrar shall be presented to him, and not to the Bench.**

All such applications shall be made in writing, on paper of foolscap size with a margin of 2 inches, and shall, if not typewritten, be legibly written.

**4. In the absence of the Registrar, or whenever the Chief Justice so directs, his powers and duties under clauses (4) to (7), (10), (11) and (14) to (19) of Rule 2 of this Chapter shall be performed by a Judge or Judges, and the powers which he is authorised to delegate shall be performed by the Deputy Registrar or other officer of the court.**

Note : Wherever the words "Deputy Registrar" occur in any of the Appellate Side Rules, they shall be held to include the Deputy Registrar and any other officer of the court to whom the Registrar may have delegated the authority to exercise the function mentioned in the Rule.

**5. (a) A Division Bench for the hearing of an appeal under clause (15) of the Letters Patent from the judgment of a Judge sitting singly on the Appellate Side, who has decided an appeal under the 1st proviso of Rule 1 of this Chapter, shall consist of two Judges, other than the Judge from whose judgment the appeal is preferred.**

(b)[Omitted] [5(b) Omitted by Notification No. 4667-G, dated 27.4.1972.].(c)A Division Bench for the hearing of appeals under clause (15) of the Letters Patent from the judgment of a Judge sitting on the Original Side of the High Court, shall consist of two or more Judges as the Chief Justice may determine.

**6. [Deleted] [[Deleted by Notification No. 5202 - C, dated 30th August, 1994. Earlier it read as under:**

'References from the Subordinate Civil Courts and the Presidency Small Cause Court shall be heard by a Division Bench.'].[7. All civil appeals to the High Court against any order of any authority or tribunal or any appellate authority or tribunal, as the case may be, provided for in any statutes, enactments or rules other than those specified in the Schedule referred to in proviso (i) of Rule 1 Chapter II irrespective of valuation and all applications relating thereto, unless otherwise provided in such statutes, enactments or rules, shall be heard by a Division Bench in the Appellate Side.] [[Rules 7, 17 and 18 omitted and in place of these three rules rule 7 substituted by Notification No. 538-G, dated the 2nd February, 2005 (w.e.f. 14.6.2005). Previously Rule 7 read as under : '7. All appeals under section 142(3) of the Calcutta Municipal Act, 1923 or the corresponding section or sections of the Calcutta Municipal Act, 1951, shall be heard by a Division Bench, irrespective of valuation.']]

**8. Applications under section 115, Civil Procedure Code, for revision of orders of the Calcutta Presidency Small Cause Court shall be heard by a single Judge.**

**9.**

(1)A Division Bench for the hearing of cases on appeal, reference, or revision in respect of the sentence or order of any Criminal Court shall consist of two or more Judges.(2)[ All appeals, reference or revision in respect of sentence or order of any Criminal Court shall be heard by a single Judge:Provided, however, that the following matters shall be placed before a Division Bench consisting of two or more judges:(i)All appeals or reference relating to an order of sentence of death and sentence of rigorous imprisonment for a period exceeding 7 years and all appeals from order of

acquittal from offences where the sentence may be of death, imprisonment for life or any term of imprisonment exceeding 7 years.(ii)All bail applications pertaining to Terrorist and Disruptive Activities Act, Narcotic Drugs and Psychotropic Substances Act, 1986 and Foreign Exchange Regulation Act;(iii)All bail applications at the pre-conviction stage involving offence where sentence may exceed imprisonment for 7 years;(iv)Bail applications relating to appeals involving a sentence of death or imprisonment for life or imprisonment for a period exceeding 7 years;(v)Anticipatory bail applications under section 438, Cr.P.C.][9A. Transfer applications under section 407 of the Criminal Procedure Code shall be heard by a single Judge.] [[Substituted by Notification No. 5202-G., dated 30th August, 1994 and further amended by Notification No. 7358-G, dated 19th December, 1994. Earlier it read as under:'9A. An appeal against an order of acquittal shall be heard by a Division Bench taking criminal matters:Provided that a Judge sitting singly taking criminal matters may hear and dispose of the following:(1)Appeals from order of acquittal passed by any Court under sections 256, 257, 320(8) and 321 of Cr. P. Code.(2)Appeals from orders of acquittal passed by an Appellate Court when the trial Court had imposed a sentence of fine for an offence not punishable with a compulsory sentence of imprisonment.(3)Appeals from orders of acquittal passed by any Court in a trial for an offence not punishable with a compulsory sentence of imprisonment:Provided further that at any stage if such Judge considers that on the appeal being allowed a sentence of imprisonment should be imposed on the respondent, he may send the record to the Division Bench for disposal of the appeal, and in all the above cases the Rules in C of Part II, Chapter XI shall apply as far as practicable.]]

**10. A Division Bench for the hearing of applications relating to, or arising out of, proceedings in any subordinate court (Civil, Criminal or Revenue) under section 195 or section 476, Criminal Procedure Code, shall consist of two Judges.**

**11.**

(1)Whenever the court shall be of opinion that there are reasonable grounds for holding that any Pleader or Mukhtar has been guilty of any misconduct rendering such Pleader or Mukhtar liable to be dealt with under the provisions of the Legal Practitioners Act, XVIII of 1879, the court may institute a proceeding by the issue of a rule calling on such Pleader or Mukhtar to show cause why he should not be so dealt with.(2)Any proceeding taken in the High Court against any Pleader or Mukhtar under the provisions of sections 12 and 13 of the Legal Practitioners Act, XVIII of 1879, as amended by Acts IX of 1884 and XI of 1896, and any report made against any Pleader or Mukhtar to the High Court under the provisions of section 14 of the same Act by the Presiding Officer of any subordinate court, or of any Revenue Office, in which the Pleader or Mukhtar is practising, shall, subject to any direction by the Chief Justice, be taken before, or considered by, the Division Bench of the High Court for the time being hearing appeals, from appellate decrees and such Division Bench shall also have power to call for any record under the provisions of section 14 of the same Act and to pass orders thereon.(3)All such matters arising in respect of Pleaders or Mukhtars practising in the Calcutta Court of Small Causes or the Metropolitan Magistrates' Courts shall, subject to any direction by the Chief Justice, be taken before, or heard by, the Division Bench for the time being

hearing appeals from appellate decrees.(4)The senior Government Pleader may, at the discretion of the Judges of the Bench, be desired to appear in, or to conduct, any proceeding taken before them under the Legal Practitioners Act.

**12. [Deleted].**

**13. A Full Bench appointed for any of the purposes mentioned in Chapter VII, Rules 1 to 5, shall consist of five Judges or three Judges as the Chief Justice may appoint.**

**14. The business of the Supreme Court Section on the Appellate Side of the High Court shall be laid before the Division Bench presided over by the Chief Justice or such other Bench as the Chief Justice may direct, except in the case of appeals in suits instituted on the Original Side of the High Court.**

**14A.**

(1)All cases transferred to the High Court by subordinate court under Article 228 of the Constitution of India shall after service of notice on the parties, be laid before the Division Bench presided over by the Chief Justice for determination whether such cases involve a substantial question of law as to the interpretation of the Constitution. All applications under the said Article for transferring such cases to the High Court shall also be moved before the Bench presided over by the Chief Justice.(2)If the court is satisfied that the case so transferred involves a substantial question of law, the case shall be laid before such Bench as the Chief Justice may direct. The Bench so constituted shall thereupon, after service of notice on the parties, proceed to determine, in the first instance, whether the point of law can be decided without entering into questions of fact. If in the opinion of the Bench, the question of law involved in the case can be decided without disposing of the whole case, then it will give its decision on such point after such hearing as it may consider necessary and thereafter the records of the lower court, together with the opinion of the Bench, shall be transmitted back to the lower court for disposing of the case in accordance with law.(3)If the Bench appointed by the Chief Justice is of opinion that the question of law as to the interpretation of the Constitution of India cannot be decided without hearing the whole case, then it will send back the record to the Chief Justice with its opinion and the case will thereafter be heard by a single Judge to be nominated by the Chief Justice and the procedure laid down by the Code of Civil Procedure and the Criminal Procedure Code for the hearing of cases transferred from districts to the High Court for disposal will be followed.

**15. Every petition under Order XLV, Rule 2, Civil Procedure Code, in respect of any decree passed by this Court in its Appellate Jurisdiction in the case of an appeal from the Original Jurisdiction, shall be presented to the Division Bench for the hearing of appeals from the Original Jurisdiction, but every**

**such petition may be heard by a Division Bench consisting of two Judges.**

**16. (a) The time within which a decree of a District Court may not, under section 17 of the Indian Divorce Act, be confirmed shall be six months from the pronouncing thereof.**

(b) Rules 3, 4 and 5 of Order 46, Civil Procedure Code, shall apply to references under section 9 of the Indian Divorce Act, and the practice and procedure for the setting down of such references for hearing shall be the same as obtained in the case of references made under section 113 and Order 46 of the said Code, provided always that every such reference shall be laid before the Chief Justice for his direction as to the Bench by whom it shall be heard. [17. \* \* \*] [[Rule 17 omitted by Notification No. 538 - O, dated the 2nd February, 2005. Previously it read as under: '17. Appeals from orders of the Calcutta Improvement Tribunal, shall be heard by the Division Bench for the time being hearing appeals from original decrees other than decrees of the High Court in its Original Civil Jurisdiction.']] [18. \* \* \*] [[Rule 18 which was added by Notification No. 2372-G, dated the 25th April, 1966 omitted by Notification No. 538-G, dated the 2nd February, 2005. Previously it read as under: '18. Appeals from the decision of the Claims Commissioner under the Indian Railways Act 4 of 1890 and appeals from the award of the Claims, Tribunal under the Motor Vehicles Act 4 of 1939 shall be heard by a Division Bench.']] [19. Applications under section 5(1) of the West Bengal Court Fees, Act, 1970 for revision of orders of the Registrar as the Taxing Officer of the High Court, Appellate Side shall be heard either by the Chief Justice or by such Judge of the High Court as the Chief Justice shall appoint either generally or specially on that behalf.] [Added by Notification No. 4667-G, dated the 27th April, 1977.] [20. Notwithstanding anything contained in these Rules, a single Judge may, during vacation, when Division Bench is not sitting, by a special assignment, issue Notice or Rule, as the case may be, in any matter of an emergent nature, Civil or Criminal, or under the Constitution, and may pass such interim orders regarding stay, injunction, bail and other interim reliefs as prayed for, if he deems fit to do so, making the Rule or the Notice returnable before the Division Bench.] [Inserted by Notification No. 952-G, dated 1st March, 1990.]

## **Chapter III**

### **Distribution of Judicial Business**

**1. The civil business arising from the Districts shall be laid before the Division Bench appointed by the Chief Justice to deal with such business:**

Provided that when an order under Order XLI, Rule 25 or 28, Civil Procedure Code, has been passed by a Division Bench, and at the time of the receipt of the return to such order, the Judges composing such Bench are not taking such matters, such appeal shall be laid before the senior, or in his absence the junior, of such Judges, and he shall direct either that the appeal be heard by the Division Bench on which he may be sitting, or that it be laid before the Chief Justice for the appointment of a Bench to hear such appeal. In the absence of both of the Judges, the appeal shall be laid before the Division Bench in charge of such matters.

**2. The Judges of each Division Bench shall determine the order in which each description of business shall be heard.**

**3. Every case in the criminal jurisdiction of the High Court shall be placed on the list of the Division Bench appointed for that purpose on the date fixed for hearing.**

## **Part II – Procedure And Practice**

### **Chapter IV**

### **General Rules for Applications and Affidavits Applications**

**1. Applications to the High Court shall be in the English language.**

[1A. Documents in vernacular enclosed with applications and affidavits will be required to be translated by the Official Translator/Interpreter as and when directed by the Court.] [Inserted by Notification No. 1145-G, dated 9.2.2012 w.e.f. 17.5.2012.]

### **Schedule 2**

Applications relating to the following matters should bear a court - fee stamp of Rs. 2

Subject	Details	Under what rule	Whether affidavit necessary
Court - fees	1. Refund of court-fees paid in excess.	Section 13, Court-fees Act, Rule 2(4), Chapter II, of these Rules.	Affidavit not necessary.
2. Time to put in requisite court - fee and refile of Memo.of Appeal after period of limitation.	Clauses (3), (4) and (5) of Rule 18, Chapter V of these Rules.	Affidavit necessary.	
Minors	3. Substitution of parties (including minors).	Order XXII, Rules 3(1) and 4(1), Civil Procedure Code, and Rule 2(5), Chapter II of these Rules.	Ditto.
4. Appointment of guardian ad litem.	Order XXXII, Rules 3(2), Civil Procedure Code, and Rule 2(6), Chapter II of these Rules.	Affidavit necessary.	

5. Amendment of Memo of Appeal on a minor attaining majority.	Rules 26 and 28, Chapter V of these Rules.	Affidavit necessary except in case of application by appellant when based on affidavit already filed by respondent.	
6. Cancellation of Deputy Registrar's appointment as guardian ad litem.	Order XXXII, Rule 11, Civil Procedure Code, and Rule 2(6), Chapter II, read with Rule 29, Chapter V of these Rules.	Affidavit necessary	
6A. Representation of minor in case of non - appearance of the guardian.	Rule 29A, Chapter V of these Rules.	Affidavit necessary, if directed.	
Notice	7. Substituted service.	Order V, Rule 28, Civil Procedure Code, and Rule 2(4), Chapter II of these Rules.	Ditto.
Paper - book	8. Relaxation of Rule 53(a), Chapter IX of these Rules.	Rule 8, Chapter IX of these Rules.	Ditto.
Supreme Court	9. Transmission of orders of Supreme Court to lower courts for execution and for preparation certificates of costs.	Rule 4, Chapter VI of these Rules read with Article 1 of Schedule II of the Court - fees Act.	Affidavit not necessary.
10. Printing of part only of the record.	Rule 5, Order XII of the Supreme Court Rules, 1950.	Affidavit not necessary.	
11. Revival or substitution or addition of parties.	Rule 6, Order XV of the Supreme Court Rules, 1950.	Affidavit necessary.	
12. Acceptance of securities other than cash or Government securities.	Rule 41, Chapter VI of these Rules.	Ditto.	
13. Refund of securities.	Article 1 of Schedule II of the Court - fees Act.	Affidavit not necessary.	
14. Conversion of securities from one form into another.	Note to Rule 41, Chapter VI of these Rules.	Ditto.	
15. Exclusion from or inclusion in transcript record to Supreme Court of papers.	Rule 30(3)(b), Chapter VI of these Rules.	Ditto.	
Records			



	16. Return of documents during pendency of appeal.	Rules 2(10), Chapter II of these Rules, Order XIII, Rule 9, Civil Procedure Code.	Affidavit not necessary.
	17. Requisition for records from lower courts relating to cases other than the appeals pending in this Court.	Rules 19 and 21, Chapter IV of these Rules.	Ditto.
	18. Return of exhibits to affidavit or verified petition.	Rule 34(i), Chapter IV of these Rules.	Affidavit not necessary (if document to be returned is original document).
General	19. Exemption from production of more than one copy of the judgment in analogous appeals and from payment of a separate set of ex - timing fee for application for leave to appeal to the Supreme Court filed by the same party against the same judgment of this Court.	Order XLI, Rule 1(1), Civil Procedure Code, Rule 3, Chapter V, Rule 2(18), Chapter II and Rule 11, Chapter VI, of these Rules.	Affidavit not necessary.
	20. Cancellation of Vakalatnama.	Rule 72, Chapter V of these Rules.	Affidavit necessary unless Advocate who accepted the Vakalatnama signifies his willingness to retire from case.
	21. Amendment of Memorandum of Appeal consequent on the death of a party including a party whose heirs are already on record.	Order XXII, Rules 3 and 4, Civil Procedure Code, and Rule 25, Chapter V, read with Rule 2(7), Chapter II, of these Rules.	Affidavit necessary.
Decree	22. Transfer of a decree for execution in an appeal or other proceeding arising out of Article 226 of the Constitution of India.	Section 39, read with Order XXI, Rule 6, Code of Civil Procedure, Rule 20, Chapter IV of these Rules.	Affidavit necessary.
Government Pleader	23. Application by the Government Pleader for causing a note of his authority to prosecute or contest an appeal or cross -objection or a revisional	Order XXVII, Rule 8 of the Code of Civil Procedure and Rule 12, paragraphs 2, 3 and 4, Chapter V, read with Rule 2(27) of Chapter II of these Rules.	Affidavit not necessary.

application on behalf of a  
public officer in the employ  
of the Central or the State  
Government, or of the  
authority of any other  
Pleader, to be entered in  
the appropriate register.

**2. In every application presented to the High Court there should be stated, immediately after the cause title, the section and statute under which the application is made, the date of the order complained of, and whether the subject - matter of the suit, out of which the application arises, does or does not exceed Rs. 5,000 in value:**

[Provided that in every application for contempt it shall be stated at the top that the jurisdiction invoked is "Special Jurisdiction" of the court and that the subject - matter is "Contempt of Court."]  
[Added by Notification No. 2350-G, dated the 29th April, 1957 - File No. 1M - 100 of 1956.]

**2A. Every application for revision shall be produced before the Commissioner of Affidavits at the time - an affidavit in support of it is made, and that officer shall satisfy himself that the application is sufficiently stamped and shall certify accordingly.**

**3. Every application to the High Court relating to an appeal pending before the court shall be filed with the Assistant Registrar (Court) concerned at least 24 hours before the sitting of the court before which it is proposed to move the application, or of the Registrar if the application is entertainable by him. Such applications shall be listed for hearing on the next motion day. No such application which has not been duly listed will be entertained by the court or the Registrar, unless in the special circumstances of the case the court or the Registrar otherwise directs.**

**4. Every application to the High Court, if founded on any statement of fact, shall set out the material facts, matters and circumstances on which the applicant relies.**

**5. When an application is made to the court or to the Registrar in any matter in which any previous application was made to the court or to the Registrar to the same effect, or with the same object, or with a similar object, the fact of such application having been made and the order passed thereon shall be**

**clearly stated in the application.**

**6. Every such application shall be neatly typed on stout paper of foolscap size with a margin of two inches and shall contain about 20 lines in each full page. The application shall be divided into paragraphs and numbered consecutively and only one side of the paper shall be used.**

**7. The facts stated in such application shall be verified by the solemn affirmation of the applicant or by an affidavit to be annexed to the application.**

**8. Every application shall be signed and dated either by the applicant or declarant or his advocate.**

**9. It will not be necessary to set out in the application or in the affidavit any document which is part of a record present in the High Court; nor will it be necessary to produce any affidavit of any facts found by the High Court or any of the lower courts in the course of the suit or proceeding out of which the appeal arises : provided that such finding has not been reversed on appeal; but the application shall state shortly all facts upon which it is intended to rely, and shall 'give the number, letter, title or other description of all documents on the record present in the High Court, to which it is intended to refer.**

**10. In the case of an application relating to a matter which is or has been before the High Court, the High Court File, together with the application, shall be placed before the court or the Registrar at the time of the hearing of the application. When the applicant desires that any documents in a record present in the High Court other than those contained in the High Court File, shall be produced at the hearing in order that they may be referred to by the court, he shall at the time of filing the application give notice to produce them to the Assistant Registrar (Court) concerned. Unless by a special order of the court or the Registrar, documents will not be produced from the record room or the office during the sitting of the court.**

**11. In all cases in which service of notice on the opposite party is necessary, if such notice has not been duly served, the hearing of the application (except in cases of urgency) shall be postponed unless the parties entitled to notice are present and willing to proceed at once. In all cases the parties opposing the application shall be at liberty to apply for a postponement in order to answer the affidavits or for any other good and special cause.**

**12. The fee for the issue of the notice on the opposite party, [shall be paid into court] [Substituted by Notification No. 2629-G, dated 2.3.1977 for 'and if the Court so directs, necessary number of written up printed Notice Forms and copies of applications shall be filed in the Court's office'.] within seven days from the date of granting the application:**

Provided that no order shall be passed to receive such fee when tendered out of time, except upon an application setting forth the reasons for condoning delay: Provided further that in cases in which the court fixes a returnable date, the fee for the issue of the notice shall be paid into court by the end of the day following that on which the application is granted. If such fee is not deposited within the time stated in this proviso, the petitioner shall, at the time of depositing the fee, supply therewith the necessary number of copies of the petition and its enclosures. Note : In fixing a returnable date, time should be allowed for making the necessary number of copies of petitions and enclosures and following minimum period of time for service of notice: (1) Five days within the municipalities of Calcutta and Howrah, and (2) Ten days within the other districts of West Bengal.

**13. Any party opposing the grant of an application or showing cause against a rule, who may desire to bring before the court any facts not contained in, or admitted by, the application or affidavit of the opposite party, shall do so by an affidavit containing, in the form of a narrative, the material facts on which he relies.**

**14. No affidavit in answer shall ordinarily be read which have not been filed with the proper officer of the court 24 hours before the sitting of the court or the Registrar on the date fixed for the hearing of the application.**

**15. No affidavit shall ordinarily 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 advocate 24 hours before such hearing:**

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

**16. Every application for stay of execution under Order XLI, Rule 5, Civil Procedure Code, 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 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) of the Code.**

**17. 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.**

**18. 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 in which such default was made, and whether or not the party whose appeal or application was dismissed had, previously to such dismissal, engaged an advocate to conduct the appeal or application.**

**19. 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 in which such document or paper is;(c)the date of the document or paper; and(d)such other information as may be necessary for the purpose of identifying such record, document or paper.

**20. Every application for transfer of a decree under section 39, read with Order XXI, Rule 6, Code of Civil Procedure, in an appeal or other proceeding arising out of Article 226 of the Constitution of India, 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, and also certified copy of the decree, the execution of which is sought for.**

**21. Every such application shall bear the court - fee stamps leviable under Article 1(d)(ii) of Schedule II of the Court - fees Act, 1870, as amended by Bengal Act IV of 1922, and shall be accompanied by a certificate signed by an Advocate that in his opinion such record, document or paper is requisite and**

**material for supporting or opposing the appeal or other proceeding:**

Provided that an application for calling for a record or what was already made a part of a record of the case which has given rise to the proceedings in this court in connection with which the application is made need not bear a stamp. Affidavits

**22. Every affidavit to be used in a Court of Justice shall be instituted "In the Court of ..... at ....., " naming such court.**

**23. If there be a cause in court, the affidavit in support of, or in opposition to, an application respecting it shall also be instituted in the cause.**

**24. If there be no cause in court, the affidavit shall be instituted "In the matter of the petition of .....".**

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

**26. Every person, other than a plaintiff or defendant in a suit in which the application is made, making any affidavit, shall be described in such a manner as will serve to identify him clearly, that is to say, by the statement of his full name, the name of his father, his profession or trade, and the place of his residence.**

**27. When the declarant in any affidavit speaks to any fact within his own knowledge, he shall do so directly and positively using the words "I affirm (or 'make oath') and say".**

**28. When the particular fact is not within the declarant's own knowledge, but is stated from information obtained from others, the declarant shall use the expression "I am informed," and if such be the case, should add "and verily believe it to be true", and he must also state the source from which he received such information. When the statement rests on facts disclosed in documents or copies of documents procured from any Court of Justice or other source, the deponent shall state what is the source from which they were procured, and his information or belief as to the truth of the facts disclosed in such documents. Copies of documents (other than those on the record of the case) to which it is intended that reference should be made at**

**the time of hearing shall be annexed to the affidavit and shall be marked as an exhibit and shall bear the certificate of the Commissioner before whom the affidavit is made.**

**29. Every person making an affidavit, if not personally known to the Commissioner, shall be identified to the Commissioner by some person known to him, and the Commissioner shall specify at the foot of the application or of the affidavit (as the case may be) the name - and description of him by whom the identification is made, as well as the time and place of the identification, and of the making of the affidavit. Every pardanashin woman verifying an application or making an affidavit in the manner specified in the preceding rules and every such application or affidavit shall be accompanied by the affidavit of identification of such woman made at the time by the person who identified her.**

**30. If any person making an affidavit shall be ignorant of the language in which it is written, or shall appear to the Commissioner to be illiterate, or not fully to understand the contents of the affidavit, the Commissioner shall cause the affidavit to be read and explained to him in a language which both he and the Commissioner understand, either doing so himself, or causing another person to do so in his presence. When any affidavit is read and explained as herein provided, the Commissioner shall certify in writing at the foot of the affidavit that it has been so read or explained; and that the declarant seemed perfectly to understand the same at the time of making the affidavit.**

**31. In administering oaths and affirmations to declarants, the Commissioner shall be guided by the provisions of the Oaths Act, X of 1873. The following Forms are to be used:**

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

**32. If an officer of the court has been appointed a Commissioner to administer oaths or affirmations and also to interpret affidavits filed under this Chapter, the following Form of Affirmation should be used:**

"Solemnly affirmed before me this day. I certify that I read over and explained the contents to the declarant and that the declarant seemed perfectly to understand them."

**33. Fees. - No fee is allowed for taking affidavits or affirmations in the Court house, but fees are allowed to Commissioners for taking such affidavits or affirmations elsewhere. [See Note 4 to Rule 6, Chapter XII.]**

**34. (i) No document being an exhibit to an affidavit or verified petition or forming the materials for any application shall be given back unless the document be an original document in which case it may be taken back on an order of the Registrar, a certified copy of the original document being retained in the file.**

(ii) When any such document is itself a certified copy it shall not be returned: Provided that the Registrar may, in exceptional cases, and upon an application supported by an affidavit setting out the grounds upon which the return is asked for order the return thereof upon such conditions as he thinks fit.

## **Chapter V**

### **General Rules of Procedure**

**1. The provisions of Chapter IV shall apply, as far as may be, to every memorandum of appeal, to every memorandum of objection under Order XLI, Rule 22 or 26, Civil Procedure Code, and to every application for revision.**

**1A. Where a particular period has been prescribed by these rules for the doing of anything and the action to be taken is such that the party or his advocate is required to work in the offices of the court, the prescribed period shall be reckoned exclusively of the day or days on which the offices of the court are closed.**

**2. Every memorandum of appeal and of cross - objection shall be drawn up in the manner prescribed by Order XLI, Rule 1, Civil Procedure Code. Every such memorandum of appeal and of cross - objection and every application for revision shall, immediately below the title, have endorsed on it "First Appeal", "Second Appeal", "Appeal from Order", or "Revision", as the case may be, and shall state -**



(a)the name and full postal address [with Pin Code Number] [Inserted by Notification No. 3036-G, dated 5.4.2011 w.e.f. 12.4.2011.] of each appellant or applicant;(b)the name of each person whom it is proposed to make a respondent or opposite party with full address [with Pin Code Number] [Inserted by Notification No. 3036-G, dated 5.4.2011 w.e.f. 12.4.2011.] including the Munsifi in which such person resides;Note : In suitable cases the Registrar may dispense with the furnishing of particulars relating to the Munsifi.(c)the court in which, and (i) in the case of first appeals the name of the Judge by whom the decree or order referred to was made, (ii) in the case of second appeals the name of the presiding officer of the Lower Appellate Court as well as that of the court of first instance;(d)the date when and the number and year of the suit or proceeding in which such decree or order was made;(e)the ground or grounds numbered seriatim of objection to the decree or judgment appealed from, without any argument or narrative;(f)the value of the appeal: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, if 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 make this note shall be forthwith reported to the Registrar, who may direct that the note be made within a specified period according to the circumstances of each case or direct that the matter be laid before a Division Bench:Provided further that in the case of a First Miscellaneous Appeal under section 142(3) of the Calcutta Municipal Act, 1923 or the corresponding section or sections of the Calcutta Municipal Act, 1951, the value of the appeal to be stated in the memorandum shall be the difference between the annual values, upon and in respect of which relief was claimed in the Court of Small Causes.(g)in the case of an appeal, whether the suit in which the appeal is made has already been before the Court on appeal; and(h)in the case of an appeal from an original decree or an appellate decree, which of the respondents (to be shown, below the names of the parties, by the serial number of each in the decree appealed from) did not appear to contest the suit or appeal at its final hearing, and their total number. Any omission to make this note shall be forthwith reported to the Registrar for orders.Note : It is desirable that a separate line should be allotted to the name of each party to an appeal.

**2A. In the case of First and Second Appeals from decrees in which the note given in the memorandum of appeal by the filing advocate under clause (h) of Rule 2 of this Chapter, discloses that the number of respondents to the appeal who did not appear in the lower court is five or more, excluding minor or lunatic respondents, the office shall put up the same on the Lawazima List of the Registrar immediately or as soon as possible after the registration of the First Appeal, or after the admission of the Second Appeal under Order XLI, Rule 11 of the Civil Procedure Code, 1908, as the case may be, with the necessary office note, so that the Registrar may, in exercise of his powers under Rule 2(26) of Chapter II of these Rules, pass suo motu the order under**

**Order XLI, Rule 14(3) of the Civil Procedure Code in the presence of the advocate for the appellant, for dispensing with service of notice of appeal on the respondents who had not appeared in the court below.**

**3. Where more than one appeal is preferred from a judgment governing more than one case, the Registrar may dispense with the filing of more than one copy of the judgment and direct analogous hearing of the appeals.**

**4. In the case of -**

(1) appeals from orders of the lower appellate courts remanding cases for re-trial; and (2) 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: Note : This appeal is from an order of the lower appellate court, dated ..... remanding the case for re-trial under section..... Civil Procedure Code. Or, This appeal is from an order of the lower appellate court (or the court of first instance, as the case may be) made on remand by the High Court, in Appeal No. .... of ..... dated the ..... in which this appellant was appellant or respondent (as the case may be).

**5. In the event of any omission on the part of the advocate to append to the memorandum of appeal a note in the terms required by Rule 4, it shall be the duty of the Registrar to bring such omission to the notice of the Division Bench before which the appeal is pending.**

**6. A memorandum of appeal to the High Court against the decree or order passed in appeal by any court subordinate to it shall be accompanied by copies of the judgment and decree or order of both the lower courts, and, if filed by an advocate of the High Court shall bear a certificate under his hand at the foot of the petition in the following Form: -**

I, A. B., Advocate for the abovenamed ..... do hereby certify that, in my judgment, the ground (or if there be several, each of the grounds) of appeal in the above petition presented by me on behalf of the said ..... is a good ground of second appeal. Dated, the ..... day of : Provided that in the case of an appeal against a decree or order passed after remand by this court, copies of judgment or decree of the lower courts passed before the case was remanded need not be furnished.

**7. Every party who files an appeal in person shall insert in his memorandum of appeal, or otherwise give in writing to the Deputy Registrar, an address at which notices and other processes in the appeal may be served upon him;**

**and any notice or other process sent to such address by registered letter shall be presumed to have been duly served upon such party.**

**8. No memorandum of appeal from an appellate decree or from an original or appellate order presented in person by any party to the appeal shall be registered without an order of the Division Bench before whom the party presenting the appeal shall appear in person.**

**9. In the case of an application for revision, the application shall be accompanied by certified copies of each of the following documents:**

(i) the judgment, decree or order to which the application relates; (ii) if the judgment, decree or order to which the application relates was a judgment, decree or order delivered by a court sitting in appeal, the copies of the judgment, decree or order of the court of first instance.

**10.**

(1) When a memorandum of appeal is not in proper form and/ or is not accompanied by the necessary copies of papers, the Registrar may allow time within which such memorandum must be amended, and/or the necessary papers filed, or may lay the same before the Division Bench for orders. (2) If a memorandum of appeal is presented for admission without copies of the judgment and decree or order appealed from, it shall forthwith be returned to the advocate or party presenting it. If such copies are filed after the period of limitation has expired the memorandum shall be presented direct to the Division Bench. In case of an appeal from appellate decree or order, copies of the judgment and decree or order of the court of first instance shall be filed along with the Memorandum of Appeal. If such copies are not so filed, the appeal shall not be placed on the monthly list for hearing under Order XLI, Rule 11 of the Civil Procedure Code, until they are filed.

**11. If in a memorandum of appeal the ground is taken that there is in fact on the record no evidence or admission to support the decree, such memorandum shall state sufficiently the material finding in support of which there is no evidence or admission on the record.**

**12. Every memorandum of appeal (other than a memorandum of appeal from an appellate decree filed by a party to the appeal in person) or memorandum of objection under Order XLI, Rule 22, or 26, Civil Procedure Code, shall be presented in the High Court to the Deputy Registrar or such other officer as the Registrar may appoint for the purpose by the appellant in person, or by his recognised agent, or by an advocate appointed under the provisions of Order III, Rule 4, Civil Procedure Code, or by some person appointed in**

**writing by such advocate to present the same.**

In the case of any appeal, cross - objection or revisional application prosecuted or contested on behalf of Government, the Government pleader [which expression means, in relation to a proceeding to which the Central Government is a party, such pleader as the Central Government may appoint, whether generally or specially, for the purpose of Order XXVII of the Code of Civil Procedure and in relation to a proceeding concerning the State Government, the Government pleader as defined in clause (7) of section 2 of the same Code or such other pleader as the State Government may generally or specially appoint for the purpose of Order XXVII of the Code] (vide Rule 8B, *ibid*), who is deemed to be the recognised agent of the Government under Rule 2 of that Order, need only intimate to the court, at the time of presenting a memorandum of appeal or of cross - objection or a revisional application, or when entering appearance on behalf of Government as respondent or opposite party in any such proceeding, that he represents the Government in the said proceeding. No stamped power or Vakalatnama is required to be filed. Where the Central or the State Government undertakes to prosecute or contest any proceeding before the court on behalf of a public officer employed under it in his official capacity, the Government pleader (within the meaning of the expression as set out in the foregoing paragraph) representing the particular Government shall, at the time of presenting any memorandum of appeal or of cross - objection or any revisional application, or on or before the date fixed in the notice for the officer concerned to appear and answer as respondent or opposite party as the case may be, file an application to the court, in accordance with the provisions of Rule 8 of Order XXVII, for causing a note of his authority in that behalf to be entered in the appropriate register; and the Registrar, upon such application being placed before him for orders, shall if he is satisfied that the application fulfils the requirements of Rule 8 of Order XXVII cause a note to be entered accordingly. In the absence of any such application, the consequences provided in Rule 8(2) of the said Order shall follow. The name or names of such other pleader or pleaders, if any, as are intended to be authorised to act under the directions of the Government pleader in any proceeding before this court, may be intimated to the court in the application mentioned in the paragraph immediately preceding, and where no such application is required to be filed, in a separate application to be dealt with by the Registrar, who shall thereupon cause a note of such authority to be duly recorded. The date of presentation to the Deputy Registrar or such other officer as the Registrar may appoint as provided for in paragraph one shall be deemed to be the date of presentation for the purpose of limitation.

**13. Except as provided in Rule 14 of this Chapter, no memorandum of appeal, no memorandum of objection under Order XLI, Rule 22 or 26, Civil Procedure Code, no application for review, and no application for leave to appeal in forma pauperis shall be presented for admission unless the same bears an office report as to limitation of time; and, when a stamp is required, as to the sufficiency or otherwise of the stamp; or, in the case of a stamp of which the sufficiency cannot be ascertained, that the report as to the sufficiency of the stamp will be made on the receipt of the record or after further enquiry. Such report shall ordinarily be endorsed on the memorandum or application and**

**returned by the Stamp Reporter before 4 p.m. on the day on which such memorandum or application was made over to the Stamp Reporter for examination.**

If the report of the Stamp Reporter on the memorandum of appeal or cross - objection is that the prescribed period of limitation has expired, such memorandum shall be returned to the party filing it, who may present the same to the Division Bench. In cases in which it may not be possible for the Stamp Reporter to return the memorandum of appeal or application on the day on which such memorandum or application was made over to him for examination, the time taken by the Stamp Reporter in preparing his report shall be excluded from the prescribed period of limitation.

**14. On the first day on which the High Court reopens after the annual long vacation a memorandum of appeal or objection under Order XLI, Rule 22 or 26, may be presented to the Deputy Registrar or such other officer as the Registrar may appoint for the purpose, and an application for leave to appeal in forma pauperis may be presented to the Division Bench, without the office report, as required by the preceding rule:**

Provided that all memoranda of appeal or objection as aforesaid which was presented for admission on the reopening date after the High Court's annual vacation shall be dealt with in accordance with the provisions of Rule 18 of this Chapter, after the Stamp Reporter has recorded his report.

**15. Applications for review and memoranda of appeals from appellate decrees or from original or appellate orders filed by parties to the appeal in person shall be presented direct to the Division Bench concerned after the report prescribed in Rule 13 above has been obtained.**

Applications for revision shall be presented to the court with the certificate from the Commissioner of Affidavits prescribed by Rule 2A of Chapter IV and shall exhibit the particulars required by Rule 2 of that Chapter. [15A. Deleted] [Rule 15A deleted by Notification No. 7586-G, dated 1.11.1960, File No IP - 9/ 57 (w.e.f. 1.12.1960) when the Rules relating to application under Article 226 of the Constitution of India came into force.]

**16. Applications for leave to appeal in forma pauperis shall be presented with the report of the Stamp Reporter in open Court to the Division Bench concerned in accordance with the provisions of Order XLIV, Civil Procedure Code.**

[17. The officer to whom the memorandum is presented under Rule 14 of this Chapter shall endorse on every such Memorandum the date of the presentation and shall send the same to the Stamp Reporter. The Stamp Reporter, if the memorandum is not barred by limitation and is sufficiently

stamped and complies with the provisions of these Rules, shall record a Report to that effect and shall, after the Officer - in - Charge of the Judicial Department has scrutinised the Memorandum and has satisfied himself that the stamps have been properly punched and defaced under the Rules and that there are no obvious defect - (a) in the case of an Appeal from an Original Decree, an Appeal under the Workmen's Compensation Act, an Appeal from an Order under Article 226 of the Constitution [an Appeal under the Indian Railways Act, 1890 (Act 4 of 1890), an Appeal under the Motor Vehicles Act, 1988], an appeal preferred under section 37(I)(b) of the Arbitration and Conciliation Act, 1996 thereby setting aside an arbitral award under section 34 of the said Act, a First appeal against a "deemed decree" provided in any statute, if the said "deemed decree" is not passed in execution proceedings, admit it and cause it to be registered and Notice to issue to the Respondent, (b) in the case of an Appeal from an Appellate Decree or an Appeal from an Order, other than an Appeal under the Workmen's Compensation Act, an appeal from an order under Article 226 of the Constitution, [an appeal under the Indian Railways Act, 1890 (Act 4 of 1890), an Appeal under the Motor Vehicles Act, 1988] and first appeal against deemed decrees passed in execution proceedings, second appeal against deemed decree, all appeals under section 39 of the Arbitration Act, 1940, all other appeals under section 37 of the Arbitration and Conciliation Act except the appeals preferred under section 37(1)(b) thereby setting aside an arbitral award under section 34 of the said Act admit it, cause it to be registered, and posted to a Bench for hearing under Order XLI, Rule 11, Civil Procedure Code, and (c) in the case of a memorandum of Objection under Order XLI, Rule 22 or 26, Civil Procedure Code, admit it and cause it to be registered.]

## 18.

(1) If there is a reasonable doubt as to the amount of court - fee leviable on any memorandum of appeal which an advocate or a party desires to present, he shall apply to the Registrar, as Taxing Officer, for his decision as to the court - fee payable, and the Registrar shall pass an order accordingly and fix a period within which the requisite court - fee must be paid. If the requisite fee is not paid within the period fixed, the case shall be laid before the Division Bench for orders. (2) If the Stamp Reporter, on a memorandum being presented to him, finds that it has been insufficiently stamped, he shall make a note thereon as regards the deficiency and shall return it, with as little delay as possible, to the advocate or the party presenting it. If the advocate or the party refiles it having supplied the deficit court - fees, within the prescribed period of limitation, the Stamp Reporter shall record a note to that effect on the memorandum which shall then be admitted. (3) The advocate or the party to whom a memorandum is returned under clause (2) may apply to the Registrar for time to put in the requisite court - fee. On such application being made the Registrar, if he is satisfied that the insufficiency of the court - fee was due to a mistake on the part of the applicant as to the court - fee payable, may fix a period within which the additional court - fee must be paid. In other cases or when the requisite fee is not paid within the period fixed, the Registrar shall lay the matter before the Division Bench for orders. (4) If a memorandum which has been returned under clause (2) and for filing which no time under clause (3) has been fixed is refiled, sufficiently stamped, after the period of limitation has expired, it shall be presented direct to the Registrar and the latter may pass an order for the admission thereof or lay it before the Division Bench for orders according as, in his opinion, a case as to mistake as referred to in clause (3) has been made out or not. (5) An application made under clause (3) or a memorandum of appeal refiled

under clause (4) must be accompanied by an affidavit explaining the insufficiency, unless the insufficiency is due to a mistake which is apparent on the face of the papers filed.

**19. The Stamp Reporter or the Assistant Registrar (Court), as the case may be, must see that section 30 of the Court - fees Act is strictly complied with and that no document requiring any court - fee stamp is filed or acted upon in any proceeding either before the court or its offices, until the stamp has been effectively cancelled.**

**20. In any case in which a memorandum has been returned for amendment under the orders of the Registrar, it shall be the duty of the Deputy Registrar to attest the amendment by his signature.**

**21. If a memorandum bears a note that a report as to the sufficiency of the stamp will be made on the receipt of the record, the Deputy Registrar or such other officer as the Registrar may appoint shall note thereon the date of presentation and shall retain it pending the receipt of the report.**

**22. Every memorandum retained under the provisions of Rule 21 shall, immediately after the receipt of the record, be examined by the Stamp Reporter, who shall endorse on it his report as to the sufficiency of the stamp and shall thereupon proceed in the manner provided in Rules 17 and 18 above.**

**23. 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 inadvertence received, filed or used in the court without being properly stamped, he shall report the fact to the advocate who presented such document. Such advocate shall at once initial the report and shall within one week 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 advocate to dispute the accuracy of the report.**

**24. If a memorandum which has been dealt with under Rule 18 above is duly stamped or amended under Rule 20 within the time fixed by the Registrar or the court, as the case may be, the Registrar or the court shall admit it and cause it to be registered. If such memorandum is not duly stamped or**

**amended within the time allowed, the court may reject such memorandum or pass such other order relating thereto which it may consider proper.**

**25. An application supported by an affidavit shall be filed for an order for amendment of the memorandum of an appeal consequent on the death of a party including a party whose heirs are already on the record:**

Provided that where such amendment relates to a matter in respect of which an order has already been obtained in the court below but has not been incorporated in the decree of that court, no application shall be necessary but an affidavit setting out the particulars will be sufficient.

**26. If a respondent who was described as a minor in the decree to be appealed from has attained majority before the appeal is preferred, and the appellant impleads him as a major in the memorandum of appeal, the same shall be accompanied by an affidavit stating the said fact.**

**27. Where the Deputy Registrar is appointed guardian ad litem of minor respondents under Order XXXII, Rule 4(4), Civil Procedure Code, the appellant, at whose instance such appointment is made, shall, within 21 days, deposit with the Accountant of the court the sum of [Rs. 68 or Rs. 34, as the case may be] [Substituted for 'Rs. 51 or Rs. 19, as the case may be' by Notification No. 3788-G, dated 16th April, 1981.], together with the cost for Court - fee stamp for the Vakalatnama to be filed on behalf of the Deputy Registrar as cost to enable the Deputy Registrar to appoint an advocate on his behalf, and shall within the same time file in court an Indemnity Bond in favour of the Deputy Registrar.**

Note : In rules arising out of appeals in which the Deputy Registrar is appointed guardian ad litem of Minor respondents no fresh Indemnity Bond should be insisted on if the Indemnity Bond filed in the appeal contains a statement that it also extends to any rule or rules arising therefrom.

**28. If a respondent, who was described as a minor in the memorandum of appeal, appears as a major he shall, when making such appearance, file an affidavit stating the fact that he has attained majority together with the date when he did so. On such affidavit being filed, the appellant, unless he disputes the fact of the respondent attaining majority, shall file an application, which need not be verified, for amending the memorandum of appeal, and thereupon the memorandum of appeal shall be amended accordingly. If no such affidavit is filed by such respondent, he shall be**



**precluded from appearing as a major and the appellant shall be required to put in the costs, etc., for the, appointment of the Deputy Registrar as guardian ad litem of the said respondent:**

Provided that it shall always be open to the appellant to ask for such amendment on making an application supported by an affidavit for the purpose.

**29. Where in an appeal or other proceeding the natural guardian of a minor respondent or opposite party, upon being duly served with notice, does not appear in due time and the Deputy Registrar is appointed guardian ad litem, the natural guardian shall not be allowed to appear unless he files an application supported by an affidavit making out sufficient ground for the removal of the Deputy Registrar as required by Rule 11 of Order XXXII of the Civil Procedure Code. Notice of such application shall be duly served by the applicant upon the Deputy Registrar and if an order is made removing the Deputy Registrar it shall be made subject to the payment by the natural guardian of any cost that the Deputy Registrar may have incurred as guardian ad litem in respect of advocates' fees, etc.**

**29A. Where, in an appeal or other proceeding, the natural guardian of a minor respondent or opposite party, upon being duly served with notice, does not appear in due time, and the appellant or petitioner, as the case may be, desires that the same representation of the minor may continue as in the lower court, his advocate shall file an application, supported, if so directed, by an affidavit, for an appropriate order in the matter, stating inter alia whether there was separate contest on behalf of the said minor in the court below and / or whether his interests are identical with those of the appearing respondents or opposite parties.**

**30. On any court day on which no Bench is or has been sitting, any memorandum of appeal or application which might be barred by time, and which is entertainable only by a Bench, may be presented to the Deputy Registrar or, in his absence from court on that day, to an Assistant Registrar on the Appellate Side of the court, who shall certify thereon that such application was on that day presented to him: provided always that no such presentation to the Deputy Registrar or an Assistant Registrar shall be of any effect unless such application be presented to a Bench on the next subsequent day on which a Bench is sitting.**

**31. When an appeal from an original decree or an appeal under the Workmen's Compensation Act, or an application for revision has been admitted and registered, or, in the case of appeals from appellate decrees and appeals from orders, other than an order under the Workmen's Compensation Act, when the court has passed an order to the effect that the appeal will be heard, it shall be the duty of the Deputy Registrar to send a notice [see Form Nos. 1 and 2 (Civil), Appendix - I] immediately to the court from whose decision the appeal is preferred, or the application is made, and to call for the transmission, ordinarily within seven days, of the record and all material papers:**

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), Civil Procedure Code, only copies of the application for attachment before judgment, for the issue of an injunction, or for appointment of a receiver, with affidavits and the petitions of objections thereto with affidavits and copies only of the orders relating to the matter should be called for, and that such copies should be prepared by the court below at Government expense: Provided further that if either the appellant or any of the respondents requires any other papers to be called for, he should file a list of such papers in the court below within a time to be fixed by that court and also deposit in that court, the costs of preparation of copies of such papers to be estimated by that court within a time to be fixed by that court: Provided further that the court below will make suitable orders for compliance with its orders and send to this court copies of such papers within a reasonable time: Provided also that none of the parties will be entitled to refer at the hearing of the appeal, to any paper not sent as aforesaid to this court by the court below except with the leave of this court: Provided further that the Registrar, Appellate Side, may, in a special case, make any other order in regard to the calling of records from the court below. Note : Records of execution cases sent up in appeal to the High Court shall Invariably be accompanied by all the papers with in the lower Courts whether original or appellate, including the decree which is the subject of the execution proceedings.

**31A. When calling for the record and material papers under the preceding Rule, the Deputy Registrar shall draw the attention of the lower court to Note I to Rule 537 of the Civil Rules and Orders relating to the transmission of cumbersome and bulky exhibits and shall call for such of them, if any, as have been directed by the court or the Registrar to be called for.**

Note : Parties or their advocates desiring bulky exhibits to be called for in cases other than appeals from Original may apply to the Registrar before a case has appeared in the daily Cause List, and to the court thereafrer, for an order under this Rule, setting forth sufficient grounds in support of the application; such application when made to the Registrar need not be stamped or verified but should comply with Rule 6 of Chapter IV of these Rules.

**31B. (i) When calling for the record of a contested or uncontested suit or case for Probate or Letters of Administration, or for revocation of the same, the attention of the District Judge or, District Delegate shall be drawn to the Note to Rule 412(1) of the Civil Rules and Orders, Volume I, as amended by Circular Order No. 18 (Civil) of 1939.**

(ii) Before a 'will' as called for in connection with any appeal or case pending in this court at the instance of a party, such party shall deposit with the accountant of the court with challans in the prescribed form, a sum, to be assessed by the office, sufficient to cover all the necessary expenses for transmission and retransmission thereof by registered post with acknowledgement due, and the requisition calling for the 'will' shall contain a certificate that such sum has been deposited. (iii) Upon receipt of a 'will' the Deputy Registrar shall take all necessary precautions for the safe custody and preservation of the 'will' until the same is returned by registered post, with acknowledgement due, to the District Judge or District Delegate from whom it was received.

**32. Whenever it shall be impossible for the lower court to comply with the requisition within the time stated such court shall report the reason of its inability and shall ask for such further time as may be necessary.**

**32A. (i) Exhibited documents or other papers returned to the parties in the court below, and not received with the lower court's records, may be filed in this court by the party to whom they were returned, at any time before the appeal is placed on the general list, and in case of appeals from original decrees or orders, before the list is prepared for purposes of the paper - book. The preparation of the paper - book or hearing of the appeal shall, on no account, be delayed for non - filing of the exhibits.**

(ii) If such documents and papers are not filed by the party who received them back, within the time mentioned above, he shall not be allowed, except with the permission of the court and subject to such terms as the court may think fit to impose, to use them for purposes of his case during the hearing of the appeal. (iii) If such documents and papers are not filed by the party who received them back, and the other party wants to use them in support of his case, it shall be open to the latter to make an application to the Registrar, at any time before the appeal comes on the Daily List, and the Registrar may, on such application, make an order directing the party, whose documents they are, to file them in court within such time as may be fixed by him. (iv) If the documents and papers are not filed by the party in pursuance of the order of the Registrar mentioned above, it shall be open to the party who requires these documents to use certified copies of them if they are registered, and plain copies in his possession, if not registered, during the hearing of the appeal. The cost of obtaining certified copies of the documents shall, subject to any direction to the contrary given by the court, be borne by the party who failed to produce the original documents.

**33. The fee for the issue of the notice to the respondent under Order XLI, Rule 14, Civil Procedure Code, shall be paid into court by the appellant: -**

(a)in the case of appeals from original decrees and appeals under the Workmen's Compensation Act, 1.The words within square brackets have been added by Notification No. 2372-G, dated the 25th April, 1966 - File No. 4R - 22/65.[the Indian Railways Act 4 of 1890 and the Motor Vehicles Act 4 of 1939] within four weeks of the date of registration of the appeals, notice whereof shall be given by being entered in a list in Form No. 14 (Civil), Appendix I, which will be displayed outside the Appeal Section concerned and a copy sent to the Bar Association's Library. This shall constitute sufficient notice of the date of registration of the appeal;(b)in the case of appeals from appellate decrees and appeals from orders, other than those which are dismissed at the preliminary hearing under Order XLI, Rule 11, Civil Procedure Code and other than appeals under the Workmen's Compensation Act, [the Indian Railways Act 4 of 1890 and the Motor Vehicles Act 4 of 1939] [The words within square brackets have been added by notification No. 2372-G, dated the 25th April, 1966 - File No. 4R - 22/65.] within 30 days of the date on which the court passes an order admitting the appeal.Note : Process-fee required for the issue of notice on substituted parties shall be filed within a fortnight from the date of substitution and the process-fee for the issue of fresh notice shall be filed within one week from the date of the order directing the issue of such notice. In either case notice forms duly filled in shall accompany the Process-fee.

**33A. The fee for the issue of notice under Order XLI, Rule 22(3) shall be paid, together with the necessary copies of cross objection, within one week from the date of the registration of the memorandum of cross - objection notice whereof shall be given in the manner prescribed in Rule 33(a) above.**

**34.**

(1)The appellant within thirty days from the registration of the memorandum of appeal, notice whereof shall be given in the manner stated in Rule 33(a) above, shall, in the case of appeals from original decrees, deposit with the accountant, in one instalment, the sum of Rs. 50 if the appeal does not exceed Rs. 10,000 in value; Rs. 75, if such appeal exceeds Rs. 10,000 in value but does not exceed Rs. 15,000; and Rs. 100 if such appeal exceeds Rs. 15,000 in value.(2)In the case of first appeals from orders passed by a subordinate Civil Court (including orders under section 47, Civil Procedure Code) [and in appeals under the Indian Railways Act 4 of 1890 and the Motor Vehicles Act 4 of 1939] [Added by Notification No. 2372-G, dated the 25th April, 1966.] the appellant shall, at the time of paying the fee for the issue of the notice to the respondent under Order XLI, Rule 14, Civil Procedure Code, deposit the sum of Rs. 30 towards the cost of the preparation of the paper - book in the Appeal.Note : When tendering money in the accounts section the advocate shall certify that the amount tendered is the full amount of initial deposit after reduction or otherwise, and the money shall not be received if this certificate is not given.

**35.**

(1) Whenever it is necessary under these Rules to issue a notice to a respondent under Order XLI, Rule 14, Civil Procedure Code, the appellant shall, simultaneously with the filing of the fee, for the issue of such notice, file printed forms of such notices, duly filled up in the prescribed Form No. 3 (Civil), Appendix I, the date of appearance and the date of the notice being left blank. Note : 1. The Form shall contain the full address of each respondent including the Munsifi within which he resides [vide Rule 2(b)].

**2. To enable a return of service to be submitted there shall be supplied a separate copy of the notice for each Munsifi within which service is to be effected; it shall contain names of all respondents residing in such Munsifi.**

(2) The information entered in the forms must be filled up in the vernacular (or in English if the respondent to be served is a European or a resident of Calcutta) in a bold, clear and easily legible handwriting. (3) The date fixed for appearance will be inserted in the Form and the notice will be dated and signed by an officer of the High Court. (4) The necessary number of the printed forms of notice in the prescribed form will be supplied to the appellants, or their advocates, free of cost on application to the Forms Clerk. (5) 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.

**36. If the fee for the issue of the notice to the respondent be not paid into court in the manner provided by Rule 33, or the deposit required under Rule 34 be not made within the time allowed by that Rule, or if the notice forms, duly filled up, be not filed as provided in the last preceding Rule, the appeal shall be placed before the Registrar who may, in his discretion, either grant further time for making such payment, or deposit, or filing the notice forms, or direct the appeal to be placed before the court for orders.**

**37. If the process - fee be paid and the notice forms be filed within the period prescribed by Rules 33 and 35, or within the further period allowed by the Registrar or the court, the notice in the prescribed form shall at once issue on the respondent.**

**38. If such respondent resides within the jurisdiction of the court from whose decree or order the appeal is preferred, the notice to such respondent shall be sent to the presiding officer of such court together with the proceeding of the High Court calling for the record.**

**39. Notice for service on respondents or opposite parties residing in any district other than that from which the appeal, application, etc., comes, shall be sent by the Deputy Registrar to the proper court in the district in which such notice is to be served. If, however, the opposite party, or any of the parties to be served, resides in the same district but outside the jurisdiction of the court from which the appeal, application, etc., comes, the notice shall be sent for service to the court within whose jurisdiction the party resides, if known; if not known, then to the court from which the appeal or application comes, directing the latter to forward it to the proper court within the jurisdiction of which the notice is to be served. The court which serves any notice shall in every case make its return of service, or of the failure of service (as the case may be), direct to the High Court.**

**39A. Where the jurisdiction within which a party resides is not known the notice in respect of such party shall be accompanied by a duplicate copy for the purpose of return of service.**

**40. On receipt of the proceedings of the High Court, transmitting the notices of appeal or application, the lower court shall cause their service without the payment of any further fee and without any further action by the appellant:**

Provided that the appellant or applicant or some one employed by him, may, in any particular case if he so desires, accompany the serving officer for the purpose of facilitating the service of the processes.

**41. The time allowed for service of the notice shall be specified therein by the Deputy Registrar in accordance with the time - table in Rule 46 and shall commence from the date on which it is despatched, which shall, in general, be the day on which the process - fee is deposited and the notice forms are filed.**

**42. The lower courts shall issue all notices immediately on receipt thereof and in their returns of service shall, in every instance, insert (a) date of receipt of notice; (b) date of delivery to the serving officer; and (c) date of receiving it back from him.**

**43. It shall be the duty of the lower court to cause the notice to be served in sufficient time before the date fixed, and, if such service be impracticable, to state, when returning it to the High Court, the reasons thereof. The lower court shall satisfy itself that a valid service has been made, or that there has been a failure of service, and shall certify such opinion with the reasons in case of failure of service. The certificate shall be accompanied by the return of service, or of failure to serve the notice, and the declaration of the serving officer specifying the fact and mode of service or the reason for non - service.**

**44. The date to be fixed for the hearing of the appeal shall be the 21st day after the date on which the time for the service of notices expires, provided that if such day be a Sunday or holiday, the first open day next following shall be the date fixed for the hearing.**

**45. In an appeal in which more than one respondent is to be served with the notice under Order XLI, Rule 14, Civil Procedure Code, the Deputy Registrar, in fixing the time for the hearing of the appeal, shall fix the 21st day after the day fixed for the service of the notice of appeal on the respondent for whom the longest period is allowed under the following rule.**

**46. The following time - table shall be observed:**

District	Number of days allowed for service of notice of appeal on the respondent
The Municipalities of Calcutta and Howrah	10 days
All Districts of West Bengal (excluding the Municipalities of Calcutta and Howrah)	21 days

**47. 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.**

[47A. A copy or an additional copy, as the case may be, of every notice issued in applications under Articles 226 and 227 of the Constitution in which the State or any officer of the State has been made a party, shall be sent to the Superintendent and Remembrancer of Legal Affairs.] [Added by Notification No.2304-G, dated 29.03.1958.]

**48. In every case in which an appeal has been admitted, the Registrar shall cause paper - books to be prepared in accordance with the provisions of Chapter IX: .**

[Provided that unless specially directed, no paper - book shall be prepared in second appeals heard by a single Judge.] [Added by Notification No. 9208-G, dated 18.12.1958.]

**49. As soon as the paper - book has been prepared in accordance with the provisions of Chapter IX, and the appeal is otherwise ready for hearing, it shall be entered in the General Warning List and notice thereof shall be published in the manner prescribed in Rule 63 of Chapter IX of these Rules:**

Provided that, unless there is a special order to the contrary, no appeal shall be entered in the Monthly Cause List until the expiry of fourteen days from its entry in the General Warning List of Appeals ready for hearing.

**50. The Deputy Registrar shall, on the last Saturday of each month, cause to be prepared and posted on the Notice Board of the court a list of cases which are ready for hearing during the following month. This list shall be called "The Monthly Cause List".**

**51. From the Monthly Cause List the Deputy Registrar, subject to any special orders passed by the Judges or by the Registrar under Rule 57 of this Chapter, shall each day cause to be prepared and pasted 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 submitted to each Judge.**

**52. The Daily Cause List for the days on which the Registrar sits shall include a list of the cases which will be taken up by him.**

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



**54. 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.**

**55. Subject to Rule 54, a case which is specially fixed for a particular day before a particular Bench shall be placed at the head of the list for that day.**

**56. 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.**

**57. Any person desiring that a case shall not be placed in the Daily Cause List for any particular day or days may, after notice to the opposite party, appeal to the Registrar, and thereupon the Registrar may, subject to the proviso to Rule 2(19), Chapter II, order that such case shall not be placed in the Daily Cause List for any such day or days.**

**58. Appeals from orders shall have precedence over other appeals in preparation for hearing and shall, when ready, be put up for hearing as soon as possible.**

**59. When an order has been made under Order XLI, Rule 23 or 25, Civil Procedure Code, 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 remand within four months, or within such time as may have been specially ordered.**

**60. 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 any objection to such finding must be filed within one week from the date of the service of the notice.**

**61. Whenever by an order of a Division Bench, the decree or order of a lower court is modified or reversed, or costs are fixed in any special sum not specified in the judgment, as soon as the decree or order has been drawn up, it will be the duty of the Assistant Registrar (Court) concerned to cause a notice to be issued to the advocates concerned or to the parties, if acting in**

**person, stating that such decree or order has been drawn up and that it may be perused by any party or his advocate within one week from the date of the issue of the notice.**

**62. When such notice has been issued, any party or his advocate may, before the expiry of the time prescribed in Rule 61, peruse the decree and either sign it or state his objection to 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, then before such Judge or Judges as the Chief Justice may appoint for that purpose.**

**63.**

(1)Should no objection be filed on or before the date specified in the notice, the Assistant Registrar (Court) shall submit the decree to the Judges for signature.(2)In drawing up decrees of this court dismissing with costs appeals by minors, the Assistant Registrar (Court) should be careful to make the next friend of the minor liable for such costs, unless the court otherwise orders.(3)In cases where a minor is a respondent and the decree of the court below is reversed or altered, it shall be the duty of the Assistant Registrar (Court) to call the attention of the Division Bench to that fact, in order that special directions may be given as to the payment of costs.

**64. A copy of the judgment and of the decree passed by the High Court, disposing of an appeal shall be certified by the Deputy Registrar and forwarded by him to the court which passed the decree appealed from, in the manner prescribed by Order XLI, Rule 37, Civil Procedure Code.**

**65. Every decree and order made by the High Court shall be drawn up in the English language.**

**66. In an appeal or other proceeding arising out of Article 226 of the Constitution of India, the certificate of non - satisfaction of decree under Order XXI, Rule 6(b), Code of Civil Procedure, shall be drawn up in Form No. 33 (Civil) (Appendix I).**

**67. Except when the Registrar otherwise directs, the records of the lower courts shall be sent down as soon as possible after the case has been disposed of.**

**68. No advocate shall receive instructions from any person other, than an advocate, an attorney, an enrolled mukhtar of the court, or the party himself, or a person holding a general power - of - attorney from him, or his servant or relation, or a pleader of the mufassal court, specially authorised in writing in that behalf. Where there are more parties than one, and they appear by separate vakalatnamas, the vakalatnama of one may be received from any other similarly authorised, but if they appear by one and the same vakalatnama, it may be received from any one of them, or from a person duly authorised by any of them, without special authority from the others. When any vakalatnama is filed by an advocate, he shall endorse on the back of it the name of the person from whom it is received, and if such person is not the client himself, or an advocate, attorney, or enrolled mukhtar, shall state the nature of the authority, with date, of that person.**

**69. When an advocate retained to appear for any party to an appeal is prevented by sickness or engagement in another court, or for any other sufficient cause, from appearing and conducting the case of his client, he may appoint another advocate to appear in his place, so that his client may not be unrepresented at the hearing, but such advocate shall not so appear unless he shall have first obtained the special permission of the Division Bench, or the Registrar, as the case may be.**

**70. In any case in which the party employing an advocate, or his agent, after due notice fails to pay the amount of the estimated costs for preparing briefs necessary to enable the advocate to conduct the case properly, the advocate or advocates, after notice to such party or his agent, or by leave of the court, may withdraw from the case.**

**71. An advocate may also, for any other sufficient cause, or after such notice to his client as may enable him to appoint another advocate by leave of the court, but not otherwise, and on such terms as the court may order as to refunding any fees he may have received, withdraw from the further conduct of the case.**

**72. A party desiring to cancel a vakalatnama filed by him in any appeal or other proceeding in this court must file a duly stamped and verified application for the orders of the court unless the advocate who accepted the**

**vakalatnama signifies his willingness to retire from the case, in which case the application need not be verified.**

**73. The Deputy Registrar shall endorse the date of receipt on all vakalatnamas and mukhtarnamas in all cases in the High Court in its appellate jurisdiction.**

**74. The Deputy Registrar shall bring to the notice of the Registrar any wilful neglect on the part of any advocate or mukhtar attached to the High Court to attend at his office.**

**75. In every civil matter in which the court directs an order to be issued immediately, the Assistant Registrar (Court) shall at once draw up the order in the prescribed form [see Form No. 5 (Civil), Appendix - I] and after obtaining the signature of the Judges thereto, send it forthwith to the Deputy Registrar or the Officer - in - Charge of the Judicial Department as the case may be, for issue without waiting for the formal order or the judgment to be signed. The Deputy Registrar or the Officer - in - Charge of the Judicial Department shall issue the order upon payment of such fee as may be chargeable:**

Provided that if it is not possible to obtain the signature or signatures of the Judge or Judges on the day on which the order is passed, the matter should be brought immediately to the notice of the Registrar. If one Judge of a Bench has signed the order, the substance of it shall be communicated to the lower court, immediately, with a note that the copy of the order proper will follow.

**76. The Stamp Reporter shall bring to the notice of the Deputy Registrar any irregularity committed by the lower courts in the preparation and endorsement of certified copies of the decrees of their courts, and the Deputy Registrar shall submit his report of such irregularity to the Registrar.**

**77. For purposes of this Chapter, appeals against orders of the Calcutta Improvement Tribunal shall be treated as appeals from original decrees.**

**78. Requisitions made under Order XIII, Rule 10, Civil Procedure Code for the production of records of cases pertaining to, and in the custody of, other High Court or courts subordinate to such other High Courts should be addressed to such High Courts.**

**79. Whenever production of any document from the custody of the Parliament, or a State Legislature, or a committee thereof and/or evidence of any officer in the Secretariat of the Parliament, or of the State Legislature or evidence of any officer of a committee thereof is required in a case pending before this court, a letter of request in the prescribed form [see Form No. 34 (Civil) Appendix - I] shall be issued instead of a summons in ordinary Form.**

**80. In all cases where Court Fee References are decided by the Registrar as the Taxing Officer (except where the State Government is a party appellant) copies of the decisions of the said Taxing Officer shall be sent immediately to the Board of Revenue, West Bengal for information and necessary action, if any.**

Rules regarding caveats

**81. Every caveat intended to be lodged under section 148A of the Code of Civil Procedure, 1908, shall be drawn up in the manner prescribed in Form 35 (Civil) (Appendix I) and filed in the Central Filing Section of the appellate side of this court.**

[82. Every caveat under section 148A shall be accompanied by a postal receipt in proof of despatch of notice of the caveat by speed post or registered post with acknowledgement due to the person by whom the application has been or is expected to be made in respect of which the caveat is being lodged under sub - section (1) of section 148A: Provided that in a case where caveat is lodged in a pending proceeding instituted through an advocate the caveator shall also annex to his caveat a receipt showing service of such Caveat upon the said learned advocate.] [Substituted by Notification No. 1144-G, dated 9.2.2012 (w.e.f. 17.5.2012).]

**83. (i) Every caveat shall contain the following particulars:**

(a) name and full postal address of the person lodging caveat; (b) name of the applicant in respect of whose application the caveat is intended to be lodged and the full postal address of such applicant; (c) the court by which the decree or order referred to in the caveat was passed together with the number and the year of the suit or proceeding in which the decree or order was passed; (d) particulars of the proceeding of the High Court, in case the caveat is being lodged in a pending proceeding with reference to which the caveat is being lodged; (e) value of the suit or proceeding; and (f) a statement that the notice of the caveat had been served on the person by whom the application in respect of which the caveat is being lodged has been or is expected to be made. (ii) Every caveat shall bear requisite court - fee stamp. (iii) Every caveat shall be signed and dated either by the person lodging the caveat or his advocate. (iv) When a caveat is being lodged through an advocate a vakalatnama executed by the caveator and accepted by the said advocate shall

be annexed to the caveat and such a vakalatnama will remain in force for the purpose of appearance on behalf of the caveator in the proceeding instituted and in all matters arising therefrom or connected therewith.

**84. When a caveat is not in proper form or is otherwise defective, the court may allow the defect to be removed within such time as the court may direct.**

**85. (i) All caveats in respect of applications expected to be made in any proceeding to be instituted shall be entered in the appropriate register to be maintained and the said register shall contain the following particulars:**

(a)serial number;(b)date;(c)name of caveator with address;(d)the name of the applicant with address;(e)number and nature of the proceeding to be instituted;(f)valuation of the proceeding;(g)number and year of the suit or other proceeding in which the order or decree had been passed and with relation to which the application is expected to be made;(h)the court which passed that decree or order; and(i)all caveats in respect of applications made or expected to be made in any proceeding pending shall forthwith to be incorporated in the records of that proceeding and the fact of the lodging of such caveat shall be recorded in the order - sheet under the date and signature of the superintendent of that department dealing with the said proceeding.

**86. Notwithstanding anything contained in any other rules -**

(i)every application other than those specified in Rule 7 hereunder shall be filed in the Central Filing Section of the appellate side of this court and the said application shall contain a statement whether the applicant had been served with the notice of the caveat or not and if so, whether the applicant had furnished the caveator with a copy of the application and also with copies of any paper or document which have been or may be filed in support of the application;(ii)on receipt of such an application the office shall with reference to the register of caveats or the order - sheet in case of pending proceedings, forthwith make an endorsement thereon as to whether any caveat had been lodged in respect of such an application and unless otherwise directed by the court shall serve notice thereof by registered post at the cost of the caveator; provided that where the caveat had been lodged through an advocate such service may be effected through the advocate;(iii)subject to any direction by the court, every application in respect of which a caveat has been lodged shall be placed in the Daily Cause List for hearing not before the expiry of 7 days from the date of the issue of the registered notice under clause (ii) hereof;(iv)inclusion of such an application in the Daily Cause List shall constitute service of notice upon the caveator under sub - section (3) of section 148A of the Code of Civil Procedure;(v)every application in respect of which no caveat has been lodged shall forthwith be listed for hearing with necessary endorsement referred to in clause (ii) hereof.

**87. The provisions in Rule 86 shall not, however, apply to any of the following applications : (1) an application for refund of court - fees paid in excess; (2) an application for time to put in requisite court - fee and refiling of memo of**

appeal after the period of limitation; (3) an application to the Taxing Officer to determine the court - fee payable; (4) an application for substitution of the heirs and legal representatives on the death of a party including one for substitution on setting aside abatement; (5) an application to record as assignment creation or devolution of an interest in a pending proceeding; (6) an application for amendment of a memo of appeal or of a petition on a minor attaining majority; (7) an application for appointment of a guardian ad litem or cancellation of such an appointment or for representation of the minor in case of non - appearance of the guardian; (8) all applications relating to (a) service of notice including those for substituted service and dispensing service, and (b) sub poena; (9) all applications relating to inspection of records; requisition of records of obtaining information and copies of records; (10) an application for return of documents or exhibits; (11) an application for exemption from production of more than one copy of the judgment in analogous appeals and from payment of separate set of estimating fees and for direction for analogous hearing; (12) an application for cancellation of vakalatnama or an application by an advocate for leave to withdraw from further conduct of the case; (13) all applications under Order 27, Rule 8 of the Code of Civil Procedure and the rules relating thereto; (14) an application for amendment of the memo of appeal or for taking additional grounds or additional evidence; (15) all applications relating to preparation of the paper - book and of the records in an appeal to the Supreme Court and for direction for early hearing; (16) all applications relating to Lawazima matters including applications for restoration of an appeal or a rule dismissed or discharged for default; (17) an application under Order 44, Rule 1, where there is no prayer for an interim order; (18) all applications regarding matters connected with appeals to the Supreme Court where there is no prayer for an interim order; (19) an application for leave to sue the receiver or to execute a decree against the property lying in the hands of a receiver; (20) an application for extension of time fixed by the court; (21) all applications which under these rules are to be dealt with by the Registrar not specifically provided for hereinbefore; (22) all applications for vacating interim orders; (23) an application under Article 226 of the Constitution; and (24) any other application in respect of which the court exempts compliance with requirement of Rule 86.

**88. A caveat shall form part of the proceeding in connection with which the same is lodged. A caveat in respect of which no application is filed within the time prescribed by sub - section (5) of section 148A of the Code of Civil Procedure shall be deposited in the Record Department and be preserved for one year.**

**89. Every caveat lodged shall be accompanied by the stamped postal cover for registration for issue of notice under Rule 86(ii) which should be returned to the caveator in case the notice under Rule 86(ii) is not required to be issued.**

[CHAPTER VI] Appeals to Supreme CourtCivil Appeals

**1. The provisions of Chapter IV shall apply, so far as may be, to all applications made to this court in connection with appeals to the Supreme Court.**

**2. Matters connected with appeals to the Supreme Court, other than those for the grant of a certificate under Article 132(1) or 133(1) of the Constitution or those with which the Registrar is authorised to deal, shall ordinarily be heard at such time as the Division Bench appointed to deal with such matters shall fix.**

[2A. On an oral application being made for issue of a certificate under Article 134A read with Article 132(1) or Article 133(1) of the Constitution, the Bench passing or making the judgment, decree or final order proposed to be appealed against or, in the event such a Bench not being available for any reason, the Bench to be constituted by the Chief Justice in this behalf, shall either forthwith or as soon as may be, - dispose of the same in such manner as may deem fit and proper.] [Rule 2A substituted by Notification No. 1511-G dated 28.2.1980.]

**2B. [\* \* \*] [Rule 2B deleted by Notification No. 1511-G dated 28.2.1980.]**

**3. Matters relating to (1) service of notices or other processes; (2) substitution of parties and appointment or discharge of next friends or guardian ad litem of minors or persons of unsound mind, before the grant of a certificate; (3) preparation of paper - books and transcript in English of the record proper; (4) return of documents; and (5) matters not expressly required by these rules to be dealt with by a Bench, competent to grant a certificate under Article 132 or 133(1) of the Constitution, or to be laid before**



**the Division Bench for orders, shall be dealt with and disposed of by the Registrar.**

**4. Applications for an order (1) to transmit orders of the Supreme Court for execution to the lower courts, where no special directions are required; and (2) for refunds of surplus deposits made for the purpose of preparing translation, manuscripts, etc., may, in ordinary circumstances, be made to, and disposed of, by the Registrar without notice to the opposite parties other than inclusion in the Daily Cause List.**

**5. In all other applications, regarding matters, connected with appeals to the Supreme Court excluding oral applications for the grant of a certificate under Article 132 or 133(1) of the Constitution, notice under Rule 6 of this Chapter is necessary in addition to any other notice, herein prescribed.**

**6. Notice of an application under the preceding rule shall be given by the applicant or his advocate by delivering to the proper person (ordinarily the advocate for the appearing opposite party) a copy of the petition, together with a notice, in the following Form:**

"Take notice that this application will be filed with the proper officer of the Court, and that you are required to attend and show cause against the application at the hearing, if you desire to do so."

**7. All applications which have been duly filed will be set down in a list in the order in which they are received. The cases in the list will be called on peremptorily in their turn; and if, by the fault of the applicant, the application cannot be proceeded with, it will be liable to be dismissed.**

[8 - 11. Deleted.] [Rules 8 to 11 have been omitted by Notification No. 1511-G, dated 28.2.1980.]

**12. When a certificate has been obtained [under Article 134A read with Article 132(1) or Article 133(1) of the Constitution, the party obtaining the Certificate] [The words within equal brackets have been substituted and the Note below Rule 12 has been omitted by Notification NO. 1511-G, dated 28.2.1980.] shall file an application containing the grounds of his appeal for an order for the registration of the appeal and preparation of the record together with a court - fee stamp of Rs. 16 for drawing up an estimate for the preparation of the record.**

**13. On receipt of an order from the Supreme Court granting special leave to appeal the Officer - in - Charge shall cause the petition of appeal to be registered in this court and shall; if there is any direction for preparation of the record in this court, lay before the Division Bench for necessary orders.**

**14. In any appeal, whether on certificate granted by this court or by special leave from the Supreme Court, where the record has been directed to be printed under the supervision of this court or the transcript in English of the record proper is to be prepared in this Court, the Registrar shall, if the appellant fails to take necessary steps to have the record printed or the transcript prepared, as the case may be, and to have the same transmitted to the Supreme Court with due diligence, forthwith report the matter to the Registrar of the Supreme Court.**

**15. The rules in this Chapter shall apply, so far as they may be applicable, to all appeals registered under the foregoing Rules 12 and 13.**

[16. Omitted.] [Rule 16 omitted by the Notification No. 1511-G, dated 28.2.1980.]

**17. A notice which it is necessary to serve under the Rule (other than notices under Rule 6 of this Chapter) may be served in the manner provided by the Code of Civil Procedure for the service of notices, or, unless the court or the Registrar otherwise directs, upon any advocate who appeared for the party to whom notice is to be given in the appeal to this court, unless the vakalatnama of such advocate has been cancelled with the sanction of the court. If there is no advocate upon whom notice can be served then, unless the Registrar otherwise directs, the notice must be served upon the party in Calcutta through the Registrar, Court of Small Causes, Calcutta, or in the mufassal through the proper court in the district in which such notice is to be served, on paying the usual fee. The fee for the issue of the notice must be paid into court at the time of filing the application. Such payment is to be made by stamp affixed to the notice intended to be served.**

**18. Nothing in these rules requiring any notice to be served on, or given to, a opposite party or respondent shall be deemed to require any notice to be served on, or given to, the legal representative of any deceased opposite party or deceased respondent in a case when such opposite party or respondent did not appear either at the hearing in the High Court or at any**

## **proceedings subsequent to the decree of the High Court.**

### **19.**

(1)With the fee for the issue of the notice the applicant shall also file printed forms of such notice duly filled up in the prescribed form [see Form No. 6 (Civil)] the date of appearance and the date of the notice being left blank.(2)The information entered in the form must be filled up in the vernacular (or in English if the party to be served is a European or a resident of Calcutta) in a bold, clear and easily legible handwriting.(3)The date fixed for the hearing of an application will be inserted in the Form and the notice will be dated before it is signed by the Assistant Registrar.(4)The necessary number of printed forms of notice in the prescribed Form will be supplied to applicants or their advocates, free of cost, on application to the Forms Clerk.(5)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.[20 - 22. Omitted] [Rule 20 to 22 have been omitted by Notification No. 1511-G, dated 28.2.1980.].

### **23. Immediately after the receipt of the copy of the petition of appeal from the Supreme Court the Registrar of this court shall -**

(1)cause notice of the lodgement of the petition of appeal to be served on the respondent in the manner as specified in the foregoing rules and sent to the Supreme Court a certificate as to the date or dates on which the said notice was served;(2)call for the original record and all material papers connected with the case and, unless otherwise ordered by the Supreme Court, transmit to the Supreme Court at the expenses of the appellant the original record of the case:Provided that where the proceedings from which the appeal arises were had in courts below in a language other than English, the Registrar of this court shall within three months from the date of the service on the respondent of the notice of petition of appeal transmit to the Supreme Court in triplicate a transcript in English of the record proper of the appeal to be laid before the Supreme Court, one copy of which shall be duly authenticated, along with the original records of the case.

### **24. Whenever it shall be impossible for the lower court to comply with the requisition within the time stated, such court shall report the reason of its inability, and shall ask for such further time as may be necessary.**

### **25. Thirty copies of the paper - book shall be prepared in the manner specified below, if such paper - books are required to be printed in this court:**

(a)As soon as the original record of the case is received in the court, the Registrar shall give notice to the parties of the arrival of the original record.(b)The appellant shall, within four weeks of the service upon him of the notice referred to above, file a list of the documents which he proposes to include in the paper - book, a copy whereof shall be served on the respondent. The respondent may within three weeks of the service on him of the said list file a list of such additional documents as he

considers necessary for the determination of the appeal.(c)After the expiry of the time fixed for the filing of the additional list by the respondent, the Registrar shall fix a day for the settlement of list of documents to be included in the appeal record and shall give notice thereof to the parties who have entered appearance. In settling the list the Registrar, as well as the parties concerned, shall endeavour to exclude from the record all 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.(d)Where the respondent objects to the inclusion of a document on the ground that it is not necessary or is irrelevant and the appellant nevertheless insists upon its inclusion, the record as finally printed shall, with a view to subsequent adjustment of cost of and incidental to the printing of the said document, indicate in the index of papers or otherwise the fact that the respondent has objected to the inclusion of the document and that it has been included at the instance of the appellant.(e)Where the appellant objects to the inclusion of a document on the ground that it is not necessary or is irrelevant and the respondent nevertheless insists upon its inclusion, the Registrar, if he is of opinion that the document is not relevant, may direct that the said document be printed separately at the expense of the respondent and require the respondent to deposit within such time as he may prescribe, the necessary charges therefor; and the question of the costs thereof shall be dealt with by the court at the time of the determination of the appeal.(f)As soon as the index of the record is settled the Registrar shall cause an estimate of the costs of the preparation of the record to be prepared and served on the appellant and to require him to deposit within thirty days of such service the said amount. The appellant may deposit the said amount in lump sum or in such instalments as the Registrar may prescribe.(g)Where the record has been printed for the purpose of the appeal in this court and sufficient number of copies of the printed record are available for purposes of the Supreme Court appeals, only such additional papers as may be required shall be printed.(h)Where a paper - book is likely to consist of 200 or less number of pages, the Registrar may, instead of having it printed, have the record cyclostyled.(i)If at any time during the preparation of the record the amount deposited is found insufficient, the Registrar shall call upon the appellant to deposit such further sum as may be necessary within such further time as may be deemed fit but not exceeding 28 days in the aggregate.(j)Where the appellant fails to make the required deposit the preparation of the record shall be suspended and the Registrar shall not proceed with the preparation thereof without an order of the court.(k)When the record has been made ready, the Registrar shall certify the same and append to the record a certificate showing the amount of the expenses incurred by the party concerned for the preparation of the record.

## **26. The following charges shall be payable in respect of the matters specified:**

(a)Cost of estimate (payable by the appellant in court - fee stamps) - Rs. 16.00.(b)Estimating charge per 10,000 words (payable by the respondent in respect of his papers) - Re. 1.00.(c)Estimating charge for maps - 121/2 per cent of the cost of tracing.(d)Estimating charge for photographs - 12' /2 per cent of the cost of producing the negative.(e)Translation of vernacular portion of record per 150 vernacular words, three figures being counted as one word - Rs. 1.25.(f)Examining translation per 300 vernacular words, three figures being counted as one word - Rs. 1.25.(g)Copying English portion of record - The rate specified in Chapter XIII, Rule 7.(h)Editing the paper - book, per page - 3 paise if the paper - book is printed; and 40 paise if it is typed.(i)Lithographing, drawing or tracing

maps (where necessary) - . Actual costs.(j)Printing fee -Ordinary matter, with heading - Actual cost not exceeding Rs. 5.00 per page. Tabular matter - Actual cost.(k)Certifying one copy of the printed record for every 8 printed or manuscript pages or part thereof - Re. 1.00.(l)Binding the paper - book, per copy - Re. 1.00.(m)Preparation of Index for every 16 papers or part thereof - Re. 1.00.(n)Taxing the paper - book costs - 10 paise for every printed and half anna for every typed page of the paper - book.(o)Cost of transmission (including Rs. 5.00 to the Court - Keeper for supervising the packing and despatch of printed record and Rs. 2.00 to daftary for packing)) - Estimated amount.N.B. Government materials and service postage stamps shall be used for packing and despatch of the printed record, but the cost of packing materials and stamp so used shall be certified by the Court - Keeper and credited to Government from the deposit made by the party.Note : 1. The above rates are liable to alteration.

**2. Each item of cost in the preparation of the paper-book at the rates specified above should be calculated to the nearest 10 paise (amount below 5 paise being omitted and 5 paise or over being reckoned as 10 paise).**

**27. All documents which are to be included in the transcript for the Supreme Court, if not originally in English, shall be translated into that language.**

Note : 'Documents' include evidence of witnesses.

**28. After the record has been made ready and certified by the Registrar, notice of such certification shall also at the cost of the appellant be given by this court to the appellant and all the respondents, whether they have entered appearance or not, and the Registrar of this court shall, as soon as practicable thereafter, transmit to the Registrar of the Supreme Court a certificate as to the date or dates on which such notice has been given to the appellant and all the respondents.**

Notice forms for issue of such notice of certification, and the costs for service thereof, shall be put in by the appellant to the Supreme Court within a fortnight from the receipt of notice that the transcript record is ready for certification.

**29. All applications by, or on behalf of, an infant, or a person of unsound mind, shall be made in the name of the infant 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, an infant or person of unsound mind, the infant 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.**

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

**31. (a) When a party, who has been successful in an appeal to the Supreme Court, applies for a certificate of the costs, incurred in the appeal in this court, the Deputy Registrar shall, upon production of the order of the Supreme Court for the payment of such costs, prepare such certificate and place it on the record of the Supreme Court Appeal.**

(b) A copy of the certificate will then be taken by the party in the usual way.

**32. The Registrar shall periodically, and, at short intervals, place, in the court's list, all appeals, which are in arrears, and call on the appellants to show cause before the court why the appeals should not be dismissed for want of prosecution.**

**33. The rules will apply mutatis mutandis to appeals, preferred under Article 135 of the Constitution.**

Note : Extracts from the Supreme Court Rules, 1966, relating to Civil Appeals, are set out in Appendix I. Criminal Appeals[34. All applications for a certificate under Article 134A read with Article 132(1) or Article 134(1)(c) of the Constitution are to be made in the manner prescribed by Article 134A thereof: Provided that in case of such applications submitted from jail, notice thereof, if any, shall be given as prescribed for in Rule 40 hereinafter following] [Rule 34 substituted by the Notification No. 1511-G, dated 28.2.1980.].[35 - 37.Omitted.] [Rules 35 to 37 omitted by ibid.]

**38. Where a convicted person is in jail, he may present his petition for leave to appeal to the Supreme Court under Article 134 (1)(c) of the Constitution or for a certificate under Article 132(1) of the Constitution to the Officer - in - Charge of the jail, who shall forthwith forward the same to the Registrar. Delivery of the petition to such officer, which need not be accompanied by any other paper, shall be deemed to be presentation of the petition to the proper officer of the court for the purposes of limitation, if any.**

**39. The Registrar shall place the petition, together with the order, sought to be appealed from, before the appropriate Bench, which may, upon perusal of the aforesaid papers and other papers, as it thinks necessary, in Chambers, reject the petition summarily without hearing the petitioner in person, if it considers that there is no sufficient ground for granting leave to appeal:**

Provided that, when, before the consideration of the petition in Chambers, appearance is entered on behalf of the petitioner by an advocate, or an advocate assigned to him by the Bench, or by the Government, the petition shall not be dismissed without hearing the advocate, engaged by him or assigned to him as aforesaid.

**40. Where the Bench does not think fit to reject the petition summarily in Chambers, it shall direct notice thereof to be given to the State and in the case of a private prosecution or where the complainant has been awarded compensation, also to the complainant ordinarily by service on the advocate on record for him and shall fix a date of hearing. The petitioner shall be informed of such date. On such date or such other date to which the hearing may be adjourned, the court shall, after hearing the State and/or the complainant as the case may be, as also the petitioner, if they appear, make such order on the petition as to it may seem fit and proper.**

**41. On receipt of the copy of the petition of appeal under Rule 15, Order XXI of the Supreme Court Rules, 1966, the Registrar shall proceed, if so directed by the Supreme Court, for preparation of 25 copies of the record.**

**42.**

(1) In the preparation of the record of Criminal Appeals, the procedure laid down in the rules for civil appeals shall be followed with necessary modifications and adaptations. When the printed record shall be made ready, it will be despatched to the Supreme Court within a period of sixty days after the receipt of the intimation from the Registrar of the Supreme Court of the filing of the petition of appeal, or of the order granting special leave to appeal. (2) The records shall be printed at the expense of the appellant, unless otherwise ordered by the Supreme Court, but in appeals involving sentence of death, the record shall be printed at the expense of Government.

**43. On receipt of the order of the Supreme Court granting special leave, the Registrar of this court shall give notice of the said order to the respondent and take all necessary steps to have the record of the case transmitted to the Supreme Court in accordance with the directions contained therein. The Registrar of this court shall also certify to the Registrar of the Supreme Court that the respondent has received notice of the order aforesaid.**

**44. Where the record is prepared under the supervision of the Registrar of this court, the Registrar shall, as soon as the record is ready, give notice thereof to the parties to the appeal and, after service of such notice, send to the Registrar of the Supreme Court a certificate as to the date or dates on**

**which the notice has been served.**

Extracts from Supreme Court Rules, 1966 Appendix I Civil Appeals Rules As To Preparation Of Record Order XV

**14.**

(1) The record shall be printed in accordance with the rules contained in the First Schedule to these rules and, unless otherwise ordered by the Court, it shall be printed under the supervision of the Registrar of the Court: Provided that where the proceedings from which the appeal arises were had in Courts below in a language other than English, the Registrar of the Court appealed from shall within three months from the date of the service on the respondent of the notice of 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. The provision contained in Rules 15 to 20 shall apply to preparation and transmission to the Court of the said transcript record. First Schedule Rules As To Printing Of Record

**1. The record in appeals to the Supreme Court shall be printed in the form known as Demy Quarto on both sides of the paper with single spacing.**

**2. The size of the paper used shall be such that the sheet, when folded and trimmed, will be about 11 inches in height and 8 inches in width.**

**3. The type to be used in the text shall be Pica type, but Long Primer shall be used in printing accounts, tabular matter and notes. Every tenth line shall be numbered in the margin.**

**4. Records shall be arranged in two parts in the same volume, where practicable, viz.**

**Part I – . - The pleadings and proceedings, the transcript of the evidence of the witnesses, the judgments, decrees, etc., of the Courts below, down to the order admitting the appeal.**

**Part II – . - The exhibits and documents.**

**5. The Index to Part I shall be in chronological order, and shall be placed at the beginning of the volume.**



The Index to Part II shall follow the order of the exhibit mark, and shall be placed immediately after the Index to Part I.

**6. Part I shall be arranged strictly in chronological order, i.e., in the same order as the Index.**

**Part II – shall be arranged in the most convenient way for use of the Supreme Court, as the circumstances of the case require. The documents shall be printed, as far as suitable in chronological order, mixing plaintiffs and defendant's documents together when necessary. Each document shall show its exhibit mark, and whether it is a plaintiffs or defendant's document (unless this is clear from the exhibit mark) and in all cases documents 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. The order in the record of the documents in Part II will probably be different from the order of the Index, and the proper page number of each document shall be inserted in the printed Index..The parties will be responsible for arranging the record in proper order for the Supreme Court, and in difficult cases counsel may be asked to settle it.

**7. The documents in Part I shall be numbered consecutively. The documents in Part H shall not be numbered, apart from the exhibit mark.**

**8. Each document shall have a heading which shall consist of the number of exhibit mark and the description of the document in the Index, without the date.**

**9. Each document shall have a heading which shall be repeated at the top of each page over which the document extends, viz.**

**Part I – (a) Where the case has been before more than one Court, the short name of the Court shall first appear, where the case has been before only one Court the name of the Court need not appear.**

(b)The heading of the document shall then appear consisting of the number and the description of the documents in the Index, with the date, except in the case of oral evidence. '(c)In the case of the oral evidence, 'plaintiff's evidence' or 'defendant's evidence' shall appear next to the name of the Court, and then the number in the Index and the witness's name, with 'examination', 'cross - examination' or 're - examination', as the case may be.

**Part II – The word 'Exhibit' shall first appear and next to it the exhibit mark and the description of the document in the Index with the date.**

Sufficient space shall be left after the heading to distinguish it from the rest of the matter printed on the page.

**10. The parties shall agree to the omission of formal and irrelevant documents, but the description of the document may appear (both in the Index and in the record), if desired, with the words not printed' against it.**

A long series of documents such as accounts, rent rolls, inventories, etc., shall not be printed in full, unless counsel so advises, but the parties shall agree to short extracts being printed as specimens.

**11. In cases where maps are of an inconvenient size or unsuitable in character, the appellant, shall, in agreement with the respondent, prepare maps drawn properly to scale and of reasonable size, showing, as far as possible, the claims of the respective parties in different colours.**

**12. to 14. Deleted.**

Appendix IICriminal AppealsOrder XXI

**15. The petition of appeal shall be registered and numbered as soon as it is lodged. On the registration of the appeal, the Registrar shall send a copy of the petition of appeal and the accompanying papers, if any, to the High Court, or to the Tribunal concerned, and shall cause notice of the appeal to be given, where the appeal is by a convicted person, to the Attorney-General of India or to the Advocate-General or the Government Advocate of the State concerned, or to both as the case may require, and in cases where the appeal is by the Government, to the accused, and shall also furnish the Attorney General of India or the Advocate-General or the Government Advocate of the State concerned, as the case may be, with a copy of the petition of appeal**

**and the accompanying papers, if any.**

**16. Deleted.**

**17. The record of the appeal shall be printed in accordance with the rules contained in the First Schedule to these rules. It may be printed either under the supervision of the Registrar of this court, or under the supervision of the Registrar of the court appealed from. The record shall be printed at the expense of the appellant unless otherwise ordered by the court. In appeals involving sentence of death and in such other cases in which the court thinks fit to so direct the record shall be printed at the expense of the State concerned.**

**18.**

(1)In the preparation of the record, the provisions contained in Order XV relating to the preparation of the record in civil appeals shall, with necessary modifications and adaptations, apply to criminal appeals.(2)In all cases where a sufficient number of copies of the printed record of the court appealed from are available, they shall be despatched to the court along with such additional records as may be necessary, as soon as these are printed, and where the record is to be printed afresh for the Supreme Court appeal the printed record shall be made ready and despatched to the court within a period of sixty days after the receipt of the intimation from the Registrar of the court of the filing of the petition of appeal, or of the order granting special leave to appeal.

**19. to 20. Deleted.**

**21.**

(1)As soon as the record has been got ready, the Registrar of the court appealed from shall despatch to the Registrar of the court not less than fifteen copies where the appeal raises a question as to the interpretation of the Constitution, and not less than ten copies in other cases.(2)In all cases involving a sentence of death, where a sufficient number of copies of the printed record of the court appealed from are available, they shall be despatched to this court along with such additional records as may be necessary, as soon as they are printed, and where the record is to be printed afresh for the Supreme Court appeal the printed record shall be despatched to the court within a period of sixty days after the receipt of the intimation from the Registrar of the court of the filing of the petition of appeal, or of the order granting special leave to appeal.

**22. to 28. Deleted.**

**29.**

In criminal proceedings, no security for costs shall be required to be deposited and no court - fee, process - fee or search - fee shall be charged, and an accused person shall not be required to pay copying charges except for copies other than the first.

## **Chapter VII**

### **References to a Full Bench**

**1. Whenever one Division Bench shall differ from any other Division Bench or a Special Division Bench constituted before the 1st of April, 1953 upon a point of law or usage having the force of law, the case shall be referred for decision by a Full Bench; unless the point has since been decided by a pre - Constitution decision of the Judicial Committee of the Privy Council or of the Federal Court of India or by a decision of the Supreme Court of India or of a Full Bench of this Court.**

**2. If the question arises in an appeal from an appellate decree or in an appeal under clause 15 of the Letters Patent or in a Reference or in any case heard by a Bench of two or more Judges, not being a Full Bench the court referring the case shall state the point or points upon which they differ from the decision of a former Division Bench and shall refer the appeal, the reference or the case for the final decision of a Full Bench.**

**3. If the question arises in an appeal from an original decree, the questions of law shall alone be referred, and the 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 question arises in any matter coming before a Division Bench [taking up application for writs in the nature of labour companies referred to in Article 226(1) of the Constitution of India and application under section 491 of the Court of the Criminal Procedure] [Inserted by Notification No. 5865-G, dated 10.4.1974.] 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 question arises in any case coming before a Division Bench taking up applications for writs in the nature of Habeas Corpus referred to in Article 226(1) of the Constitution of India, 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 such orders as to such Bench may seem fit.**

**6. In making the reference to a Full Bench under any of the above Rules 1 and 2, the referring Judges may recommend to the Chief Justice, if they think fit, that a Full Bench of five Judges be constituted.**

**6A. If a Full Bench consisting of three Judges cannot come to a unanimous decision, they shall, instead of disposing of the matter, refer it to the Chief Justice, for constitution of a larger Bench.**

**7. Rules 1 to 6A shall apply mutatis mutandis to cases where there are two conflicting decisions of Division Benches (including Special Division Benches constituted before the 1st of April, 1953) of this court upon a point of law or usage having the force of law and such point has not since been decided by a pre - Constitution decision of the Judicial Committee of the Privy Council or of the Federal Court of India or by a decision of the Supreme Court of India or of a Full Bench of this court.**

**8. 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 be subsequently reversed by a Bench, specially constituted, consisting of such number of Judges as in each case shall have been fixed by the Chief Justice, or unless a contrary rule has since been laid down in a pre - Constitutional decision of the Judicial Committee of the Privy Council or of the Federal Court of India or in a decision of the Supreme Court of India.**

**9. For the purpose of the above rules, a Bench of three or more Judges hereafter constituted by the Chief Justice under Rule 1(ii) of Chapter II of these rules shall be deemed to be a Full Bench.**

## **Chapter VIII**

### **Appeals under Clause 15 of the Letters Patent**

- 1. The provisions of Chapters IV and V shall apply, so far as may be, to every appeal under clause 15 of the Letters Patent.**
- 2. Every appeal to the High Court under clause 15 of the Letters Patent from a judgment of a Judge sitting singly, on the Appellate Side of the High Court, shall be presented to the Deputy Registrar, or such other officer as the Registrar may appoint, within 60 days from the date of the judgment appealed from, unless the court in its discretion, on good cause shown, shall grant further time.**
- 3. The memorandum of appeal shall be drawn up in accordance with the provisions of Order XLI, Rule 1, Civil Procedure Code, and shall be subscribed by an advocate of the court. It need not be accompanied by a copy of the judgment appealed from. It shall be the duty of the officer to whom the memorandum is presented under Rule 2 above to endorse thereon the date of presentation and send the same to the Stamp Reporter, who shall satisfy himself that there is a declaration by the Judge who passed the judgment that the case is a fit one for appeal, and that it is in order and within time.**

**4.**

The fee for the issue of notice to the respondents who did not appear in the appeal in which judgment was given shall be paid into court by the appellant: -(a)in the case of an appeal from the judgment of a Judge sitting singly : within 21 days of the date of which the appeal is registered;(b)in other cases : at the time of presenting the memorandum of appeal.

**5.**

The appellant at the time of paying the fee prescribed in the preceding rule shall also file printed forms of notices duly filled up in the manner, prescribed in Chapter V, Rule 35.

**6.**

Separate registers shall be opened for the entry of such appeals in the following form: -

Number of the appeal to the High Court and the date on which it is filed.	Number of the original appeal to the High Court, date of the judgments of the Division Bench or of the Judge sitting singly, appealed from, and name or Judges.	Appellant.	Respondent.	Advocate for appellant.	Advocate for respondent.	Particulars of suit.	Date of issue of notice for service on the respondent.	Date on which the appeal is heard, and date of judgment of the Court.
---	---	------------	-------------	-------------------------	--------------------------	----------------------	--	---

**7. If the appeal is in order and is within time, the officer to whom the appeal was presented shall cause it to be registered. If the appeal is not in proper form, he shall proceed in the manner provided by Chapter V, Rule 10(1).**

**8. If the process - fee be paid and the notice forms be filed within the period prescribed by Rules 4 and 5, the Officer - in - Charge of the Judicial Department shall issue the notice of appeal in the prescribed form [see Form Nos. 7 and 8 (Civil), Appendix I] for service on the respondent, and shall cause the notice to be served on the advocate, or any one of the advocates who may have appeared for the respondent in the appeal in which the judgment was given. In any case in which the respondent may not have entered appearance in the appeal in which the judgment was given, the notice shall be served in the mode provided by Rules 38 to 47 of Chapter V for the service of notices in ordinary appeals.**

**9. In every appeal under clause 15 of the Letters Patent against the judgment of a Judge sitting singly, on the Appellate Side of the High Court, copies of the memorandum of appeal and of the judgments or judgment shall be typed, and four copies shall be prepared for use at the hearing.**

**10. No charge shall be levied from the parties on account of the preparation of these copies.**

**11. The paper books prepared for use at the hearing of the original appeal shall be used at the hearing of the appeal under clause 15 of the Letters Patent.**

## **Chapter VIIIA**

### **Special provisions relating to procedure in appeals against orders of Election Tribunals**

**1. The provisions of this Chapter shall govern appeals under section 116A of the Representation of the People Act, 1951.**

**2. The memorandum of appeal shall be accompanied by (a) as many envelopes as there are respondents, bearing requisite postage stamps, to enable service to be effected by registered post with acknowledgement due; (b) as many printed forms of the notice of appeal in Form No. 3 (Civil) page 166, Appendix I, Appellate Side Rules, as there are respondents, filled up according to the provisions of Rule 35, Chapter V of the Appellate Side Rules:**

Provided that the date fixed in the notice for the appearance of the respondents shall not in any case exceed ten days from the date of service of the notice.

**3. The appellant shall, with the memorandum of appeal, file an affidavit, setting out in respect of the respondent or each respondent, where there are more than one, the address at which he can be served.**

**4.**

(1)The provisions of Rules 12, 13, 14 and 17 of Chapter V, Appellate Side Rules relating to presentation and registration of appeals shall, as far as possible, apply to appeals against an order of the Election Tribunal:Provided that in case of non - compliance with Rule 2 or Rule 3 of this Chapter, the Stamp. Reporter shall return the memorandum of appeal to the filing advocate.(2)Any memorandum of appeal which is presented without the treasury receipt required to be enclosed with such memorandum under section 119A of the Representation of the People Act, 1951, shall be returned by the Stamp Reporter to the filing advocate.



- 5. As soon as the appeal is registered, the notices in the prescribed forms shall issue on the respondent by registered post and it shall be the duty of the Deputy Registrar to call for the transmission, ordinarily within seven days, of the records and all material papers from the Election Tribunal, as provided for by Rule 31, Chapter V of the Appellate Side Rules.**
- 6. Where the postal acknowledgement has been received duly signed by the addressee or on his behalf or the envelope has been returned with the endorsement "Refused", the respondent shall be deemed to have been duly served. In all other cases, it shall be the duty of the appellant to apply forthwith for service under Order V, Rule 20, Civil Procedure Code.**
- 7. As soon as the records of the Election Tribunal are received, a notice of their arrival shall be served on the filing advocate.**
- 8. Within a fortnight from the service of notice of the arrival of records the appellant shall file as many type - written or printed copies of the paper - book as there are respondents, to be served, together with three extra copies for the use of the court.**
- 9. The filing advocate shall certify on each copy of the paper - book that he has compared the papers included in the paper - book with the originals on the record and found them to be true copies of such originals and shall further certify, also on each copy of the paper - book, that the translation, transliteration and typing of the paper - book are correct. .**
- 10. Every paper - book shall consist of a fly - leaf and an index and copies and transliterations and translations of the following documents:**
  - (a) Judgment under appeal.
  - (b) Memorandum of appeal.
  - (c) Election petition.
  - (d) Written statement.
  - (e) Further pleadings, if any.
  - (f) Statements of parties or their lawyers recorded under Rules 1 and 2 of Order X, Civil Procedure Code.
  - (g) Affidavits, if any.
  - (h) Oral and documentary evidence relied upon by the Election Tribunal and other oral or documentary evidence as the appellant may wish to rely upon.
- 11. Within three days of the filing of the paper - book by the appellant or within three days of the appearance of the respondent, whichever is later, he shall be supplied with a copy of the paper - book filed by the appellant and the respondent shall intimate in writing to the Registrar, not later than the**

**day following the next working day, if he wants to file a supplementary paper - book, containing such other evidence, oral or documentary, or other papers as he may wish to refer to. In case the respondent gives this intimation, he shall file four typewritten or printed copies of the supplementary paper - book, together with as many further copies as there may be respondents other than himself, within fourteen days of the intimation:**

Provided, however, that the respondent shall not have the right to file any supplementary paper - book if he appears after the date, fixed in the notice for his appearance, or fails to intimate in writing within the time, prescribed above, his intention to file a supplementary paper book, unless the court, on an application made in that behalf, permits him to do so.

**12. A copy of the supplementary paper - book filed by a respondent shall be served upon the advocate for the appellant, and upon the advocate for every other appearing respondent, as soon as the supplementary paper - books have been filed.**

**13. Both the appellant and respondent shall file with their respective sets of paper - books a cost - sheet, showing the actual cost of preparation of the paper - book and if the correctness of the costs, as shown in the cost - sheet, be not admitted at the hearing, the court will, after the hearing of the appeal, order the cost - sheet to be taxed and the cost of taxation shall be borne by the party who is unsuccessful in the proceeding for taxation.**

**14. Notwithstanding anything to the contrary in the Appellate Side Rules, the appeal shall be placed for hearing on the Daily Cause List on the next working day after the expiry of two months from the date of presentation of the memorandum of appeal and if the appeal cannot be heard on that day the Court will record its reasons why it could not be heard on that day.**

**15. The front page of the file containing a memorandum of appeal against an order of the Election Tribunal shall bear the heading "Election Appeal, and in the Daily Cause List the appeal shall be shown separately with that description."**

[This Chapter has been substituted for the old by Notification No. 3415 G, dated May 5, 1967 - File No. 4 R - 2/66.]

Substituted for the old by Notification No. 1201-G, dated February 19, 1958 - File No. 4 - R - 16 of 1957. The old and superseded rules stood as follows: 1. The provisions of this Chapter shall govern appeals under section 116A of the Representation of the People Act, 1951. 2. The appellant shall, with the memorandum of appeal, file an affidavit, setting out the present address of the respondent or respondents where he or they can be served. 3. The memorandum of Appeal shall be accompanied by (a) as many envelopes as there are respondents, bearing requisite postage stamps, to enable service to be effected by registered post with acknowledgement due; (b) as many printed forms of the notices of appeal in Form No. 3 (Civil), page 166, Appendix 1, Appellate Side Rules, as there are respondents, filled up according to the provisions of Rule 35, Chapter V, Part II of the Appellate Side Rules; provided that the date fixed in the notice for the appearance of the respondent shall not in any case exceed ten days from the date of service of the notice. 4. Within a fortnight from the service of notice of the arrival of records the appellant shall file as many typewritten or printed copies of paper - book as there are respondents, to be served together with three extra copies for the use of the Court. 5. Every paper - book shall consist of a fly - leaf and an index and copies and transliterations and translations of the following documents: (a) Judgment under appeal. (b) Memorandum of appeal. (c) Election petition. (d) Written statement. (e) Further pleadings, if any. (f) Statements of parties or their lawyer's recorded under Rules Order X, C.F. Code. (g) Affidavits, if any. (h) Oral and documentary evidence relied upon by the Election Tribunal and other oral or documentary evidence as the appellant may wish to rely upon. 6. (1) The provisions of Rules 12, 13, 14 and 17 of Part II, Chapter V, Appellate Side Rules relating to presentation and registration of appeals shall, as far as possible, apply to appeals against an order of the Election Tribunal; provided that in case of non - compliance with Rule 2 or Rule 3 of this Chapter, the Stamp Reporter shall return the memorandum of appeal to the filing advocate. (2) Any memorandum of appeal which is presented without the treasury receipt required to be enclosed with such memorandum under section 119A of the Representation of the People Act, 1951, shall be returned by the Stamp Reporter to the filing advocate. 7. As soon as the appeal is registered, it shall be the duty of the Deputy Registrar to call for the transmission, ordinarily within seven days, of the records and all material papers from the Election Tribunal, as provided for by Rule 31 of Part II, Chapter V of the Appellate Side Rules. 8. As soon as the records of the Election Tribunal are received, a notice of their arrival shall be served on the filing Advocate who shall, within a week of the date of service of such notice, affix a certificate on the paper - books to the effect that he has compared the papers included in the paper - book with the originals on the record and found them to be true copies of such originals and a further certificate to the effect that the translation, transliteration and typing of the paper - book are correct. 9. As soon as the appeal is registered, the notices in the prescribed forms shall at once issue on the Respondent by registered post. 10. If the postal acknowledgement has been received duly signed by the addressee or the envelope has been returned with the endorsement "Refused", the respondent shall be deemed to have been duly served. In all other cases, it shall be the duty of the appellant to apply forthwith for service under Order 5, Rule 20, C.P. Code. 11. Within three days of the filing of the paper - book by the appellant or within 3 days of the appearance of the respondent, whichever is later, he shall be supplied with a copy of the paper - book filed by the appellant and the respondent shall intimate in writing to the Registrar not later than the day following, the next working day if he wants to file a supplementary paper - book, containing such other evidence, oral or documentary, or other papers as he may wish to refer to. In case the respondent gives this intimation, he shall file four type - written or printed

copies of the supplementary paper - book within fourteen days of the intimation. Provided, however, that the respondent shall not have the right to file any supplementary paper - book if he appears after the date fixed in the notice for his appearance or fails to intimate in writing with the time prescribed above his intention to file a supplementary paper - book, unless the court, on an application made in that behalf, permits him to do so.<sup>12</sup> A copy of the supplementary paper - book filed by the respondent shall be served upon the Advocate for the appellant as soon as it is filed.<sup>13</sup> Both the appellant and the respondent shall file with their respective paper - books a cost - sheet, showing the actual cost of preparation of the paper - book and if the correctness of the costs, as shown in the cost - sheet, be not admitted at the hearing, the court will, after the hearing of the appeal, order the cost - sheet to be taxed and the cost of taxation shall be borne by the party who is unsuccessful in the proceeding for taxation.<sup>14</sup> Notwithstanding anything to the contrary in the Appellate Side Rules, the appeal shall be placed for hearing on the Daily Cause List on the next working day after the expiry of two months from the date of presentation of the memorandum of appeal and if the appeal cannot be heard on that day, the court will record its reasons why it could not be heard on that day.<sup>15</sup> The front page of the file containing a memorandum of appeal against an order of the Election Tribunal shall bear the heading "Election Appeal" and in the daily cause list the appeal shall be shown separately with that description.

## **Chapter IX**

### **Preparation of Paper - books**

#### **Part I – General 1. The printing of paper - books shall be in accordance with the following directions:**

(a) the paper - books shall be printed in the form known as demy quarto, i.e. 9 inches in length and 7 inches in width; (b) the size of the paper used shall be such that the sheet, when folded and trimmed, will be 11 inches long and 8½ inches wide; (c) the type to be used in the text shall be pica types but long primer shall be used in printing accounts, tabular matter and notes; (d) the number of lines in each page of pica type shall be at least 54, and every tenth line will be numbered in the margin, i.e., the tenth line will be numbered 10, and the second tenth line 20, and so on; (e) in case the back of the sheet on which the Index ends happens to be blank, Part I of the paper - book shall commence from that blank sheet; (f) card board covers shall not be used unless the paper - book exceeds 200 pages; and (g) in a paper - book which does not exceed 200 pages and is not bound in card board, the Index shall commence from the reverse side of the title page. When the printed matter ends on the inner side of the last sheet, no extra blank sheet for the cover shall be used.

#### **2.**

"Editing" the paper - book includes - (i) collecting and arranging the papers required for inclusion in the paper - book; (ii) examining and comparing proofs, or when several copies of a typed paper - book are prepared, examining and comparing such copies (other than the first copy) with the originals or authenticated copies of English papers or translations where the rules provide for translations; (iii) the preparation of title pages and indices; (iv) the general supervision necessary to

ensure the accuracy of the record and compliance with the provisions of the Appellate Side Rules with regard to the preparation of paper - books. Note : The repetition of unnecessary titles in the document should be avoided and formal portions of documents omitted.

**3. Every paper - book shall have attached to it a fly - leaf in the prescribed form, and giving the particulars required by Rule 42.**

**4. Upon good cause being shown, the Registrar may allow any party to put in such number of typed copies of the paper - book as he may consider necessary.**

Exception - In an appeal from original order which is to be heard under Order XLI, Rule 11, Civil Procedure Code, no paper - book shall be prepared unless and until an order for the service of notice on the respondent has been made.

**5. There shall be inserted at the end of one copy of the paper - book prepared in every case, a statement in Form No.9 (Civil), Appendix I, in which shall be specified each item of the cost incurred in its preparation by the appellant, and the respondent, respectively. A copy of the statement shall be served on the party himself by registered post with acknowledgement due, the cost for the same being included in the estimate and deducted from the initial deposit.**

**6. In the case of appeals, other than appeals from appellate decrees, any surplus remaining after deducting the costs actually incurred by each party from the amount deposited with the accountant of the court, may be refunded, upon request, to the party by whom the deposit was - made, or to the advocate entitled to act for such party.**

**7. The costs incurred in the preparation of the paper - books shall be costs in the appeal, unless as to the whole or any portion thereof the court which hears the appeal shall otherwise direct.**

**8. No order shall be passed exempting any appellant or respondent from the operation of the whole or any part of the rules of this Chapter, or no special order shall be made as to any matter with which these rules are concerned, except upon application setting forth sufficient grounds.**

An application for enlargement of time for the doing of any act required to be done under these rules

shall ordinarily be made before the expiry of the prescribed time: Provided that where compliance with the rule or rules concerned or with any order passed in connection therewith takes place by the end of the day on which the case appears on the Lawazima list of the Registrar, the application may, in the discretion of the Registrar, be dispensed with: Provided further that, if it is deemed necessary, order may be passed directing an affidavit to be filed in support of the application for extension of time. The Registrar may in his discretion dispense with a written application. Note : In case any affidavit to be used under this rule is sent from mufassal, and is in the vernacular, it shall be accompanied by an English translation certified to be correct by an advocate or a translator of this court

**9. When these Rules 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 advocate.**

**9A. In all second appeals, all appeals from original orders, all appeals from appellate orders and all appeals from orders of remand under Order XLI, Rule 23 of the Civil Procedure Code, there shall be filed, at the time of filing the appeals, second copies of the memoranda of appeal and of the judgments and orders of lower courts (in the case of second appeals and appeals from appellate and remand orders, copies of the judgments or orders of both the lower courts) for the use of the second Judge of the Bench taking such appeals and the same shall be returned to the appellant's advocate after the appeal is heard under Order XLI, Rule 11 of the Civil Procedure Code. These second copies shall be plain uncertified copies.**

## **Part II – Appeals from Original Decrees A - General**

**10. On receipt of the record from the lower Court it shall be the duty of the Registrar to see that the paper - book in an appeal from an original decree for the use of the High Court at its hearing is prepared in accordance with the directions given in the following rules:**

Provided that the Registrar or the Division Bench may, for sufficient cause shown, pass any special order regarding the preparation of the paper - book of any particular appeal.

**11.**

Save in cases arising out of the Bengal Money - lenders Act, 1940 and the Land Acquisition Act, 1894, Part I of the paper - book shall contain the following papers: (a) the plaint; (b) written statement of parties interested in the appeal; (c) examination of parties or their agents, etc.; (d) issues framed (if

any);(e)the judgment and the decree or order from which the appeal is preferred, exclusive of Schedules and Annexures;(f)memorandum of appeal;(g)a chronological index; and(h)in appeals under section 17 of the Arbitration Act, 1940, the award in accordance with which the decree appealed from was passed.In cases arising out of the Bengal Money - lenders Act 1940, Part I shall consist of the following papers:(1)the petition for reopening the decree;(2)written objection to it, if any;(3)oral evidence in this proceeding started by the application for reopening the decree;(4)the judgment and decree or order from which the appeal is preferred, exclusive of Schedules; and(5)memorandum of appeal.In cases arising out of the Land Acquisition Act, 1894,,or the West Bengal Land (Requisition and Acquisition) Act, 1948, Part I, shall consist of the following papers:(1)petition for reference;(2)written objection, if any;(3)reference by the Collector;(4)award of the court from which the appeal is preferred;(5)memorandum of appeal; and(6)a chronological index.In this Part shall also be included the following papers when their inclusion is necessary for the purpose of the appeal, provided that the Registrar, may, upon application being made to him, direct that any paper or part of a paper shall not be included in this Part:(a)order - sheet;(b)Schedules and annexures (if any);(c)report of Commissioners (if any) with maps, depositions, etc., annexed; -(d)deposition of witnesses for the plaintiff and defendant; and(e)any other paper, other than an exhibit, on which the decision of the appeal depends.

**Part I – shall also contain an Index which shall be drawn up in accordance with the provision of Rule 48(h) of this Chapter. Part II of the paper - book shall consist of exhibits.**

Note : 1. No finding or conclusion in the decision appealed from will be permitted to be challenged at the hearing of the appeal unless the material on which such challenge is based is included in the paper-book.

**2. Whenever a map prepared by a settlement or survey authority and issued in printed form is necessary for inclusion in a paper-book, such map being an exhibit in the case, it shall not be necessary to reprint and reproduce such map. It will be sufficient if the requisite number of copies of the map are filed by the party concerned, if such copies can be purchased from the Government or other agents selling the same. Such copies when filed shall be taken as forming part of the paper-book. If in any case any lines, symbols or marks have been drawn, inserted or made in the map by any Survey Commissioner appointed by the lower court, or by any witness or party or by the court itself, such lines, symbols or marks being drawn, inserted or made under the authority of the presiding Judge, those lines, symbols or marks shall be reproduced on the copies of the map filed by the party or parties in the appeal.**

**3. Complete deposition of all witnesses shall be included, if deposition of any of them is considered necessary for the purpose of the appeal.**

**12. Upon receipt of the records the Officer - in - Charge of the 'Judicial Department shall serve a notice on the appellant requiring him to prepare and deliver to such officer a list of all papers (other than those mentioned in the first paragraph of Rule 11 above) upon which the decision of the appeal depends and which the appellant desires to be included in Parts I and II of the paper - book at his expense. This list shall be called "The Appellant's list" and shall be divided into two parts. Part I shall contain papers other than exhibits and Part II shall contain the exhibits.**

**13. Such list shall be in Form No. 10 (Civil), Appendix I.**

Printed copies of the form of this list will be supplied to the parties or the advocates entitled to act for them, free of cost, on application to the Forms Clerk.

**14. There shall be entered in such list all documents on which the decision of the appeal depends:**

Provided that if it is necessary only to print a portion of any particular document for the decision of the appeal; the relevant portion shall be specified which may be done by surrounding the portion in pencil: Provided further that ordinarily a long series of documents, such as accounts, rent - rolls, etc., shall not be printed in full but the parties, or their legal agents, shall agree to short extracts being printed, if necessary, in tabular form.

**15. In Part II of this list the exhibits should retain their original numbers with the proper page numbers attached, the documents should be arranged, as far as suitable, in chronological order, mixing plaintiff's and defendant's documents together, when necessary, but in all cases documents relating to the same series, or to the same subject (e.g., a series of correspondence, or proceedings in a suit other than the one under appeal) should be kept together. A correct and full description of such documents must be given.**

**16. The appellant shall, within three weeks after service of the notice required by Rule 12, deliver to the Officer - in - Charge of the Judicial Department his complete list prepared in accordance with the above rules.**



**17. On receipt of the list of the papers to be included in Parts I and II of the paper - book at the expense of the appellant, the Officer - in-Charge of the Judicial Department shall cause to be prepared estimates of the cost of the preparation of Parts I and II of the paper - book.**

**18. As soon as the list is delivered to the Officer - in - Charge of the Judicial Department by the Appellant, the former shall, if the respondent enters appearance on or before the date mentioned in the notice under Order XLI, Rule 14, Civil Procedure Code, give notice of such delivery to such respondent. If the respondent fails to enter appearance on or before the date mentioned in the notice under Order XLI, Rule 14, Civil Procedure Code and if it shall appear that the said notice has been duly served on such respondent, he shall not, without the leave of the Registrar, obtained upon an application (unstamped) filed simultaneously with the Vakalatnama explaining the delay in appearing and asking for notice of the Appellant's list, be entitled to file a list of papers for insertion in the paper - book under Rule 20 following:**

Provided that such leave shall not be refused if the appellant has not already deposited the full amount required to be deposited under Rule 22(a) of this Chapter.

**19. Every respondent, who has entered appearance, shall be entitled to inspect the appellant's list and, at his own expense, to obtain a copy of the whole or of any portion thereof.**

**20. Every such respondent shall, within three weeks after service upon him of the notice required by Rule 18 above, deliver to the Officer - in - Charge of the Judicial Department a list in duplicate in Form No. 11 (Civil), of Appendix I, of the papers, other than those inserted in the appellant's list, and relevant to the subject - matter of the appeal, 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" and shall be divided into two parts like the Appellant's List (Rule 12).**

**20A. The advocates for the appellant and the respondent shall at the time of filing their respective lists, enter in such lists the names and correct addresses (with Post Office) of the parties on whose behalf the lists are filed by them.**

**21. The Officer - in - Charge of the Judicial Department shall within fourteen days after the delivery by the appellant and the respondent of their lists, respectively, make and deliver to the advocate for such appellant and to the advocate for such respondent separate estimates of the cost of preparing their portions of the paper - book in Form Nos. 12 (Civil) and 13 (Civil), respectively, of Appendix I. Copies of the estimate along with the intimation of the date of service of the estimate upon the advocate concerned shall be served on the parties (appellant and respondent) themselves by registered post with acknowledgement due, the cost for the same being included in the estimate and deducted from the initial deposit.**

Every estimate for the cost of the preparation of the paper - book shall include the cost of transcribing, translating, and printing, etc., the documents mentioned in the first paragraph of Rule 11 above. No revision of the lists filed by the advocates of either party shall be allowed after the estimates have been prepared and served on the respective advocates, except under the orders of the Registrar to be obtained on an application with notice to the other side. The application for revision shall be a verified one, but, if the revision is agreed to by the opposite party, such application for revision need not be verified.

**22. The appellant and respondent respectively shall deposit with the accountant of the court the amount due on the estimates served under Rule 21 within the periods here specified -**

(a) the amount due for estimating, translating and examining translations, after (in the case of the appellant) deducting the amount of the initial deposit made under Rule 34(1), Chapter V, within four weeks of the service of the estimate upon the advocate for such appellant and respondent respectively; and (b) the whole of the remainder within four weeks of the deposit of the amount under clause (a).

**23. 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 14 has been omitted therefrom in violation of these provisions, he may, at the time of filing the respondent's list as prescribed in Rule 20, 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 paper - book of the case at the cost of the appellant:**

Provided that if any such application by a respondent is disallowed by the Registrar, such respondent shall be at liberty, at the time, to pray for the inclusion of the papers mentioned in his application, in his list (that is, the Respondent's List) at his own cost: Provided further that if the

respondent has entered appearance out of time he shall not be permitted to pray for the inclusion in, or exclusion from, the appellant's list of any papers whatsoever if such application be not made before the actual preparation of the paper - book has commenced.

**24. If one party objects to the inclusion of a document on the ground that it is unnecessary or irrelevant, and the other party nevertheless insists upon its being included and the Registrar allows the document to be included, the order book and list shall clearly indicate that fact, and the party by whom, the inclusion of the document was objected to.**

**25. The Registrar as well as the parties and their legal agents shall endeavour to exclude from the paper - book all documents (more particularly such as are merely formal) that are not relevant to the subject - matter of the appeal, and generally, to reduce the bulk of the paper - book, as far as practicable, taking special care to avoid the duplication of documents and the unnecessary repetition of headings and other merely formal parts of documents.**

Note : 1. Ordinarily, a long series of documents, such as accounts rent-rolls, inventories, etc., should not be printed in full; but the parties or their legal agents should agree to short extracts being printed as specimens.

**2. Documents produced before the court of first instance, but not admitted in evidence, shall not be included in the paper-book except under the orders of the Registrar obtained upon an application (unstamped) with notice to the opposite party. An advocate desiring to refer to any such document at the hearing of the appeal before the high Court shall, at any time before the hearing, serve on the advocate for the opposite party a typewritten copy, or a typewritten copy of the translation as the case may be of any such document to which he desires that reference should be made, and shall also provide two such typewritten copies or typewritten copies of the translation for the use of the court. If he fails to do so he shall not refer to such document at the hearing and no adjournment or the appeal will be granted on this account unless the Court otherwise directs.**

**26.**

The appellant's and the respondent's lists shall each bear a certificate under the hand of the advocate for such appellant or respondent in the following Form: I, A. B., advocate for .....

do hereby certify that I have carefully examined this list with reference to the provisions of Rule 25, Chapter IX of the Appellate Side Rules, and declare that in my judgment it is necessary to include in the paper - book of the appeal every document, or portion of a document, included in the list in order to arrive at proper decision of the appeal.

**26A. In cases in which any paper or papers which are to be included in the paper - book under Rule 11 or Rule 64(A) of this Chapter have been omitted from the list, the office shall give notice to the advocate concerned to the effect that unless the list is amended within seven days from the receipt of such notice or an order for the exclusion of such paper or papers is obtained upon an application before the expiry of that period, the paper or papers will be included in the list under the aforesaid rules, and the office shall proceed to include them on the expiry of the said period if no action is taken by the advocate.**

**27.**

If the respondent does not enter an appearance or does not deliver the list directed by, and within the time prescribed by, Rule 20, and if no order be made under Rule 23, the paper - book shall be prepared in accordance with the appellant's list.

**28.**

When two or more appellants or respondents have the same interest in the appeal, one set of list only shall be required from all such appellants or respondents. Appellants or respondents having separate interests shall deliver separate sets of lists. In such cases the principle of Rule 32 shall apply.

**29. If any of the papers, which must be inserted in the appellant's list or in the respondent's list, was previously printed in a former paper - book, the fact of its having been so printed must be stated in the list in which such paper is inserted. Such papers shall not be printed unless the Registrar otherwise directs:**

Provided that the party who refers to papers in a previous paper - book, but who has not paid for the preparation of such previous paper - book, shall pay the charges fixed for the sale of paper - books from the Record Department if he requires a copy for his own use, and shall supply a copy at his cost to the other side unless the other side has paid for such previous paper - book in which event the copy supplied to him shall not be charged for. If either party contributed to the cost of the previous paper - book, copies required for the use of the court shall not be charged for, otherwise the party referring to papers in such paper - books shall pay for the copies required for the use of the Court.

**30. No paper in the record of the case, which is not inserted in the Appellant's or Respondent's List, or ordered to be included in the paper - book under Rule 23, and printed in the paper - book of the case or in a previous paper - book, shall be referred to at the hearing of the appeal 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.**

**31. If it subsequently appears that the amount deposited by either party to the appeal is insufficient to defray the cost of preparing his portion of the paper - book, or a supplementary paper - book after remand, the Officer - in - Charge of the Judicial Department 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 accountant of the court within two weeks after service upon him of such notice. No work in the matter of the preparation of the paper - book, which is likely to cost more than the sum deposited, should ordinarily be undertaken, until such additional deposit has been made, unless the Registrar shall otherwise direct.**

**32. When separate appeals have been preferred by different persons against the same decree, complete lists of the documents which the parties wish to include in the paper - book shall be delivered by the parties to each appeal. Common matter shall appear in one paper - book only, the other paper - books containing references to the pages of the paper - books in which such common matter appears. In such cases the Officer - in - Charge of the Judicial Department shall, subject to the order of the Registrar, apportion between the parties concerned the cost of preparation in respect of matter common to all or any of the parties. The estimates for the cost of the preparation of Parts I and II of the paper - books in such cases shall not be served on the parties until such apportionment has been made. This rule shall also apply when two or more separate appeals are preferred in analogous cases.**

Nothing in this rule shall be construed as authorising the printing of exhibits or documents relating to the same series or to the same subject in a manner contrary to the provisions of Rule 15 of this Chapter.

**33. If the appellant fails to deliver his list of papers in accordance with Rule 16, or if the appellant or respondent fails to make the deposit or additional deposit, required by Rules 22 and 31, respectively, the Officer - in - Charge of the Judicial Department shall lay the matter before the Registrar, who may, in case of default by the appellant, cause the appeal to be set down for hearing; and the Court may, unless satisfied that there was reasonable ground for the default, direct the appeal to be dismissed for want of prosecution or may pass such other order as may seem proper in the circumstances of the case.**

**34. The appellant shall, within ten days of the registration of the appeal, file with the Officer - in - Charge of the Judicial Department a declaration duly signed by himself stating the name of the advocate, duly qualified under Rule 35, by whom his paper - book will be prepared, either in accordance with Rule 46 or with Rule 50 and such declaration shall be noted in the order book of the appeal. The declaration shall be in the following Form:**

In this appeal I /we, ..... appellant/appellants, declare that the paper - book will be prepared by Mr. .... an advocate of this court, who is duly qualified to prepare paper - books under Rule 35, Chapter IX of the Appellate Side Rules. The Officer - in - Charge of the Judicial Department shall thereupon make over to the advocate so named the duplicate copy of the respondent's list filed under Rule 20, giving the respondent notice thereof.

**35. Any advocate who has practised in the High Court for a period of two years, or who has practised in a mufassal court for not less than three years and in the High Court for not less than one year, shall be entitled to prepare a paper - book under these rules:**

Provided that a Division Bench, on being satisfied, either on the report of the Registrar or otherwise, that any advocate has been negligent, incompetent, or careless in the preparation of a paper - book, may disqualify such advocate from preparing paper - books for such period as to it may seem proper.

**36. An advocate duly authorised to prepare a paper - book shall be required to make a declaration in writing simultaneously with the deposit under Rule 22(a) to the effect that he will himself do the translation work and, in the case of an appeal valued under Rs. 20,000, a declaration to the effect that he will himself also do the editing. The declaration shall be in the following Form: .**

In the above appeal I ..... have been authorised by the appellant under Rule 34 to prepare the paper - book in this case. I being eligible under Rule 35 to do so declare under Rule 36, Chapter

IX of the Appellate Side Rules, that I shall myself do the translation work (and the editing work)\*  
Strike out in the case of appeals valued at Rs. 20,000 or over.

**37. (a) An advocate authorised under Rule 34, who has filed a declaration under Rule 36, shall be afforded all reasonable access to the original record in order to enable him to make transcripts of the papers and do other acts necessary to the preparation of the paper - book, but he shall not be entitled to remove such original record from the Court's office. Certified transcripts of the papers shall be furnished to him, if he so desires, upon payment of the usual rates.**

(b)Such advocate shall himself deal with the original records made over to him, and is hereby prohibited from entrusting them to the care of any other person. For the purpose of translating and copying documents in any case, he alone will be permitted to have access to the original record of such case.(c)Such advocate shall be permitted to utilize the services of one Reader or Muharrir to assist him in such work. He must, however, himself be present and continuously in possession of the records, and on his leaving the office, the records must be returned to the officer of the Court in charge, and the work of preparing the paper - book must at once cease, the Reader or Muharrir leaving with his employer.(d)In the case of any paper - book in which a map has to be inserted such advocate shall be allowed to utilize also the services of a draftsman, who will be allowed access to the records on the same terms as the Reader or Muharrir.(e)The advocate filing a declaration under Rule 36 shall examine, at the time of filing such declaration, the lists and estimates. prepared for the preparation of the paper - book and, if he thinks that he requires the assistance of another advocate or advocates for the preparation of the paper - book, shall present a formal application to the Registrar stating the grounds upon which the application is made, and the Registrar may pass a special order after an examination of the actual requirements of the case:Provided that every additional advocate allowed shall have already entered appearance on behalf of the appellant; be eligible under Rule 35; and make the declaration referred to in Rule 36 within ten days of the Registrar's order.Note : The provisions of this sub-rule will not apply to the case of assistance of another advocate for the purpose of inspecting records or preparing lists. In such a case an unstamped application will be accepted.The provisions of clauses (a) to (d) of this rule shall apply to all the advocates thus employed in the preparation of a paper - book, and they shall be jointly responsible under the rules of this Chapter for the proper and punctual preparation of the same.

**38. (a) Translations of the papers shall be submitted for examination within the following limits of time from the date when the deposits required by Rule 22(a) above are made:**

In cases less than 5,000 vernacular words - three weeks.For every 1,000 additional vernacular words or part after the above - four days.(b)Paper - books in appeals from original decrees must be made ready and filed with the Officer - in - Charge of the Judicial Department within the following limits of time from the date when the deposits required to be made under Rule 22(b) above are

made, or the examination of translations is completed whichever is later(i)where the paper - book is estimated by the Officer - in - Charge of the Judicial Department to consist of not more than 100 pages - two months;(ii)for every additional 100 pages or part after the above - two weeks:Provided that the Registrar may, upon an application showing sufficient cause, pass a special order granting such extension of time as he may think fit.(c)On the paper - books being filed, they shall be taxed, and it will be the duty of the Taxing Officer to see that they have been prepared in accordance with these Rules.(d)When the Taxing Officer is satisfied that the paper - book has been properly prepared, he shall certify accordingly, and upon such certificate being granted but not before, the balance of the amount due to the advocate concerned shall be paid to him on application:Provided that the Registrar may, in any proper case, pay the printer's fees to the printer.

**39. (a) Examination of translations shall be completed within half the time prescribed in Rule 38:**

Provided that the Registrar may, upon an application showing sufficient cause pass, a specified order granting such extension of time as he may think fit.(b)On the completion of the examination of the translations, but not before, and provided that the translations have been properly done and accepted, the advocate preparing the paper - book shall be entitled to withdraw the amount due to him for such translations.

**40. It shall be the duty of the examiners of translations to report through the Taxing Officer to the Registrar any case in which the translations have been carelessly, negligently, or imperfectly done, and it shall be the duty of the Taxing Officer to report to the Registrar any case in which the preparation of any other portion of the paper - book has been carelessly, negligently or imperfectly done. The Registrar, if he thinks fit, will report any such matter to the Court, who may take action under the proviso to Rule 35, and may either in addition to, or without taking such action, direct that the whole or any portion of such funds, as are lying in the Court, to the credit of the account of the paper - book concerned be withheld from the advocate in question, and may pass orders for the disposal of the funds so withheld.**

**41. When a case is ready for hearing, the Officer - in - Charge of the Judicial Department shall furnish the advocates engaged on either side with the copies to which they are entitled under Rule 49 or Rule 53. The issue of the paper - books to the advocates will be notice to them that the case is ready for hearing.**



**42. The endorsement on every paper - book prepared for the use of the High Court at the hearing of the appeal shall furnish the following information:**

(a)the number of the cause;(b)the name of the Judge of the court below;(c)the names of the parties and their advocates;(d)the date of the institution of the suit;(e)the date of the lower court's judgment;(f)the date on which the appeal was filed;(g)the date on which the appeal was decided; and(h)the date on which the decree was signed.

**43. In appeals in which the respondent shall not have appointed an advocate 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 lower court as to the service shall be added to the paper - book either in transcript or translation, according as they may be in English or in the vernacular.**

The Officer - in - Charge of the Judicial Department shall have an additional estimate prepared and served on the advocate for the appellant. The amount thereof shall be deposited with the accountant of the Court within a fortnight of the date of service.

**44. The supplementary paper - book after the receipt of finding of a lower court in a case referred under Order XLI, Rules 25 and 27, Civil Procedure Code, shall be governed by the rules of this Chapter.**

**45. Notwithstanding anything contained in these Rules, the Registrar may, upon application made to him, direct that, in appeals below Rs. 5,000 in value in which if Parts I and II of the paper - book were printed, the total number of pages contained in the paper - book would be 25 or less, 12 typewritten copies of the paper - book shall be prepared at the cost of the parties. In such cases, the appellant and the respondent, if the latter enters appearance, shall be entitled to have, free of charge, as many copies of the paper - book, not exceeding four on either side, as they may have advocates engaged in the appeal. In any case, they shall each be entitled to two copies. Additional copies over and above those which may be supplied to the parties free of charge under this rule shall be charged for.**

B - Appeals from original decrees valued under Rs. 20,000

## 46.

(1) Paper - books in appeals valued under Rs. 20,000 shall be prepared entirely in the office of the advocate for the appellant and the advocate concerned will be free to print his paper - book in any press he chooses whether such press be on the list referred to in Rule 54 or not, but the advocate will be responsible to the Court that the paper - book has been prepared and printed with due care and diligence. Bad work on the part of the press will bring the advocate concerned within the mischief of the proviso to Rule 35. (2) The examination of translations shall be done on the fee system by a panel of examiners formed for the purpose from the practising advocates of the Court (to be known as the "Below" panel), a list of advocates forming such panel being maintained in the office of the Court from which the respondent will select an examiner for examining the translations made by the appellant's advocate. Provided - (a) that if the respondent fails to enter appearance by the time the appellant submits his translation for examination he shall lose his privilege to select the examiner, and the translation shall be examined by an examiner from the "Below" panel to be selected by the Registrar; (b) that where it appears to the Registrar that a particular examiner is overworked and another is under-worked, it shall be open to the Registrar to call for a fresh nomination or to direct that the work be done by some other advocate on the panel; (c) that if the advocate for the respondent is on the panel of examiners, it shall not be competent for him to nominate himself; and (d) that where two or more advocates appear for one respondent or set of respondents and select different examiners the nomination by any one of such advocates first received by the office should prevail and that, subject to that condition, the nomination by one of the advocates appearing for the principal respondent should have preference over the nomination by the proforma respondent.

## **47. The estimate for the preparation of the paper - books in such appeals shall state separately the cost of translating, editing, printing, etc., at the following rates:**

(a) estimating at 10,000 words per rupee; (a1) estimating charge for maps - 12 per cent of the cost of tracing the same; (a2) estimating charge for photographs - 12 per cent of the cost of producing the negative; (b) translating at 150 vernacular words per Re. 1.25 three figures being counted as one word; (c) examining translations at 300 vernacular words per Re. 1.25 three figures being counted as one word; (d) copying at the rates specified in Chapter XIII; (e) editing the paper - book at seventy paise a page, if it is printed, and at thirty - five paise a page if it is typed; (f) lithographing, drawing or tracing maps (where necessary) - Rs. 2.50 per foolscap; (g) printing fee for 19 copies at Rs. 6.50 per page; and (h) taxing the paper - book costs at ten paise per page. Note : 1. The above rates are liable to alteration.

## **2. The charge for editing includes the charge the indexing, if the paper-book is printed, and that for stationery if the paper-book is typewritten.**

**3. If the document to be translated is in any language other than the vernacular of bengal and Assam, the rates prescribed by Rule 8 and the note thereunder in Chapter XII will apply.**

**4. Each item of cost in the preparation of the paper-book at the rates specified above should be calculated to the nearest 10 paise (amount below five paise being omitted and five paise or over being reckoned as ten paise).**

The entire cost estimates as above shall be deposited with the accountant of the Court and from such deposit the Court's office will keep the undertaking advocate supplied with funds to carry on the work of the preparation of the paper - book. When the paper - book is finally prepared the cost shall be taxed under the direction of the Registrar.

**48. The paper - books for the use of the High Court in such appeals shall be printed and edited in accordance with the following directions:**

(i)The printed paper - book shall consist of two parts in the same volume, where practicable, viz., Part I and Part II. Part I shall contain the record of the proceedings in the lower court, and shall include all the papers mentioned in Rule 11. These should be printed strictly in chronological order, that is, in the same order as the Index. Part II shall contain the exhibits and documents relevant to the subject - matter of the appeal which should be arranged in the manner prescribed in Rule 15, each document to show its exhibit mark and whether it is a plaintiff's or defendant's document (unless this is clear from the exhibit mark). Each Part should be pagged at the foot of each page. The heading to each document should consist of the number of exhibit mark and the description of the document in the Index with the date, and the corresponding English date must be given if the document bears any other date. All papers and documents in Parts I and II of the paper - book shall be printed without leaving any blank space in between, i.e., in a 'run on' style. (ii)The Index of Part I shall be in chronological order and shall be placed at the beginning of the volume. Part II shall have an Index arranged in order of the exhibit marks. This Index should be placed immediately after the Index to Part I. The documents in Part I should be numbered consecutively, while those in Part II should not be numbered apart from the exhibit mark. The Index should contain a correct and full description of each document and reference to the pages in the printed paper - book. Whenever any document included in Part I or II of the paper - book is dated according to Bengali fashion, the corresponding English date of such document must be entered in the Index. (iii)All papers which are not in English shall be translated into that language. Such translation and the original English papers shall be arranged and printed in Parts I and II in the order prescribed by the first sub - clause of this rule. (iv)Maps forming part of a paper - book shall be included in the Index, 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. Translations of vernacular phrases or figures that form part of a map must be submitted on a correct tracing of the map in question.

**49. Nineteen copies of the paper - book shall ordinarily be printed by the appellant's advocate, and filed in the office of the Court. On the application of either party, the Registrar may direct 'a larger number to be printed. In any case, 5 copies shall be retained for use in the High Court. The service of paper - books on the parties under Rule 41 will be regulated as follows:**

To the appellants - Three copies, or one copy for the use of each advocate who has appeared, whichever is more; To the respondents - One copy only for the use of the advocate or all the advocates, who has, or have, appeared for each set of respondents; subject to a maximum of seven copies on either side if 19 copies have been printed: Provided that if on the above basis less than 14 copies have been distributed between both sides, additional copies up to that number may be supplied for use at the hearing on application to the Officer - in - Charge of the Judicial Department; but the latter should, if possible, retain copies for such of the respondents who may still enter appearance in the appeal. C - Appeals from original decrees valued at Rs. 20,000 or over

**50. Paper - books in all appeals valued at Rs. 20,000 or over shall be prepared entirely in the Court's office subject to the condition that only translations shall be made by the appellant's advocate, the examination of such translations being done on the fee system by a separate panel of examiners (to be known as the "Above" panel) appointed by the Court for this purpose.**

Such paper - books must be prepared within the period specified in Rule 38. Delay on the part of editors and examiners of translations will be no excuse for extending the time. But such delays will be reported immediately on their occurrence to the Registrar by the office for necessary orders, and the Registrar may then, in proper cases, extend the time for the preparation of the paper - books.

**51. The estimate for the preparation of the paper - books in such appeals shall be prepared in accordance with the particulars in Rule 47 above.**

The entire estimated cost shall be deposited with the accountant of the Court and from such deposit the Court's office will keep the undertaking advocate supplied with funds to carry on the work of preparation of the paper - book. When the paper - book is prepared and filed it shall be finally taxed by the Registrar.

**52. Paper - books for the use of the High Court in such appeals shall be printed and edited in accordance with the directions in Rule 48 above.**

**53. (a) There shall ordinarily be printed and filed in the Court's office 19 copies of the paper - book:**

Provided that the Registrar may, when necessary, direct a larger number of paper - books to be printed.(b)Of the 19 bound copies 5 copies shall be retained for the use of the Court and the remaining 14 copies distributed to the appellant and the respondent in the proportion laid down in Rule 49.

**54. The printing of paper - books in such cases will be done only by the presses approved by the Court, a list of which shall be maintained in the Court's office. The advocate concerned will be free to select any press from this approved list of presses, but instances of indifferent work, delay, etc., in the printing of paper - books by any such press shall be brought immediately to the notice of the Registrar, who may direct the removal of the press or presses concerned from the list or pass such order or orders as to him seem proper.**

D - Analogous appeals from original decrees and orders, some valued under, and some at or over, Rs. 20,000

**55. In analogous appeals from original decrees and orders some of which are valued below and some at Rs. 20,000 or above, all the appeals shall be treated as appeals valued at Rs. 20,000 or above, for the purpose of the preparation of the paper - books, unless on a verified petition duly filed, the advocate for any party obtains orders of the Registrar for relaxing the rule in any particular case.**

**Part III – Appeals from Appellate Decrees or Orders 56. The paper - books in all appeals from appellate decrees or orders will consist of the following papers:**

(a)the judgment of the first court;(b)the judgment of the lower appellate court;(c)any judgment or orders of remand passed in the case either by the lower appellate court in appeal or by the High Court on second appeal;(d)the memorandum of second appeal;(e)a front leaf containing the number of the cause; the names of the Judges of the two courts below; the names of the parties and of their advocates; the date of the institution of the suit; the date of the judgment of the first court; the date of the judgment of the lower appellate court; the date on which the appeal was filed and the date on which the appeal was decided.Note : 1. If any ground taken in a memorandum of appeal necessitates a reference to the plaint, written statements or any documents other than those mentioned above the appellant shall , at the time of the preliminary hearing under Order XLI, Rule 11, Civil Provide for the use of the court not in the English language, typewritten copies of translations thereof and such documents shall from part of the paper-book . If he fails to provide such copies he shall not be heard in regard to such ground or grounds except with the leave of the court.

**2. If at the time of the preliminary hearing under Order XLI, Rule 11, Civil Procedure Code, the court directs that the Pleadings or any documents other than those mentioned in this rule be included in the paper-book the appellant shall include in the paper-book such pleadings or documents or, if the said pleadings or documents are not in the English language, translations thereof.**

**3. If any respondent considers that reference is necessary to the pleadings or to any other documents and the same have not been included in the paper-book, he shall prepare two type-written copies of the said pleadings or documents or of the translations of the same, if they are not in the English language, for the use of the court at the time of hearing and shall serve one copy on the advocate for the appellant, within a week after inclusion of the appeal in the General Warning list**

**57. The paper - book shall be neatly typed on white durable paper of foolscap size with a margin of two inches and shall be typed in double spacing.**

If in any case a printed paper - book is prepared, the printing shall be done in accordance with the directions contained in Rule 1 of this Chapter. The Registrar may decline to accept any paper - book which has not been prepared in accordance with these Rules. [58. Deleted.] [Rule 58 has been deleted by Notification No. 6860-G, dated 22.6.1985. Before deletion it was as '58. The Appellant shall along with the filing of the fee for the issue of notice to the respondent under Order XLI, Rule 14, Civil Procedure Code, file with the Officer - in - Charge of the Judicial Department a declaration duly signed by himself in Form No. 29 (Civil), Appendix I stating the name of the advocate by whom his paper - book will be prepared'.]

**59. When an appeal has been admitted under Order XLI, Rule 11, Civil Procedure Code, and the records, called for under the provisions of Rule 31, Chapter V of these Rules, have arrived the Officer - in - Charge of the Judicial Department shall serve a notice in Form No. 30 (Civil), Appendix I on the advocate authorised - by the appellant to prepare the paper - book under Rule 58 informing him of the arrival of such records and calling upon him to file, before the expiry of thirty days from the date of receipt of such notice by the advocate, two copies [in cases exceeding [Rs. 5,000] [The words within square brackets added by Notification No. 2908-G, dated the 18th December, 1958 - File No. IM - 75 of 1958.] Further amendment by Notification No. 2808-G, dated 25.3.1969. in value and one copy (in other cases where a paper - book has been specially directed to be prepared)] [[Amended by Notification No. 690-G dated 19.01.2009. Previously it stood as under :**

'17. The officer to whom the memorandum is presented under Rule 14 of this Chapter shall endorse on every such memorandum the date of the presentation and shall send the same to the Stamp Reporter. The Stamp Reporter, if the memorandum is not barred by limitation and is sufficiently stamped and complies with the provisions of these rules, shall record a report to that effect and shall, after the Officer - in - Charge of the Judicial Department has scrutinised the memorandum and has satisfied himself that the stamps have been properly punched and defaced under the rules and that there are no obvious defects:(a)in the case of an appeal from an original decree, an appeal under the Workmen's Compensation Act, an appeal from an order under Article 226 of the Constitution, an appeal under the India Railways Act 4 of 1890 and an appeal under the Motor Vehicles Act 4 of 1939 admit it and cause it to be registered and notice to issue to the respondent,(b)in the case of an appeal from an appellate decree or an appeal from an order, other than an appeal under the Workmen's Compensation Act, an appeal from an order under Article 226 of the Constitution, an appeal under the Indian Railways Act 4 of 1890 and an appeal under the Motor Vehicles Act 4 of 1939 admit it, cause it - to be registered, and posted to a Bench for hearing under Order XLI, Rule 11, Civil Procedure Code, and(c)in the case of a memorandum of objection under Order XLI, Rule 22 or 26, Civil Procedure Code, admit it and cause it to be registered.Note : The scrutiny of the Officer - in - Charge of the Judicial Department under this rule shall also include an examination of at least 5 per cent of the memoranda submitted to him with a view to seeing whether the report as to sufficiency of stamps is correct.']] of the paper - book for the use of the Court prepared in accordance with Rule 56 accompanied by sufficient number of copies for service on all the appearing respondents and upon the Deputy Registrar of the Court, if the latter has been appointed a guardian ad litem of a minor respondent, and a certificate to the effect that the paper - book has been compared with the original papers. The copies supplied for the use of the Court shall tally as to paging, etc., with the copies used by the advocates for the appellant, the respondents and the Deputy Registrar, at the final hearing.In the event of any respondent(s) or set(s) of respondents appearing or the Deputy Registrar being appointed guardian ad litem of minor respondents after copies of the paper - books have been filed in accordance with the above - mentioned notice, a supplementary notice in Form No. 31 (Civil), Appendix I, shall be given to the advocate authorised by the appellant to prepare the paper - book.Note : 1. when an appeal not exceeding Rs. 5,000 has for any reason to be heard by a Division Bench of two judges or more the appellant may be required to file the necessary number of additional copies for the use of the Court.

**2. The Notice mentioned in the first paragraph of this rule shall be served after the dates fixed for the appearance of the respondents have expired.**

**60. An advocate authorised under Rule 58 to prepare the paper - book on behalf of the appellant shall be afforded all reasonable access to the original record in order to enable him to prepare the paper - book and to correct his copies where necessary and make translations, but shall not be entitled to remove such original record from the Court's office or to make copies of any documents other than those to be included in the paper - book under Rule 56 of this Chapter. Certified transcripts of papers shall be furnished to him, if he**

**so desires, upon payment of the usual charges.**

(a)Such advocate shall himself deal with the original records made over to him, and is hereby prohibited from entrusting them to the care of any other person.(b)Such advocate shall be permitted to utilise the services of one Reader or Muharrir to assist him in comparing the manuscript of the paper - book with the original record. He must, however, himself be present and continuously in possession of the records and on his leaving the office the records must be returned to the officer of the Court in charge and the work of preparing the paper - book must at once cease, the Reader or Muharrir leaving with his employer.(c)If a certified copy of a map has to be compared with the original such advocate shall be allowed to utilise the services of a draftsman, who will be allowed access to the records on the same terms as the Reader or Muharrir.

**61. The respondent shall at the time of entering appearance deposit with the accountant the sum of Rs. 7 in full payment of the costs of the paper - book:**

Provided that in cases in which there was an order of remand passed by the lower appellate court and in which the previous judgments (original and appellate) will have to be included in the paper - book the charge for the paper - book to the respondent will be Rs. 8 instead of Rs. 7 as in other cases:Provided further that in a case of batches of analogous appeals the charge shall be regulated as follows:Rs. 7 or 8, as the case may be, for the first appeal, Re. 1 per appeal for the next four appeals and 50 paise for every appeal thereafter, the additional charge for analogous appeals not exceeding Rs. 8 in any case.No charge shall be made for the copy, if any, served on the Deputy Registrar of the Court as guardian ad litem of a minor respondent.The appellant on his filing the requisite number of paper - books shall be entitled to withdraw the amount or amounts deposited by the appearing respondent or respondents. The application for withdrawal shall be made in Form No. 32 (Civil), Appendix I.If a respondent requires additional copies of the paper - book, he shall deposit Rs. 7 per copy with the accountant of the Court and the appellant shall be at liberty to withdraw the same upon production of an acknowledgment of receipt of paper - book from the respondent.Note : 1. where analogous appeals have been presented in separate batches each batch of such appeals presented by the same appellant, or by the same advocate representing different appellants, shall be considered as a separate batch of analogous appeals and the charge in respect of paper-book shall be calculated for each batch of such appeals separately.

**2. In the case of single appeals presented by different advocates or appellants in person, the charge for paper-book shall be calculated as provided in this rule for each such separate appeal, notwithstanding that such appeals may be analogous to others.**

**62. In the event of the appellant failing to file the paper - book within the time prescribed in Rule 59 the Officer - in - Charge of the Judicial Department shall lay the matter before the Registrar, who may, in suitable cases, extend the period for filing the paper - book, or may at once cause the appeal to be**



**set down before the Division Bench for orders. If the appellant fails to satisfy the Court as to the delay, the appeal may be dismissed for want of prosecution, or the Court may pass such other order as it may deem proper.**

**63. When a case is ready for hearing the Officer - in - Charge of the Judicial Department shall include it on the General Warning List in Form No. 15 (Civil), Appendix I, a copy of which shall be displayed on the notice board of the appeal section concerned, and a copy sent to the Bar Association's Library, for information. This will be considered as sufficient notice to the advocate concerned that the case is ready for hearing.**

**Part IV – Appeals from Original Orders 64. The rules for the preparation of paper - books in appeals from original decrees [valued] [Substituted by Notification No. 2421-G, dated 30.6.2004 w.e.f. 23.7.2004.] under Rs. 20,000 or valued at Rs. 20,000 or more, shall apply, respectively, to every first appeal from an order of the like value [\* \*] [The expression '(including an order under section 47, Civil Procedure Code)' deleted by ibid.] passed by a subordinate court not being an order under Order XLI, Rule 23 [or Rule 23A] [Inserted by Notification No. 2421-G, dated 30.6.2004 w.e.f. 23.7.2004.] of the [Civil Procedure] [Substituted by ibid., for the word 'same'.] Code, with the following modifications:**

(A) That Part I of the paper - book shall contain the following papers: (a) the relevant portions of the order - sheet; (b) the application or proceeding on which the order appealed from was passed; (c) the petition, if any, filed in answer; (d) the order appealed from; (e) the memorandum of appeal; and (f) in cases falling under clauses (ii), (iii) and (vi) of section 39(1) of the Arbitration Act, 1940, the award in respect of which the order appealed from was made and in cases falling under clauses (iv) and (v), ibid the arbitration agreement in respect of which the order appealed from was passed. In this Part shall also be included the following papers when their inclusion is necessary for the purpose of the appeal, provided that the Registrar may, upon application being made to him, direct that any paper or part of a paper shall not be included in this Part: (a) The evidence, oral or documentary, which may have been taken or put in with reference to the application or proceeding, and which is necessary for the decision of the appeal; (b) Any other papers to which reference may be necessary for the decision of the appeal. (B) That the appellant's list shall be delivered to the Officer - in - Charge of the Judicial Department within one week after the service of notice of the arrival of the

records.(C)That the respondent's list shall be delivered to the Officer - in - Charge of the Judicial Department within one week of the service upon him of notice of the filing of the appellant's list.(D)[ Deleted.] [[Rule 64(D) has been deleted by Notification No. 6860.-G, dated 22.6.1985. Before deletion the same was as:'(D) That the declaration signed by the appellant himself required by Rule 34 of this Chapter shall be filed with the Officer - in - Charge of the Judicial Department within one week after admission of the appeal under Order XLI, Rule 11 of the Civil Procedure Code.']]

**65. In appeals from remand orders under Order XLI, Rule 23, [or Rule 23A] [Inserted by Notification No. 2421-G, dated 30.4.2004.], Civil Procedure Code, the paper - book shall be prepared and supplied to the parties in accordance with the rules relating to the preparation of paper - books in appeals from appellate decrees.**

**Part V – Full Bench References 66. No charge shall be levied from the parties for the preparation of the paper - books in Full Bench Reference cases.**

**67. In every case 30 copies of the referring judgment shall be printed. The additional number of copies, if any, of the paper - book in the appeal which will be required for the hearing of the reference will be determined by the Registrar upon a report from the office as to the number already available.**

**68. Parties will not be entitled to any free copies of the referring judgment. Copies may, however, be purchased by the parties or their advocates (including copies for the advocates for the Deputy Registrar in the case of minor respondents) at the rate of forty paise per page subject to a maximum charge of Rs. 7.50 for each case. If additional copies of printed paper - books in the appeal are required by the parties for the Full Bench Reference, they shall be purchased at the above rate, the maximum of Rs. 7.50 being applicable to each volume of such paper - book.**

**Part VI – Appeals under the Workmen's Compensation Act (8 of 1923) and under the Indian Succession Act (39 of 1925) and Appeals from Orders under Article 226 of the Constitution 69. The preparation of paper - books in appeals under the Workmen's Compensation Act (VIII of 1923) and under the Indian Succession Act (XXXIX of 1925) and appeals from orders under**

**Article 226 of the Constitution shall be governed by the following rules of this Part.**

**70. (a) On receipt of the record from the lower court the Officer-in - Charge of the Judicial Department shall serve a notice on the advocate for the appellant informing him of the arrival of the records and calling upon him to prepare and file within seven days of the service of such notice a list of the papers which he considers to be necessary for the decision of the appeal.**

(b) If the respondent enters appearance within the time allowed for such appearance, the Officer - in - Charge of the Judicial Department shall serve a notice calling upon him to inspect the list filed by the appellant and state within seven days of such service whether he wishes any other papers to be included in the paper - book of the case: Provided that the Registrar may for good and sufficient reason extend the time allowed under the foregoing sub - rules by such periods as to him may seem proper.

**71. 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 70(a) has been omitted therefrom he may, within the period specified in Rule 70(b), 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 paper - book of the case:**

Provided that if any such application by a respondent is disallowed by the - Registrar, such respondent shall be at liberty at that time to pray for the inclusion of the papers mentioned in his application in a paper - book to be prepared by him at his own cost: Provided further that if the respondent has entered appearance out of time, he shall not be permitted to pray for the inclusion in, or exclusion from, the appellant's list of any papers whatsoever if such application be not made before the actual preparation of the paper - book has commenced.

**72. If one party objects to the inclusion of a document on the ground that it is unnecessary or irrelevant, and the other party nevertheless insists upon its being included and the Registrar allows the document to be included, the order book and list shall clearly indicate that fact, and the party by whom, the inclusion of the document was objected to.**

**73. The Registrar as well as the parties and their legal agents shall endeavour to exclude from the paper - book All documents (more particularly such as are merely formal) that are not relevant to the subject - matter of the appeal,**

**and generally, to reduce the bulk of the paper - book, as far as practicable, taking special care to avoid the duplication of documents and the unnecessary repetition of headings and other merely formal parts of documents.**

Note : 1. Ordinary a long series of documents, such as accounts, rent-rolls, inventories , etc., should not be printed in full; but the parties or their legal agents should agree to short extracts being printed as specimens.

**2. Documents produced before the court of first instance, but not admitted in evidence, shall not be included in the paper-book except under the orders of the Registrar obtained upon an application (unstamped) with notice to the opposite party. An advocate desiring to refer to any such document at the appeal before High Court shall, at any time before the hearing, serve on the advocate for the opposite party a typewritten copy, or a typewritten copy of the translation, as the case may be, of any such document to which he desires that reference should be made and shall also provide two such typewritten copies or typewritten copies of the translation for the use of the court. If he fails to do so, he shall not refer to such document at the hearing and no adjournment of the appeal will be granted on this account unless the Court otherwise directs.**

**74. As soon as the list of papers to be included in the paper - book has been settled in accordance with the foregoing rules, the Officer-in - Charge of the Judicial Department shall issue a notice on the advocate for the appellant calling upon him to prepare typewritten paper - books in accordance with such list, serve a copy thereof on each of the appearing respondents and file two copies for the use of the Court before the expiry of 30 days from the date of such notice, accompanied by a certificate that copies have been served on all the appearing respondents.**

**75. If the respondent has under the first proviso to Rule 71 of this Chapter been allowed to prepare a separate paper - book at his own cost, he shall be called upon to serve upon the appellant a copy of such paper - book and to file two copies for the use of the Court within the time allowed to the appellant as aforesaid.**

**76. Every paper - book, whether prepared by the appellant or the respondent, shall contain at the end of it a cost - sheet prepared in accordance with Rule 47 of this Chapter, save that no charge shall be made for 'estimating' and 'taxing'.**

**77. As soon as the requirements of the preceding rules have been complied with and the appeal is otherwise ready for hearing, the Officer - in - Charge of the Judicial Department shall include the case on the General Warning List in Form No. 15 (Civil), Appendix I, a copy of which shall be displayed in the/manner prescribed in Rule 63 of this Chapter. This will be considered sufficient notice to the advocates concerned that the case is ready for hearing. Where, however, any party has not entered appearance through an advocate such notice shall be served upon him by registered post.**

**Part VII – Appeals against Orders of the Calcutta Improvement Tribunal**  
**78. For the purposes of this Chapter, appeals against orders of the Calcutta Improvement Tribunal shall be treated as appeals from original decrees.**

**Part VIII – Appeals from the decision of the Claims Commissioner under the Indian Railways Act (Act 4 of 1890) and Appeals from the Award of Claims Tribunal under the Motor Vehicles Act (Act 4 of 1939) [79. These appeals shall be treated as First Miscellaneous Appeals. But there shall be no hearing for admission of such appeals under Order 41, rule 11 of the Code of Civil Procedure (5 of 1908.)] [Rules 79, 80 and 81 inserted by Notification No. 2372-G, dated the 25th April, 1966 - File No. 4R - 22/65.]**

**80. [] [Rules 79, 80 and 81 inserted by Notification No. 2372-G, dated the 25th April, 1966 - File No. 4R - 22/65.] For the purposes of this Chapter these appeals shall be classified according as they are valued at Rs. 20,000 or more and below Rs. 20,000 and the rules in Part IV of Chapter IX relating to the preparation of paper - books in appeals from original order shall apply to these appeal [\* \* \*] [By Notification No. 6860-G, dated 22.6.1985, the word**

**'subject to the modification that the appellant shall, within ten days of the registration of the appeal, file a declaration in terms of Rule 34 of this Chapter,' have been deleted.].**

[81. The provisions of Chapters IV and V shall apply, so far as may be, to these appeals and all applications relating thereto.] [Rules 79, 80 and 81 inserted by Notification No. 2372-G, dated the 25th April, 1966 - File No. 4R - 22/65.]

## **Chapter X**

### **Applications for Review of Judgment**

- 1. The provisions of Chapter IV shall apply, so far as may be, to every application for review.**
- 2. 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 an advocate of the court similar, mutatis mutandis, to that prescribed in appeals from appellate decrees (See Chapter V, Rule 6).**
- 3. Every application for review shall be accompanied by a certified copy of the judgment or order complained of, and of the decree, if necessary; and when the application proceeds on the ground of a discovery of fresh evidence, certified copies of the documents, if any, relied upon, shall be annexed to the application, together with an affidavit setting forth the circumstances under which such discovery has been made.**
- 4. Every application for review of judgment shall be presented to the Stamp Reporter, who will certify thereon whether the petition is in due form, within time, and properly stamped, or that it is irregular, and shall return the petition with such certificate.**
- 5. Within seven days of the return of the application by the Stamp Reporter, the applicant, either in person or by an advocate, shall present the application by way of motion in open court to the Division Bench of whose judgment a review is sought; or, if the Judges of such Division Bench be not sitting together, to the senior of such Judges who may be then attached to the court and present.**

**6. If an application for review of a judgment cannot be heard in the manner provided in Order XLVII, Rule 5, Civil Procedure Code, such application shall be presented by the applicant or his advocate with the certificate of the Stamp Reporter, as required by Rule 4, to the Chief Justice, who shall provide for the hearing of the application.**

**7. No copy of a decree or judgment presented or filed with an application for review which has been granted shall be returned. No affidavit accompanying an application for review shall be returned, whether such application has been granted or not.**

**8. If notice is issued to the other side, the applicant for review shall, before hearing, file a duplicate typed copy of the application, together with two typed copies of each of the following documents:**

(i)The judgment or order complained of, and the decree, if necessary.(ii)Any affidavit filed with the application.(iii)Any affidavit in - reply.(iv)When the application proceeds on the ground of a discovery of fresh evidence, the documents, if any, relied upon, together with an affidavit setting forth the circumstances under which such discovery has been made.Note : Applications for copies of the documents mentioned above shall be governed generally by the rules contained in Chapter XIII.

## **Chapter XI**

### **Criminal Business**

A - General

**1. (a) The rules in Chapter IV shall apply, as far as possible, to applications made under this Chapter.**

(b)The functions of the Registrar under this Chapter, except those mentioned in Rule 19, may be performed by any gazetted officer who may from time to time be placed in charge of the criminal section.

**2. A copy of every notice issued on admitting an appeal, also copies of notices issued on receipt of references under section 366 Criminal Procedure Code, and in all other classes of criminal cases (except revision cases) in which the court directs the issue of notice, shall be sent to the Superintendent and Remembrancer of Legal Affairs.**

**3. In cases decided by the Metropolitan Magistrates of Calcutta which come before this court on appeal, on revision, or on motion, in which notice is issued, a copy of the notice shall be sent to the Commissioner of Police, Calcutta, and in revision cases copies of the petition and affidavit shall also be sent.**

**4. On every Saturday the Registrar shall cause to be prepared and posted on the Notice Board a list of the cases which are likely to be ready for hearing during the following week. This list shall be called the "Weekly Cause List" and shall contain the cases in which the paper - books are ready or likely to be ready during the following week.**

**5. From this list the Registrar shall cause to be prepared every day a list of cases for hearing on the following day and shall cause them to be entered in the "Daily Cause List."**

**6. The Registrar shall cause to be prepared and posted every morning on the Notice Board outside the court where the senior Judge of the Bench taking undefended criminal cases sits, a typewritten copy of the list of such cases as are ready for hearing. In the last column of this list shall be shown the date when a case was entered for the first time in this list and no case shall be heard until the expiry of 7 days from the date of such entry. This list shall be called the "Undefended Cause List,"**

**7. The following time - table shall be observed in fixing the time to be allowed for the appearance of counsel, service of notices, etc., in all criminal cases coming before the High Court on appeal, reference or revision - and in issuing notice it shall be stated that the case will be heard on the date provisionally fixed according to the time - table or as soon thereafter as the business of the court permits:**

Time - table(This Table came into force on the 1st July 1904)

Division	District	Number of days allowed by the High Court in criminal appeals from date of receipt of petition of appeal for appellant, or his counsel, or authorised agent (sections 384 and 385, Criminal Procedure Code).
----------	----------	---



Burdwan	BurdwanBirbhumBankuraMidnaporeHooghly and Howrah	7	14
	24 - Parganas		
Presidency including	CalcuttaNadiaMurshidabadWest DinajpurJalpaiguriDarjeelingMalda	7	14

**8. (a) In every case (1) in which an accused person is ordered by the High Court to be released (whether from jail or from bail) or to surrender to his bail to serve out the sentence of imprisonment imposed upon him on being convicted by the High Court on reference or on appeal by the State Government or on the dismissal of an appeal made by him, or (2) in which the capital sentence is confirmed, modified, set aside or passed on an accused person by the High Court, the necessary order shall be sent down to the lower court, in Form No. 10 (Criminal), Appendix II, without waiting for the judgment to be signed:**

Provided that if it is not possible to obtain the signature or signatures of the Judge or Judges on the day on which the order is passed, the matter should immediately be brought to the notice of the Registrar. If one Judge of a Bench has signed the order the substance of it shall be communicated to the lower court, immediately, with a note that the copy of the order proper will follow.(b)Orders for the release of an accused person from jail or from bail or for his surrender to bail shall not be communicated by telegram.

**9. In cases in which an accused person makes an application to the High Court for the transfer of his case from one court to another, the accused person, or the advocate acting on his behalf, shall file with the application .a duplicate copy of the notice given to the Superintendent and Remembrancer of Legal Affairs in accordance with the provisions of section 407, clause (5), Criminal Procedure Code, and notice must bear the signature of a responsible officer in the office of the Legal Remembrancer, acknowledging receipt of the notice and noting the time of receipt.**

**10. Unless the court otherwise directs, an application which is presented to the court shall, in the first instance, be given to the Assistant Registrar (Court), who shall satisfy himself that it is properly stamped, and is in proper form. If he is not so satisfied he shall return it at once to the advocate concerned.**

B - Cases Involving Capital Sentences

**11. On receipt of a reference under section 366 of the Criminal Procedure Code or under section 3(2) of the Bengal Criminal Law Amendment (Supplementary) Act, 1925, or an appeal under section 3(1) of the Bengal Criminal Law Amendment (Supplementary) Act of 1925 or on the admission of an appeal under section 378 of the Criminal Procedure Code against the acquittal of an accused on a charge of murder, the Registrar shall at once give notice [see Form Nos. 1 (Criminal), 2 (Criminal), 4 (Criminal), 5 (Criminal) and 12 (Criminal), Appendix II] to the prisoner or the accused through the District Magistrate of the date fixed for hearing such matter, which date shall be determined in accordance with the Table prescribed by Rule 7 of this Chapter.**

**12. After notice has been given in the manner prescribed by Rule 11 above the Registrar shall cause the record to be examined and entered in the prescribed registers.**

**13. If the record is in order, the Registrar shall at once cause the record of the sessions court to be printed without delay for the use of the Division Bench at the hearing.**

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

(a)the first information, if any;(b)the Magistrate's charge with the list of witnesses;(c)statement under section 164, if any;(d)examination under sections 313 and 281, if any;(e)the commitment order;(f)post mortem report, Chemical Examiner's Report, Inquest Report (if any), map (if any);(g)the record of evidence in the Court of Sessions, with any further examination under section 281, if any;(h)Deleted;(i)Deleted;(j)the judgment and order of the Sessions Judge;(k)exhibits (if any);(l)petition of appeal (if any); and(m)the letter of reference in the case of a reference.

**15. (a) The paper - book shall ordinarily be prepared in accordance with the provisions contained in the First Schedule to the Supreme Court Rules, 1966, in the event of an appeal being taken to the Supreme Court.**

(b)[Thirty - nine] [Substituted for the words 'Thirty - four' by Notification No. 4704-G, dated 15.7.1961.] copies of the paper - book shall ordinarily be printed at the expense of the State, of which fourteen copies shall be bound copies for the use of the High Court and the remaining [twenty - five] [Substituted by the Notification No. 4704-G, dated 15th July, 1961 for 'twenty'.] copies shall be in loose sheets which shall be kept in a sealed cover along with the High Court records for use in the event of an appeal to the Supreme Court.Immediately on receipt of the paper - book the Registrar shall cause two copies to be sent to the Superintendent and Remembrancer of Legal Affairs.

**15A. If spare copies of printed paper - books are available, and parties, other than the accused, apply for them, they may be sold at the rate of 40 paise per page, subject to a maximum charge of Rs. 10 per Volume.**

**16. In any case in which a sentence of death has been confirmed or passed by the Division Bench, two copies of the printed paper - book of the case, together with two copies of the judgment of the Division Bench shall, be forwarded to the State Government.**

C - Appeals

**17. A criminal appeal, other than a jail appeal, shall be presented to the Registrar.**

**18. The Registrar shall endorse on such petition of appeal the date of presentation, and if the petition of appeal is not barred by limitation, is sufficiently stamped and is otherwise in order, he shall cause it to be registered and laid before the Bench without delay.**

**19. If the Registrar finds that an appeal is barred by limitation, he shall forthwith lay the same before the court for orders. If he finds that the memorandum of appeal is insufficiently stamped, or is not in proper order, he shall upon the matter being laid before him -**

(a)in the case of a memorandum which is insufficiently stamped, fix a period within which the additional fee required may be paid, provided that the period of limitation has not expired; or, if such period has expired, lay the memorandum before the court for orders;(b)in the case of a memorandum which is not in proper form, fix a period within which such memorandum must be amended or lay the same before the court for orders.

**20. When an appeal has been admitted, the Registrar shall send for the record, fix a date for hearing, and cause notices to issue in the prescribed form [see Form Nos. 4 and 5 (Criminal), Appendix II].**

**21. In every case in which notice has been issued on the appellant that an appeal will be heard, the Registrar shall, on receipt of the record from the lower court, have prepared, by the same impression, four typed copies of the record of the proceedings of the court whose sentence or order is under appeal, the first two copies being retained for the use of the Division Bench**

**at the hearing, the third copy for the Legal Remembrancer and the fourth for supply, free of cost, to the advocate appearing for the accused or for the first accused where there are more accused persons than one:**

[Provided that in an appeal against acquittal under sub - section (4) of section 378 of the Code of Criminal Procedure, an extra copy of the record shall be made and given to the appellant or his advocate] [This Proviso is added by the Notification No. 3168-G, dated 3rd March 1962.]. Exceptions. - Unless otherwise ordered, no copies need be made of the records: (1) in cases where no pleaders appear; (2) in cases in which pleaders appear, where the appeal is admitted on the question of sentence only; (3) in cases of appeals and applications to be heard by a single Judge under the proviso to Rule 9(1), Chapter II of these rules. Note : The papers forming the "A" file for the sessions record, which are specified in Rule 2(19) of the Criminal Rules and Order, Vol. I, the Injury Report and Maps, if any, and the petition of appeal to the High Court, shall always be incorporated in the paper-book but no exhibits shall be incorporated in the paper-book without special directions from the Division Bench. Any party desirous of having any exhibit or exhibit so incorporated should apply to the Division Bench, preferably at the time the appeal is admitted for hearing

**22. Jail appeals may be received by post. In the case of such appeals the Registrar shall cause a translation of the petition of appeal to be prepared (if necessary) and shall submit it to the Bench for orders.**

**23. If a jail appeal is admitted, it shall be dealt with in the manner prescribed for appeals which are filed in court.**

[23A. In any appeal, if the accused be not represented by an Advocate of his own choice, the State shall appoint an Advocate from a panel of Advocates maintained for the purpose by the Public Prosecutor.] [Inserted by Notification No. 2823-G dated 12.7.2007 w.e.f. 8.4.2008.] D - Revisions and References

**24. Cases (other than those mentioned in the preceding rules) may be taken up in revision in the following way: -**

(a) upon a report by a Magistrate or Sessions Judge; (b) upon a petition presented to a Bench; and (c) upon an order by a Judge on perusal of a sessions statement.

**25. Every report with a record received from a Magistrate or Sessions Judge shall be examined to see if it complies with the instructions of the High Court to Magistrates and Sessions Judges and is in proper form.**

**26. If such report complies with the instructions and is in proper form, the Registrar shall place the case before the Division Bench.**

**27. Unless otherwise ordered, no copies need be made of the records -**

(1)in case where no pleaders appear;(2)in case where pleaders appear -(a)where a rule is granted, or a reference is made on a question of sentence or jurisdiction only;(b)where a rule or reference is confined to matters appearing in a judgment.Note : Except as provided above, the paper-book should included the documents comprising the "A" file of the lower court or courts (if the order for revision has been dealt with by more than one court) and specified in Rules 222 and 225 of the Criminal Rules and Orders, Vol. I. The petition and affidavit filed in the High court, the courts order issuing the rule and the Magistrate's explanation should also form part of the paper-book.

**28. The provisions of Part C of this Chapter shall apply as far as possible to applications for revision.**

[28A to 42.] [Rules 28A to 42 have been deleted by Notification No. 7586-G, dated 1st November 1960.] [Deleted].

**43. [ An application for special leave to appeal from an order of acquittal under section 378(4) of the Code of Criminal Procedure shall be made before a Division Bench taking criminal business. If the application for special leave is from - an order of acquittal passed by the trial court, it shall be accompanied by the certified copy of the judgment and /or order of that court, and if such application is from an appellate order of acquittal, it shall be accompanied by certified copies of judgments and/or orders of both the appellate court and the trial court. It shall, when received in office with the court's order thereon, be registered as a Criminal Miscellaneous case:**

[Provided that a Judge sitting singly taking criminal matters may hear and dispose of such applications in the following cases:(1)applications for special leave to appeal from orders of acquittal passed by any Court under sections 256, 257, 320(8) and 321, Cr. P. Code;(2)applications for special leave to appeal from orders of acquittal passed by an appellate court in respect of any offence not punishable with a compulsory sentence of imprisonment; and(3)applications for special leave to appeal from orders of acquittal passed by any court in trial for an offence not punishable with a compulsory sentence of imprisonment.] [Rules 43 and 44 have been added by Notification No. 7613-G, dated the 29th September, 1965 - File No. 4R - 23 of 1965.][43A. If the Judge hearing any revision or reference directs the Public Prosecutor to appoint an Advocate to defend any of the accused, who is not represented by an Advocate of his own choice, the Public Prosecutor shall make such appointment.] [Inserted by Notification No. 2823-G, dated 12.7.2007 w.e.f. 8.4.2008.]

**44. If, on the grant of special leave, an appeal is preferred, the leave application with the court's order granting it, shall form part of the appeal file.] [[Substituted by Notification No. 5202-G., dated 30th August, 1994 and further amended by Notification No. 7358-G, dated 19th December, 1994. Earlier it read as under:**

'(2) Applications under Article 227 of the Constitution dealing exclusively with criminal matters shall be placed either before the Criminal Bench or before a single Judge taking revisional criminal matters according to the subject - matter of the applications: Provided that a single Judge may hear any appeal, reference or application for revision other than the following: (i) one relating to an order of sentence of death, transportation, penal servitude, forfeiture of property or of imprisonment, not being an order of imprisonment in default of payment of fine; (ii) a case submitted under section 307 of the Code of Criminal Procedure; (iii) an appeal under section 476B of the said Code; (iv) an application for transfer under section 407 of the said Code; (v) one relating to an order for execution of a bond, where the person required to execute the bond has gone to prison in default of execution: Provided further that such Judge may send back any particular case he thinks fit to the Bench taking criminal cases to be disposed of by two Judges, and no Judge sitting singly shall have power to pass a substantive sentence other than one of fine and imprisonment in default.']]

## **Part III – Fees And Costs**

### **Chapter XII**

### **Fees and Costs**

A - Process - fees

**1. The fees in the following Schedule framed by the High Court under section 35 of the Court - fees Act, 1970, shall be charged for serving and executing processes issued by the High Court in its appellate jurisdiction:**

Proper fees

Rs.      Paise

Article 1	In every case in which personal or substituted service of any process on parties to the cause, or any persons who are not parties, is required, where not more than four persons are to be served with the same document, one fee. When such persons are more than four in number, then the fee above mentioned, and an additional fee of 50 paise for every such person in excess of four: 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 further that in analogous cases where the appellant is the same but the respondents are different but reside in the same or	3 25
-----------	--	------

immediately adjacent villages, the same rule shall apply. Notwithstanding anything contained in the provision to this Article, no prayer for reduction of the fee prescribed and determined by the High Court shall be considered unless it is made within the time laid down for the deposit of the fees for the issue of notice and sufficiently early to obtain an order before that time expires. No prayer for the acceptance of one process - fee for the service of notices both in an appeal and a connected rule, or in two or more analogous appeals, shall be considered unless written up notices both in that appeal and in the connected rule or in the two or more analogous appeals are filed at the time the prayer is made and can be served simultaneously.

Article 2	For the execution of a warrant for arrest of a person	3 00
--------------	---	------

Article 3	For service or execution of any process issued by the court, not specified in any preceding Article	3 00
--------------	---	------

Provided that in the case of all warrants or other processes which are transmitted for execution or service to the Court of Small Causes, Calcutta, conveyance charges at the rate of Rs. 1.50 per warrant and 0.25 paise per copy of summons or other processes shall be realised and paid in court - fee stamps in advance, in addition to the fee prescribed by Rule 1, and before warrants or other processes are so transmitted for execution or service, a certificate of realisation of the charges shall be endorsed thereon by the issuing court. Note : Additional costs may be demanded to meet the costs of service of summons, processes, etc., outside India.

## **2. Notwithstanding Rule 1, no fee shall be chargeable for serving or executing -**

(1) any process, such as a notice, rule, summons, or warrant of arrest, which may be issued by any court of its own motion, solely for the purpose of taking cognizance of and punishing any act done or words spoken in contempt of its authority or of taking action under sections 195, 340 and 343 of the Criminal Procedure Code, 1973; (2) any process issued a second time in consequence of an adjournment made otherwise than at the instance of a party or an intervenor; (3) any copy of summons, notice, order, proclamation or other process, pasted in a court - house or in the office of the Collector; (4) any order intimating postponement of sale, withdrawal of attachment or directing restoration of attached property to the person in whose custody it was or its replacement where it was found at the time of seizure; and (5) any order directing an Officer - in - Charge of a jail to detain or to release a person committed to his custody.

**3. 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 stamps affixed to the petition in addition to the stamps necessary for its own validity.**

#### 4. [Deleted.]

**5. Processes and rules intended for service in the town of Calcutta shall be served through the Presidency Small Cause Court. The party shall not be required to, but may, supply an identifier.**

Note : The fees paid in pursuance of the foregoing rules must in all proceedings be deemed and treated as part of the necessary and proper costs of the party who pays them. B - Other Fees

**6. 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:**

For every search in the offices record - room, books or registers of the court, including searches consequent on applications for inspection, for information, for copies of documents, and for return of documents or applications made by parties for records or documents under Order XIII, Rule 10, Civil Procedure Code : One rupee.

Provided that no searching - fee shall be charged in respect of applications by parties to an appeal or other proceeding for inspection, information, copies, or return of documents filed by parties to an appeal or other proceeding if the records of such appeal or proceeding have not been deposited in the record - room.

On each application for a copy of any document or record in the High Court, whether the copy applied for is of a single document or more documents than one : Fifteen paise

Provided that this does not authorise 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.

For swearing or affirming every affidavit, whether intended to be used in the High Court either in its original jurisdiction or its appellate jurisdiction, or in any other court, except the insolvency court. Two rupees.

For inspection of records (exclusive of any searching - fee leviable under this rule) One rupee.

(i) if the application is by a party to the appeal or other proceeding : One rupee.

(ii) if the application is not by a party to the appeal or other proceeding : Five rupees.

Provided that no fee shall be levied from parties to appeals or other proceedings in the Court, or their advocates, for inspecting the records of such appeals or proceedings if the records relating thereto have not been deposited in the record - room of the court. Note : 1. The chief Reporter to Government and the Superintendents and Remembrancers of Legal Affairs to the State Government are exempted from payment of the searching-fees and inspection-fees referred to above.



**2. The Editors of the Calcutta Weekly Notes and the Calcutta Law Journal and the editors of Such other law Journals (if any) as may be approved by the court from time to time are exempt from payment of the searching fee and inspection fee referred to above, provided that the application for copy is filed in accordance with the Rule 12, Chapter XIII within twenty-one days of the date of the disposal of the case.**

**3. Fees for taking affidavits or affirmations. - Unless otherwise ordered, the fees to be allowed to Commissioner deputed for taking affidavits or affirmations at any place other than the court house, shall be as follows:**

Rs. p. For the first affidavit, oath or affirmation, within the limits of Calcutta 16 00 Where beyond the limits of Calcutta and within 5 miles 32 00

**7. Except as otherwise specially provided in these Rules, the following translation fee shall be charged in cases where a party to any suit or appeal, or his advocate, or when a lower court requires a document to be translated by a salaried Translator of the court:**

	Rs. P.
10 paise for every 3 words for documents written in a language other than Bengali and for every 5 words for other documents (three figures being counted as one word) subject to a minimum charge of	2 0
C - Costs	

**8. The following scale of costs shall ordinarily be allowed to the successful party in appeals to the High Court in its appellate jurisdiction:**

Second Appeals Not exceeding Rs. 500

	Rs. Paise
Drawing grounds of appeal	17 0
Hearing fee	17 0
Exceeding Rs. 500 but not exceeding Rs. 1,000	
Drawing grounds of appeal	17 0
Hearing fee	34 0
Exceeding Rs. 1,000 but not exceeding Rs. 2,000	
Drawing grounds of appeal	34 0
Hearing fee	68 0

Exceeding Rs. 2,000

Drawing grounds of appeal 34 0

Hearing fee 85 0

Paper - book cost to successful party irrespective of value of appeal—

(1) If  
appellant-

(a) Rs. 14 [Rs. 16 in appeals in which there was any order of remand passed by the lower appellate court and in which the previous judgments (original and appellate) have been included in the paper - book] for each independent appeal; and

(b) in analogous appeals Rs. 14 or Rs. 16, as the case may be, for the first appeal, Rs. 2 per appeal up to four such appeals and Re. 1 for every appeal in excess of four, the additional charge for analogous appeals not exceeding Rs. 16 in any case.

(2) If respondent—

(a) Rs. 7 [Rs. 8 in appeals in which there was an order of remand passed by the lower appellate court and in which the previous judgments (original and appellate) have been included in the paper - - book] for each independent appeal; and

(b) in analogous appeals Rs. 7 or Rs. 8, as the case may be, for the first appeal and half the charges prescribed for the appellant in respect of analogous appeals, the additional charge not exceeding Rs. 8 in any case.

Appeals from Original Decrees Not exceeding Rs. 5,000

Rs.

Drawing grounds of appeal 34

Hearing fee 85

Exceeding Rs. 5,000 but not exceeding Rs.10,000

Drawing grounds of appeal 85

Hearing fee 340

Exceeding Rs. 10,000 but not exceeding Rs.20,000

Drawing grounds of appeal 136

Hearing fee 510

Exceeding Rs. 20,000 but not exceeding Rs.50,000

Drawing grounds of appeal 136

Hearing fee 680

Exceeding Rs. 50,000 But not exceeding Rs.75000

Drawing grounds of appeal 170

Hearing fee 850

Exceeding Rs. 75,000 but not exceeding Rs.1,00,000

Drawing grounds of appeal 170

Hearing fee 1020

Exceeding Rs. 1,00,000

Drawing grounds of appeal 255

Hearing fee	1700
Appeals from Orders	
Not exceeding Rs. 5,000	
Same scales as in second appeals	
Exceeding Rs. 5,000 but not exceeding Rs. 10,000	
Drawing grounds of appeal	34
Hearing fee	102
Exceeding Rs. 10,000	
Drawing grounds of appeal	34
Hearing fee	170
Revision Cases	
Not exceeding Rs. 5,000	
Drawing petition	17
Hearing fee	17
Exceeding Rs. 5,000	
Drawing petition	17
Hearing fee	34

Letters Patent Appeals The same costs as are allowable in previous hearing. Applications [Where notice is given and opposite party appears] To be fixed by the Judge or Judges who hear the application. General Rules When there are several parties to an appeal, review, or application, one set of costs will generally be awarded, unless the court, upon the application of the parties, shall otherwise order.

**9. In cases where, on appeal to the High Court from an original or appellate decree an order of remand is passed, the court - fee paid on the memorandum of appeal shall ordinarily be treated as costs in the appeal. But where an order of remand is made on any of the grounds mentioned in the First Schedule, Order XLI, Rule 23 of the Civil Procedure Code, for a second decision by the lower court, this court shall, on the verbal application of either party made at the time of making the order for remand, make an order authorising the appellant to receive back from the Collector the full or proportionate amount, as the case may be, of the fee paid on the memorandum of appeal as provided in section 18 of the Court - fees Act X of 1970.**

Any such application for refund not made at the time of the passing of the order of remand, but made on a subsequent date, may be entertained if made to the court on a petition for amendment of the order of remand with the proper stamp. Note : On the 16th June, 1879, in the case of Durg Das Dutta, Vakil, a full Bench directed that vakils should in no case apply for a refund of stamp-duty till they have satisfied themselves by proper inquiries of the Registrar that no return of duty has already

been made.

## **Part IV – Miscellaneous**

### **Chapter XIII**

#### **Copies**

- 1. A plaintiff or a defendant who has appeared to the suit is entitled, at any stage of the suit, to obtain a copy of the record of the suit, including exhibits which have been put in and finally accepted by the court as evidence.**
- 2. A stranger to a suit may, after decree obtain, as of course, a copy 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 document before decree.**
- 3. A stranger to a 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.**
- 4. A stranger to a suit has no right to obtain a copy of exhibits admitted in evidence, 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.**
- 5. Every advocate engaged in any case shall be entitled to obtain from the court's office a copy of the whole or any part of the proceedings and evidence in the case on depositing the estimated cost of such copy.**
- 6. Every such copy shall be examined and certified as correct before it is issued from the office of the court.**
- 7. Copies, whether certified or uncertified, shall be prepared at the following rates:**

Paise

(a) English—

Not exceeding 150 words 40

Exceeding 150 words,  
but not exceeding 300 words 80

For every additional 150 words or less 40

(b) Vernacular—

Not exceeding 200 words 40

Exceeding 200 words,  
but not exceeding 400 words 80

For every additional 200 words or less 40

This charge shall be  
levied as follows:

(a) Vernacular—

Not exceeding 200 words By means of an impressed stamp paper of 40 paise.

Exceeding 200 words,  
but not exceeding 400 words By means of two impressed stamp papers of 40 paise.

For every additional 200 words or less By means of an impressed stamp paper of 40 paise.

(b) Typed copies—

Not exceeding 150 words By means of an impressed stamp paper of 40 paise.

Exceeding 150 words,  
but not exceeding 300 words By means of an impressed stamp paper of 40 paise with an adhesive stamp of 40 paise affixed thereto.

Exceeding 300 words,  
but not exceeding 450 words By means of an impressed exceeding stamp paper of 40 paise with an adhesive stamp of 80 paise affixed thereto.

Exceeding 450 words By means of an additional impressed stamp - paper, or papers, of 40 paise with an adhesive stamp of 40 paise or 80 paise, as the case may be, affixed thereto if necessary according to the number of words to be typed.

Note : If the document to be copied is written in Persian or any language other than English or the vernacular language of the State, a special rate may be fixed by the Registrar.

**8. A folio shall consist of 150 English words or 200 Vernacular words, 3 figures counting as one word.**

**9. In addition to the foregoing charges a searching fee of Re. 1 shall be charged on each application for copy if the record of the case has been deposited in the record room:**

Provided that one searching - fee shall be charged for any number of copies taken from the same record and included in the same application.

**10. Copies of decrees, judgments or other papers required for bona fide Government purposes will be supplied to Government officers on payment of the usual charges for copying, no searching - fee being levied and no charge being made for examination.**

**11. Copies of judgments convicting Government officers of criminal offences, as well as copies of judgments of acquittal and orders of discharge, will be supplied on plain paper free of charge on the application of the Head of the Department concerned,**

[11A. No fees are to be demanded or paid or searching for or copying or typing papers required by the Supreme Court Legal Aid Committee or the High Court Legal Aid Committee for their purpose. In such cases the copies are to be made on plain paper by the salaried establishment. Applications coming from the said Legal Aid Committee should be treated as urgent applications.] [Rule 11A has been added by Notification No. 8712-G, dated 5.8.1985.]

**12. Copies of any judgments, civil or criminal, passed by the High Court in its Appellate Jurisdiction, may be supplied to the Calcutta Press on formal application being made, after payment of the usual searching - fee and copying charges and under the same conditions and restrictions as those under which copies of judgments in civil appeals are supplied to parties on the Appellate Side of the Court.**

The Editors of the Calcutta Weekly Notes and the Calcutta Law Journal, and such other Law Journals as may be approved by the court from time to time, shall be allowed to make copies of judgments free of charge, provided that the copies are made by their own agents, using their own typewriters and stationery and that such copying work is done in the presence of the Superintendent of the Copying Section, and, provided further, that applications for such copies are made within twenty - one days of the disposal of the case; and that the previous permission of the Judge who delivered the judgment has been obtained: Provided that nothing contained in this rule or in Note 2 to Rule 6 of Chapter XII hereof shall affect or limit the power of the court to withdraw or modify, at any time, any privilege or concession, granted, under these Rules or otherwise, without any reasons being given for such withdrawal or modification. Note : Permission has also been given to the following law journals:

**1. Indian Law Review.**

**2. All India Reporter Ltd. Nagpur.**

**3. The Revenue and Labur Reports.**

**4. Calcutta High Court Notes.**

**13. In the case of certified copies, the court - fee chargeable under the Court - fees Act shall be paid by affixing the necessary stamp to the first folio of the copy.**

**14. Uncertified copies may be converted into certified copies after comparison with the originals upon the application of the person to whom they have been granted and upon filing with such application the necessary court - fee stamps required by law.**

**15. When an applicant requires his copies before the expiry of three days, an extra fee of Rs. 2 (or, if the copies exceed four folios, of 50 paise for each folio) shall be charged on all copies so furnished, to be levied from him by a court - fee stamp which should be affixed to the application for the copy and be entered in the Register for court fee stamps. Care, however, should be taken that other applicants for copies do not materially suffer by the arrangement.**

**16. Half of the 40 paise per folio charged for copies shall be credited to Government on account of the salary of examiners, etc.; the remaining half will represent the earnings of the typists whose accounts shall be made up monthly and the amounts due paid to them.**

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

**17. In the case of maps and plans, the charge shall be fixed by the Deputy Registrar with reference to the difficulty or intricacy of the work to be done. Two - thirds of the amount will be paid to the mappist and will include the cost of materials; and the remainder will be credited to Government on account of examination - fees.**

**18. Ordinary applications for copies shall be made to the Superintendent of the Copying Section on any court day between the hours of 11 a.m. and 3.30 p.m. and between the hours of 11 a.m. and 1 p.m. on Saturdays.**

Applications bearing the expedition fee prescribed in Rule 15 of this Chapter may, however, be made at any time during office hours.

**19. Applications for copies shall be made in the prescribed form [see Form No. 16 (Civil), Appendix copies of which will be supplied at [Two paise] [The words 'at two naye paise per sheet' substituted for the words 'at one pice per sheet' by Notification No. 5467-G, dated the 25th May, 1957 - File No. 4R - 11 of 1957.] per sheet.**

**20. On receipt of an application for a copy the Superintendent of the Copying Section shall inform the applicant 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 court - fee stamps and the necessary number of folios which will be notified in due course in the manner prescribed by these rules.**

**21. In the event of an application for a copy being refused an endorsement to that effect shall be made on the application form which shall then be returned to the applicant.**

**22. On orders being passed granting an application for a copy, the Superintendent of the Copying Section shall at once, if possible, or during the same day, but not later than the following day, ascertain the amount of court - fee stamps payable for the copy applied for and the number of folios required for its preparation.**

**23. The number of folios required should be carefully calculated so as to obviate the necessity for obtaining additional folios from the applicant.**

**24. If, owing to insufficient or incorrect description, the document cannot be traced, the application should be so endorsed and submitted at once to the Deputy Registrar or other officer of the court for orders.**



**25. On receipt of the estimate as to the number of folios required, the Superintendent of the Copying Section shall enter the amount of court - fee stamps and the other charges in the middle column of the application, and shall notify the amount in the prescribed register [see Form No. 17 (Civil), Appendix I] not later than the next following day.**

**26. If the stamps and folios are not filed within seven days of the notification in the prescribed register, the application shall be rejected by the Deputy Registrar or other officer of the court.**

**27. If an application has been rejected under Rule 26 and the copy is still required, a fresh application must be filed and dealt with in the manner prescribed by these Rules, as though the original application had not been made.**

**28. When the stamps and folios are filed a note to that effect, and the date, shall be entered in the place provided in the application for the purpose, and the applicant shall be required to sign this entry. This date on which the copy will be ready shall also be noted in the appropriate column of the application form and a corresponding entry shall be made by the Superintendent of the Copying Section in the counterfoil of the application. The applicant shall retain the counterfoil, and it shall be his duty to attend on the date fixed for the purpose of receiving the copy.**

**29. If and when it is ascertained that extra court - fees or extra folios for copies are required, the amount of such court - fees or folios should be immediately notified in the prescribed register [see Form No. 17 (Civil), Appendix I] and shall be put in within seven days of such notification.**

**30. When the applicant complies with Rule 29, a note should be made on the reverse of the counterfoil showing the date and number of extra folios and the date and number and the value of the extra court - fees filed. This note shall be signed both by the applicant and by the Superintendent of the Copying Section.**

**31. Every copy must bear the signature of the copyist making it and the date on which the copy was completed. It must also bear the signature of the clerk who examined the copy and the date on which such copy was examined.**

**32. In 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.**

**33. On receipt of the original application, the Superintendent of the Copying Section shall attach to it the copy and all unused folios. On the applicant's appearance with the counterfoil, the Superintendent of the Copying Section shall make over to him the copy and unused folios, taking his receipt in the counterfoil of the application which he will retain in his custody.**

**34. 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 or should he fail to put in the extra court - fees or extra folios within the period prescribed in Rule 29, such copy and unused folios shall be destroyed.**

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

**36. A certified copy shall bear the seal of the court and shall be "certified to be a true copy" and be signed in full by an officer authorised to do so by the Registrar. The Certifying Officer shall append to his signature the words "authorised under section 76, Act I of 1872".**

Note : Uncertified copies shall only be marked as "examined", and initialled by the examiner.

**37. When a copy of a decree, judgment or order is granted, the following particulars shall be recorded on the back of the copy itself, and in the Form given below:**

(i)Date of application for copy.(ii)Date of notifying the requisite number of folios and stamps.(iii)Date of delivery of the requisite folios and stamps.(iv)Date on which the copy was ready for delivery.(v)Date of making over the copy to the applicant.[CHAPTER XIIA] [Substituted by Notification No. 1143-G, datede 9.2.2012 w.e.f. 17.5.2012.] Xerox Copies

**1. Except as otherwise provided by the Rules under this Chapter, Rules 1 to 5, 17, 18, 20 to 22, 24, 26 to 30, 32 and 34 under Chapter XIII, shall apply mutatis mutandis in regard to issuance of photo copies/computer generated copies.**

**2. Copies of all documents, whether certified or uncertified, including plaints, written statements, exhibits, maps, plans, petitions, affidavits, judgments, decrees and orders passed by this Court shall be available at the rate of Rs. 5 a page either in the form of photo copy or computerized print subject to availability of such document in the central database. Further, a searching fee of Rs. 5 shall be charged on each application for photo copy or computerized print copy if the records of the case be deposited in the Record Department:**

Provided that one searching fee shall be charged for any number of copies taken from the same record and included in the same application.

**3. I. On receipt of an application for copy, the Superintendent of the copying section or such officer as may be deputed by the Registrar shall immediately requisition the relevant records. Upon such requisition, the relevant records shall immediately be sent to the requisitioning officer and, if necessary, with the permission of the Learned Judge or Judges, as the case may be, of the Court where the records are lying. Upon receipt of the records, the Superintendent or the officer, as the case may be, shall notify the charges for the copy applied for.**

II. Where the copy applied for is a judgment, decree or order of this Court disposing of the main proceedings, such copy shall include the full cause title of the proceeding in which such judgment, decree or order has been passed. III. The Superintendent or the officer, as the case may be, shall specify the document to be copied and when such document is a judgment, decree or order of this Court, shall also specify the cause title of the proceeding in which such judgment, decree or order has been passed. IV. In notifying the charges for the copies applied for, the Superintendent or the officer, as the case may be, shall include such charges, the charges for the cause title at the rates mentioned in Rule 2 hereof (except the searching fee) when the document, the copy of which is applied for, is a judgment, decree or order of this Court, separate sheet or sheets containing the complete cause title of the proceedings for which the copy is applied for shall be filed along with the application for copy, as specified in Rule 3(1) under this Chapter: Provided that the Superintendent or the officer, as the case may be, shall certify that he has compared the cause title, furnished by the applicant, with the original in his custody.

**4. The charges that may be notified shall be paid by Court - fee stamps to be affixed on the first page of the copy and punched.**

**5. All copies shall bear the seal of the Court and shall be "certified to be a true copy" and be signed in full by an officer authorized to do so by the Registrar. The Certifying Officer shall append to his signature the words "authorized under section 76 of the Indian Evidence Act, 1872 (Act I of 1872)."**

**6. While delivering copy applied for, whether it is judgment, decree or order, the following particulars shall be recorded on the back of the copy itself, and in the form given below:**

(i)Date of application for copy.(ii)Date of notifying charges.(iii)Date of putting in the charges in court - fee stamps.(iv)Date on which the copy was ready for delivery.(v)Date of making over the copy to the applicant.[Chapter XIII B] [Inserted by Notification No. 3241-G, dated 5.5.2001 w.e.f. 11.5.2001.] Copies from Compact DiscsIt is hereby notified that for the purpose of generation of certified copies of papers and documents preserved in Compact Discs, a new Chapter, viz. Chapter XIII B has been inserted in between Chapter XIII A and Chapter XIV to the Appellate Side Rules of the High Court at Calcutta and is published for general information.

**1. Except as otherwise provided by the Rules under this Chapter, the Rules under Chapter XIII, shall apply mutatis mutandis in regard to issuance of certified copies generated from Compact Discs.**

**2. Once the papers contained in Part - I of the records as stored in the Compact Disc (C.D. Rom), certified copies of such papers and documents will be in the form of print - outs generated from the Compact Disc. and the same shall be certified in the manner provided hereinafter and the fees thereof shall be the same as prescribed for urgent certified copies. A searching fee of Rs. 2 shall be charged on each application for certified copy from the Compact Disc, if the record of the case has been deposited in the Record Room:**

Provided that one searching fee shall be charged for any number of copies taken from the same record and included in the same application.

**3. (i) On receipt of an application for a certified copy, the Superintendent of the Copying Section or such officer as may be deputed by the Registrar (Administration) shall immediately require print outs of such copies to be made to the officer authorised for such purpose and shall notify. the charges for the certified copy applied for.**

(ii)Where the certified copy applied for is a judgment, decree or order of this Court, such copy shall include the cause title of the proceeding in which such judgment, decree or order has been passed.(iii)The Superintendent or the officer, as the case may be, shall specify the document in respect of which a print out as to be generated from the Compact Disc and when such document is a judgment, decree or order of this Court, shall also specify the cause title of the proceeding in which such judgement, decree or order has been passed.(iv)In notifying the charges for the certified copy applied for, the Superintendent or the officer, as the case may be, shall include in such charges, the charges for the cause title at the rates mentioned in Rule 2 hereof (except the searching fee) when the document, the certified copy of which is applied for, is a judgment, decree or order of this Court.

**4. The charges that may be notified shall be paid by Court - fee stamps to be affixed on the first page of the certified copy and punched.**

**5. All certified copies of papers and documents contained in Part - I of the records and generated from Compact Disc. shall be in the form of print outs and, shall bear the seal of the Court and shall be "Certified to be a true copy" and be signed in full by an officer authorised to do so by the Registrar General. The Certifying Officer shall append to his signature the words authorised under section 76 of Act I of 1872.**

**6. When a certified copy in the form of print out of a judgment, decree or order is granted, the following particulars shall be recorded on the back of the copy itself and in the form given below:**

(i)Date of application for copy.(ii)Date of notifying the charges.(iii)Date of putting in the charges in Court - fee stamps.(iv)Date on which the copy was ready for delivery.(v)Date of making over the copy to the applicant.

## **Chapter XIV**

### **Legal Practitioners**

Admission of Advocates in the High Court

**1. For the rules regarding the qualifications and the procedure for admission of advocates in the High Court see the Advocates Act, 1961 (Act 25 of 1961).**

**2. In exercise of the powers conferred by section 34(1) of the Advocates Act, 1961, the following rules have been framed by this court laying down the conditions subject to which an advocate shall be permitted to practise in the High Court:**

Rules

**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 and the word "Solicitor" a partnership or firm of solicitors.**

**2. Save as otherwise provided in any law for the time being in force, no advocate or solicitor, as the case may be, shall be entitled to appear, plead or act for any person in any court in any proceeding unless the advocate files an appointment or the solicitor files a warrant of attorney in writing signed by such person or his recognised agent or by some other person duly authorised by or under a power of attorney in that behalf, and signed by the advocate or the solicitor, as the case may be, in token of its acceptance:**

Provided that where an advocate has already filed an appointment or a solicitor has filed a warrant of attorney in any proceeding, it shall be sufficient for another advocate, 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 who has already filed his appointment or from the solicitor who has already filed a warrant of attorney in the proceeding: Provided further that nothing herein contained shall apply to an advocate who has been requested by the court to assist the court amicus curie in any case or proceeding.

**3. An advocate who is not on the roll of advocate of the Bar Council of the State in which the court is situate, shall not act in such court, unless he files an appointment along with an advocate who is on the roll of such State Bar Council and who is ordinarily practising in such court.**

**4. The acceptance of an appointment on behalf of a firm or partnership of advocates or solicitors, as the case may be, shall be indicated by a partner affixing his own signature as a partner on behalf of the firm or partnership.**

**5. An advocate or a solicitor, as the case may be, at the time of acceptance of his appointment or warrant of Attorney, 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:**

Provided that where more than one advocate or solicitor accept the appointment or warrant of attorney, 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, Civil Procedure Code.

**6.**

(1) In civil cases, the appointment of an advocate, or solicitor, as the case may be, 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. (2) In criminal cases, the appointment of an advocate or solicitor, as the case may be, 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, or the solicitor, as the case may be, and filed in court or until the party or the advocate or the solicitor dies, or until all proceeding in the case are ended so far as regard the particular 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 in a police report or otherwise 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 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 the 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 of sentence passed in the case, (viii) a reference arising out of the case, (ix) an application for revision of an order or sentence passed in the case or in 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 moneys paid or deposited in the court in connection with the case or any of the proceedings mentioned hereinbefore (including moneys 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 moneys 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 or the solicitor, as the case may be, filing the appointment or the warrant of attorney, referred to in sub - rules (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 appeal, act or plead, as the case may be, in that court.

## 7.

(1) Except when specially authorised by the court or by consent of the party, an advocate, or a solicitor, 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 matter in conflict with that of such party: Provided that the consent of the party may be presumed if he engages another advocate or solicitor to appear, act or plead, as the case may be, for him in such suit, appeal or other proceeding without offering an engagement to the advocate or solicitor 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 or a solicitor 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 or solicitor an opportunity of being heard. (3) An advocate or solicitor who discloses to any party information confined to him in his capacity as an advocate or solicitor 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.

## **8. (a) The appointment of a firm or partnership of advocates or solicitors may be accepted by any partner on behalf of the firm or partnership.**

(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 affirmed to the name of any partnership or firm of advocates. (e) The names of all the members of a Partnership of firm of advocates or solicitors shall be recorded with the Registrar of the High Court and or the District Judge, as the case may be, and, in the case of advocates, also with the State Bar Council concerned, 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 or partnership of advocates or solicitors, as the case may be, shall notify to the Registrar of the High Court and /or the District Judge, as the case may be, and also to the State Bar



Council concerned, in the case of advocates, any change in the composition of the firm or partnership 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 advocates or solicitors, as the case may be, shall be bound to disclose the names of all the partners of the firm or partnership whenever called upon to do so by the Registrar of the High Court, the District Judge and/or the State Bar Council, as the case may be, or 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 or partnership of advocates or solicitors signs any document or writing on behalf of the firm or partnership he shall do so in the name of the firm or partnership and shall authenticate the same by affixing his own signature as partner.(i)Neither the firm or partnership of advocates or solicitors nor any partner thereof,shall advise a party or appear, act or plead on behalf of a party in any matter or proceeding where the opposite party is represented by any other partner of the said firm or partnership or by the firm of partnership itself.

**9. No advocate or solicitor shall be permitted to file an appointment or warrant of attorney or memorandum of appearance in any proceeding in which another advocate or solicitor is already on record for the same party save with the consent of the former advocate or solicitor on record or the leave of the court, unless the former advocate or solicitor has ceased to practise or has by reason of infirmity of mind or body or otherwise become unable to continue to act.**

**10. No advocate or solicitor who has been disbarred or suspended or whose name has been struck off the Roll of advocates or solicitors shall be permitted to act as a recognised agent of any party within the meaning of Order 3 of the Code of Civil Procedure.**

**11. No advocate or solicitor 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.**

**12. Advocates, appearing before the court, shall wear the following as part of their dress:**

(1)Advocates other than lady advocates:(a)Black Sherwani, with Barrister's gown and bands, or(b)Black open - breast coat, white shirt, white collar, stiff or soft, with Barrister's gown and bands.In either case, long trousers (white, black or black striped or grey) shall be worn.(2)Lady advocates:Black full - sleeved jacket or blouse, white collar stiff or soft, with Barrister's gown and bands. Sari or long skirt (white or black) shall be worn.

## Chapter XIVA

### Advocates' Licensed Clerks

#### 1.

(1) In these rules, (i) "licensed clerk" means a clerk, other than an articled clerk, who is employed by an advocate of the High Court in connection with his legal business, and is licensed as such under these rules, and (ii) "form" means a form prescribed by these rules. (2) The licensing authority shall be the Registrar, Appellate Side, hereinafter called the licensing authority, who shall maintain a register, in Form No. 18 (Civil), Appendix I, of all licensed clerks of advocates. (3) Every application, which shall be on plain paper, for the grant of a licence to a clerk shall be made to the licensing authority by the advocate desiring to employ him, and shall contain the following particulars: (i) the name, father's name and residence of the person proposed to be employed as a clerk, these details being written on the application by the clerk with his own hand; and (ii) a certificate from the advocate that the person proposed is, to the best of his belief, fit to be employed and will be employed bona fide in his own service and for the purpose of his legal business. (3A) [Every application for the grant of a licence or for renewal thereof or for issue of a duplicate licence shall be accompanied by a receipt showing payment in cash of a fee of Rs. 5.00 (Rupees five only).] [Rule 3A inserted by Notification No. 4726 - R.O., dated the 17th June, 1965 - File No. IF - 3/65.] (4) On receipt of the application referred to in sub - rule (3), if the licensing authority, after such enquiry as he may consider necessary, is of the opinion that there is no reason to refuse the grant of a licence, shall cause the name of the person proposed to be licensed as a clerk to be entered in the Register in Form No. 18 (Civil) and a licence in Form No. 19 (Civil), Appendix I, to be issued to him through the advocate concerned. (5) The licence issued under sub - rule (4) shall be strictly non - transferable and shall be valid only for the year for which it is granted. (6) If an advocate desires to have the licence granted to his clerk renewed for the following year it shall be returned to the office of the licensing authority, not later than the 1st December with a request made to this effect by the advocate on the reverse of the licence. (7) The licensing authority on receipt of a licence presented for renewal in the manner prescribed by sub - rule (6), shall, unless he has reasons for not renewing it, cause the necessary entries to be made on the back of the licence, as a token of renewal, by an officer to be authorised by him in this behalf. (8) Not more than two clerks shall ordinarily be licensed at a time to an advocate. The licensing authority may, for good reasons and in special cases, allow an advocate to employ any licensed clerk in excess of this number. (9) No clerk employed by an advocate of the High Court shall be allowed access to any of the offices on the Appellate Side of the High Court in accordance with the rules of the court and the general instructions contained in Rule 11, Chapter I of these Rules and the Schedule therein referred to, unless he is for the time being a licensed clerk within the meaning of these Rules. (10) In cases in which it is alleged that a licensed clerk is guilty of misconduct, the licensing authority may for reasons to be recorded in writing and after hearing the licensed clerk in his defence, if he so desires, order the removal of his name from the Register and the cancellation of his licence, and on the passing of such order the said clerk shall cease to be a licensed clerk who shall forthwith deliver up his licence to the licensing authority. (11) When an order has been passed under sub - rule (10), the fact shall be notified in such manner as the licensing authority may direct and communicated to the advocate whose licensed clerk the person concerned

was and also to the Bar Association, High Court, Calcutta.(12)No application shall be made by an advocate for the grant of a licence to a person whose name has been removed from the register of licensed clerks under sub - rule (10) unless the said order of removal has been, by a subsequent order of the licensing authority, withdrawn or modified. When an order for removal is subsequently withdrawn or modified, the fact shall be notified in the manner prescribed by sub - rule (11).(13)No clerk licensed as the clerk of one advocate shall do business in the High Court or in the offices thereof on behalf of any other advocate:Provided that when a licensed clerk of any advocate is unavoidably absent from court on any day or days, such advocate may, in writing, authorise the licensed clerk of any other advocate to transact business on his behalf on the particular day or days during which his own clerk may be absent.

**2. Any person who acts as a clerk of an advocate without a licence granted to him in accordance with preceding Rule shall be deemed to be a "tout" within the meaning of section 3 of the Legal Practitioners Act, 1879 and in this respect the provisions of section 36 of the Act shall apply.**

[CHAPTER XV] [Substituted by Notification No. 3247-G, dated 5.5.2001 w.e.f. 11.5.2001.]  
Records Preservation and Destruction of Civil [including writ] [Inserted by Notification No. 8102-G dated 7.10.2011.] and Criminal Records

**1. Every Record, unless otherwise provided, shall consist of two Parts, to be styled, respectively, Part - I and Part - II. These two parts shall be maintained separately in stiff covers in the prescribed Forms (See Form Nos. 20 and 20A (Civil) and 40 to 53 (Criminal), Appendices I and II respectively).**

**2. Papers contained in Part - I shall henceforth be preserved in Compact Discs (C.D. Roms) for ever. For the said purpose three Compact Discs shall be prepared in each case and each copy shall be authenticated by the Registrar General. Of the three copies, one shall be kept in the custody of the Registrar General, one shall be kept in the custody of the Superintendent, Record Department and one shall be kept in the custody of the Librarian. Once the papers contained in Part - I are stored in the Compact Disc and the same is duly authenticated, such papers shall thereafter be destroyed. Papers contained in Part II shall be preserved for three years and shall thereafter be destroyed.**

**2A. For abundant caution, the original Part - I record shall be preserved for a period of six months from the date of its preservation in the Compact Disc and shall on expiry of such period be destroyed.**

Note : A statutory notice to this effect shall be published through the Court's Daily Cause List for information of the learned members of the Bar and the litigants

**3. The distribution of the papers to the appropriate parts (I or II) of the Record shall in all cases be made in the Office before the Record is deposited in the Record Room.**

**4. The period of 3 years mentioned in Rule 2 above shall be calculated from the date of their Final Decree or Order which, in cases of Appeal to the Supreme Court, will be that of the Decree or Order of the Supreme Court, as the case may be.**

**5. All copies of Paper Books shall be destroyed as soon as one copy thereof is preserved in the Compact Disc along with Part - I record.**

Note : Preservation of Part-i record in Compact Discs being of permanent nature, copies of Paper Books, both bound and unbound may be obtained whenever required on payment of requisite fees to be notified. This also applies to Rule 12, Chapter IX of these Rules. (Rule 5 (i), (ii) and the note thereto as well as 5 (iii) may be deleted).

**6. Copies of preserved Paper Books being available, if parties desire to purchase the same, they shall be supplied with copies in the form of print - outs at the rate to be assessed and notified. Print - out of Paper Book in Second Appeal will be charged for at the rate to be assessed and notified and it applies to Rule 61, Chapter IX and Rule 15A, Chapter XI also.**

Civil Records

**7. Part - I of all Civil Records shall contain the following papers -**

(i)The Order Books;(ii)The Memorandum of Appeal;(iii)The copies of the Judgment and Decree filed with the Memorandum of Appeal and not inserted in the Paper Book of the case;(iv)The Memorandum of Cross - objection (if any);(v)Vakalatnamas;(vi)Applications for Substitution, Addition or Removal of Parties, and the Affidavits filed therewith;(vii)Award of Arbitrators of Petitions of Compromise, if given effect to in the Decree; also in the case of Minors or Lunatics, the Order of the Court sanctioning the Compromise;(viii)Remand Order of the Court, if any;(ix)Copy of the finding of the Lower Court upon Remand, if any;(x)Final Judgment of the High Court;(xi)Decree;(xii)Application for the return of Documents when they have been rejected or on which Special Orders have been passed;(xiii)Paper Books; two copies when printed, and one copy when not printed;(xiv)Any paper the preservation of which may be directed by the Presiding Judge or Judges, or by the Registrar (Administration);(xv)Orders of the Court other than those recorded

on the Order - Sheets; and(xvi)Applications for Review, and Orders relating to such Applications.

## **Part II – shall contain all other papers.**

Notes : (i) Certified copies of the Judgment and Decree of the High Court filed with the Applications for Leave to Appeal to the Supreme Court shall be kept in Part-II.(ii)Copies of the Judgment and Decree filed with the Memorandum of Appeal which, or the translation of which, have been inserted in the Paper Book, may, with the permission of the Registrar (Administration) be returned to the Party after the disposal of the Appeal.(iii)Sub-Rule (xiv) above will not apply to cases instituted prior to 16th November, 1920, i.e. the date when these Rules came into force, the number of copies, if any, already with the Record being deemed sufficient.(iv)Exhibited Documents or any other paper not received with the Lower Court's Record but filed in the High Court under Special Orders should not be deposited in the Record Room but returned to the parties after the disposal of the case in which they were filed. If they are not taken back before the despatch of Lower Court's Record, they should be sent to the Lower Court along with its record together with a copy of the Order under which such papers were filed and with instructions to that Court to return the same when returning other documents to the parties.(v)Papers which are to be preserved under the Rules of this Chapter shall be repaired, where necessary, at the expense of the Court but Documents which are filed by the parties in the High Court or are filed in the Lower Court and transmitted to the High Court and which are ultimately returned to them after the disposal of the case in which they are filed shall be repaired, if and when necessary, at the expense of the party filing such Documents. An estimate of the cost of repairs shall be prepared and served on the Advocate for the party and the amount due under the estimate shall be deposited with the Accountant of the Court within seven days from the date of Service. All cases of default as regards the deposit shall be reported to the Registrar (Administration).

## **8. Rule 7 shall also apply, mutatis mutandis, to the Records of all Civil Revision Cases and References.**

Criminal Records

## **9. Part I of the Record in Criminal Appeals, Revision Cases, References and Miscellaneous Cases, shall contain the following papers:**

(i)The Order Books;(ii)The Judgment of the High Court;(iii)The Memorandum of Appeal (or Petition for Revision or Letter of Reference),(iv)Vakalatnamas;(v)Applications for the return of Documents when they have been rejected or on which Special Orders have been passed;(vi)The Judgment of the Lower Court;(vii)Paper Books; two copies when printed and one copy when not printed;(viii)Any paper the preservation of which may be directed by the Presiding Judge or Judges or by the Registrar (Administration);(ix)Orders of the Court other than those recorded on the Order - Sheets; and(x)In the case of an Appeal from an order of Acquittal under Section 378(4) of the Code of Criminal Procedure, preferred on the grant of Special Leave, the Application for such Leave with the Court's order granting it.Part - II shall contain all other Papers.Note : Certified copies of Orders

or of Judgments in Criminal cases filed with Applications for Revision or Memoranda of Appeal which have been inserted in the Paper Books of such Cases, may, with the permission of the Registrar (Administration), be returned to the parties filing them after the disposal of Cases.

## **10.**

(1) Application for Bail and Suspension of Sentence and Orders thereon which are treated as Miscellaneous Cases shall be preserved for three years from the date of the Order. (2) Application for Special Leave to Appeal from Orders of Acquittal under Section 378(4) of the Code of Criminal Procedure, which are also treated as Miscellaneous Cases, shall when rejected or when in spite of Special Leave being granted no appeals are preferred within the prescribed, period of limitation be preserved for a period of three years from the date of the order rejecting or granting the same. Requisitions for Records

**11. (a) Ordinarily certified copies are to be filed in respect of Original Papers, Civil or Criminal, requisitioned at the instance of the parties, from Part - I of a High Court Record. Such certified copies shall be returned with the Original Documents called for when the requisition is complied with. Certified copies, may, however, be dispensed with in respect of (I) items (vi) and (xii) of Rule 7 of this Chapter, (2) item (v) of Rule 9 *ibid*, and (3) provided the papers have printed in the Paper Book of the Case - Items (ii) and (iv) of Rule 7 and item (iii) of Rule 9 *ibid*.**

(b) In regard to papers of Part - II of both Civil and Criminal Records, no certified copy need be demanded except under the Orders of the Registrar (Administration). (c) When a record or part of it as preserved in the Compact Disc is called for from the Appellate Side of this Court by any Court or officer within or outside the State, either on its own motion or on the prayer of the party, the court or officer calling for it shall state the circumstances which render its production necessary at the time of requisition. Prevention of Defacement of High Court Records

**12. (a) No document shall be produced from the custody of this Court before any other court, except on the condition that such document, if admitted in Evidence, shall not be so endorsed, marked with seal or any exhibit mark by such other Court, as will make such document or any part thereof illegible by reason of such endorsement or seal or mark which shall be put only on such part or parts of the document as do not contain any writing and shall preferably be made on the side or top or bottom margin of the document or cover page, if any, provided that if in any exceptional case no such part or parts of the document are available for such endorsement, seal or mark, then the same shall be placed on a separate slip of paper which shall be attached**

**to the document.**

(b)When transmitting any such document to another court, the attention of that Court shall be drawn to Clause (a) above.(c)This Rule shall also apply as between different Courts on the Original and Appellate Sides.

**13. No Document, tendered in evidence or produced in this Court shall be so endorsed or marked with seal or any exhibit mark as to make any part thereof illegible. Such endorsement, seal or exhibit mark shall always be made in the manner prescribed by Clause (a) of Rule 12.**

**14. (a) Where a document tendered in Court is, in the opinion of the Court or a Judge, of a special historical or antiquarian interest or where any party to a suit or proceeding in this Court applies, at any stage of the suit or proceedings, that a document already on the Record or about to be tendered, be declared as a document of a special historical or antiquarian interest, the Court or the Judge may declare the document as such. The declaration so made shall be final.**

(b)Upon such declaration being made -(i)No endorsement mark, seal or effacement shall be affixed or made thereto or no kind of writing shall be made thereon save that a slip shall be attached to the document indicating that the document has been declared as having a special historical or antiquarian interest.(ii)The party producing or tendering it may be ordered to file a true copy thereof which shall be marked, sealed or endorsed as if it was the original. In such an event the original document shall be kept in deposit with the Registrar (Administration) with liberty to the parties to inspect the same.(iii)The Court or a Judge may, in the case of a document of special historical or antiquarian interest order that instead of a true copy of such document a photostat copy thereof be kept on the record.Note : 1. Rules 12(a), (b) & (c) and 13 will have no application as soon as the Records or Documents are preserved in Compact Discs.

**2. Documents indicated in Ru'e 14 shall be preserved for ever and Rule 14 shall have full application thereto notwithstanding their preservation in Compact Discs.**

## **Chapter XVI**

### **Inspection and Information**

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

Provided that if any Judge, the Registrar, or other Gazetted Officer requires a record at his private residence, he may take charge of it.

**2. Inspection of records shall only be allowed upon an application being made in the form prescribed for the purpose [see Form No. 21 (Civil), Appendix I] which will be obtainable from the Forms Clerk at two paise per copy.**

**3. Every application for inspection shall specify the record or paper of which inspection is desired and the name of the person or persons by whom the inspection will be made, and shall be accompanied, where necessary, by the fee prescribed in Chapter XII of these Rules.**

**4. 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 an order in writing of a Judge, the Registrar, or other Gazetted Officer:**

Provided that a party appearing in person in an appeal or other proceeding, or an advocate duly authorised by a party to a case, may, upon filing an application in the prescribed form, inspect a record in the Inspection Room, without a formal order in writing obtained under this Rule.

**5. A stranger to an appeal or other proceeding shall not be entitled as of right to inspect any record or document. He may, however, apply for an order to inspect such record or document, provided that he shall not be allowed to inspect exhibits put in evidence, except with the consent of the person by whom they were produced or his successor - in - interest. Every such application shall be in writing in the prescribed form (see Rule 2 above), shall specify the paper or papers which it is desired to inspect, shall clearly state the reason for the inspection and shall be accompanied by the fee prescribed in Chapter XII of these Rules.**

**6. Every application for inspection shall be made between the hours of 10.45 a.m. and 3.30 p.m. on a court day and between the hours of 11 a.m. and 1 p.m. on Saturdays.**



**7. Inspection shall be allowed only in the Central Inspection Room and between the hours of 10.45 a.m. and 4 p.m. on court days and between the hours of 11 a.m. and 1 p.m. on Saturdays. The - inspection may be made on any working day or days but must be completed within 10 days from the date of receipt of the record in the Inspection Room.**

Note : 1. Requisition for the record shall be made by the Inspection Clerk on the day the application is filed and the record shall, except for special reasons to be stated in writing, be made available in the Inspection Room by the day following and in any case not later than the third day from the date of the application. If the requisition is not complied with within three days the matter shall be submitted with an explanation to the Gazetted Officer in charge for orders.

**2. This rule shall not apply to pending criminal cases, inspection of which will be allowed in the Criminal Section Inspection Room.**

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

**9. Immediately upon receipt of an application for inspection the Inspection Clerk shall send a requisition to the Superintendent of the section in which the record or paper mentioned in the application is, and the latter upon being satisfied that the application is in order and that the person named therein is entitled to inspect under Rule 4, - or has been allowed inspection under Rule 5, shall make over such record or paper to the Inspection Clerk by 10.45 a.m. on the date noted in the requisition.**

**10. (a) No person inspecting a record or paper shall make any mark on, or in any respect mutilate any record or paper which is being inspected.**

(b) He may make short notes but shall on no account be allowed to make a copy or translation of any paper on the record or to compare a copy or translation already made. Note : 1. The words 'short notes' in this rule mean such brief notes or memoranda with respect to the date and nature of the documents, names of parties, etc., as may be necessary to identify the document or record, in case a copy is required or a list of papers for inclusion in the paper-book of an appeal is to be filed.

**2. A notice in terms of this rule and Note 1 shall be hung up in a prominent place in the Inspection Room and a breach of the rule should be forthwith reported to the Gazetted Officer-in-charge.**

**11. Only officers of the court and persons authorised to inspect either under Rule 4 or Rule 5 above shall be allowed into the Inspection Room:**

Provided that parties or their agents may accompany the advocate, but the number of such persons shall not exceed two.

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

**13. In no case should the Inspection Clerk retain any records in the Inspection Room for more than 10 days from the date of receipt of the record in the Inspection Room.**

**14. Applications for information shall be made to the Deputy Registrar or such other officer of the court as the Registrar may depute for the purpose, on any court day between the hours of 11 a.m. and 4.30 p.m. and between the hours of 11 a.m. and 1 p.m. on Saturdays.**

**15. Applications for information shall be made in the prescribed form [see Form No. 22 (Civil), Appendix I] copies of which will be supplied at two paise per sheet.**

**16. An applicant for information will submit his application with the necessary particulars as shown in the Form No. 22 (Civil), Appendix I. The officer receiving the application shall, if the information is available, fill in the information both in the upper and lower halves of the form in their proper places. If the information is not immediately available he shall state in the appropriate place the date on which the applicant should call for the information and shall make over the lower portion of the form to the applicant. Upon the applicant calling for the information on the date stated he shall supply the information in the appropriate place, an acknowledgement for the same being obtained on the upper portion of the form which shall be preserved in the office for the period prescribed from time to time.**

Note : Searching fees shall be levied on applications for information as in the case of applications for copies (see Chapter XII). An application will not be considered as complete till the search-ing fee, as

necessary under the rules, has been paid.

**17. Information shall ordinarily be supplied on the next open day after application.**

Note : 1. Rules 14 to 17 with regard to applications for information have been framed for the convenience of members of the legal profession in order to ensure that accurate information with regard to current business is supplied to them as promptly as possible. Any delay in complying with the provisions of these rules should be brought to the immediate notice of the Registrar.

**2. (i) Information requiring anything but short answers shall not be given. If any extract from the record or the substance of any order or decree or other document is desired, the proper course is to apply for a copy.**

(ii) Defective applications and applications in which the information asked for cannot for any reason be given shall be rejected subject to the orders of the Registrar.

## **Chapter XVII**

### **Deposit and Payment of Money**

- 1. All money required to be paid or deposited under these Rules other than paper - book costs shall be paid to the accountant of the court with a challan in Form No. 23A (Civil), Appendix I.**
- 2. The money due for the costs to be incurred in preparing paper - books in appeal cases should be deposited in the Reserve Bank of India by the advocate or party concerned with a challan in Form No. 23 (Civil), Appendix I.**
- 3. The challan before it is tendered at the bank must be placed in the box provided for the purpose at the counter in the Accounts Department. If the challan is found to be in order, it shall be numbered serially and entered in the Challan Register and then signed by the Challan Clerk and the Accountant.**
- 4. All challans tendered shall be made ready for delivery to the advocates or parties concerned so as to enable them to deposit the money in the bank on the day on which the challan is issued. If the party concerned fails to tender the challan at the bank on the day of issue, a fresh challan must be taken out on the following day, unless the time within which the deposit should be**

**made under the rules of the Court has expired, in which case the money will not be accepted without an order of competent authority:**

Provided that if for some sufficient cause beyond his control, as to which he shall satisfy the Registrar by a proper application setting out the cause, an advocate or party is prevented from tendering money under Rules 1 and 2 by the hours fixed by the Chief Justice and the Reserve Bank of India, as the case may be, and the deposit, if made on the following day, would be out of time, the Registrar may direct the money to be received by an officer of the court and such acceptance shall be deemed to be a valid deposit on the day on which it is accepted. The money so accepted shall, if the deposit is under Rule 2 of this Chapter, be remitted to the Reserve Bank of India by the court's office on the following day with a challan duly filled in and tendered by the advocate or the party when depositing the money.

**5. The time by which deposits must be made under Rule 1 and challans must be placed in the box in the Accounts Department under Rule 3 shall be fixed from time to time by the Chief Justice having regard to the court's office hours and those observed by the Reserve Bank of India.**

**6. On receipt of the advice of payment from the bank, the fact that a deposit has been made should be communicated to the appeal section concerned.**

**7. Money received in connection with the sale of paper - books, of cause lists and of forms must be forwarded by the accountant to the Reserve Bank of India, together with a challan, for credit to Government as soon as the total amount reaches Rs. 300.**

**8. No money should be paid out of court, except under an order of a Judge, the Registrar, the Deputy Registrar or an Assistant Registrar.**

**9. Any surplus remaining after deducting the costs actually incurred in connection with the preparation of paper - books from the amount deposited with the accountant of the court may be refunded in accordance with these Rules, upon request, to the party concerned by whom the deposit was made, or, to the advocate of such party.**

**10. Applications for refund [see Form No. 24 (Civil), Appendix I] shall be signed by the party concerned or by his advocate.**

**11. No such application shall be presented unless it bears upon it a certificate in writing, dated and signed by the accountant of the court, that there is no stop - order in force affecting such money, or any part thereof, and stating the precise amount for the payment of which out of court an order may be made.**

**12. Every application for the payment of money out of court shall state -**

(a)the name of the advocate making the application, or the description and address of the applicant claiming to be entitled to 'the money (if the application is made by the party in person);(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 court;(d)the precise amount for the payment of which an order is applied for.

**13. Every application for the payment of money shall be presented by the applicant claiming to be entitled to receive such money, or by an advocate acting on behalf of the applicant, or by the recognised clerk of such advocate. In all cases in which the application is not presented by the applicant it must be signed by the advocate claiming to be entitled to receive such money.**

**14. If an application for refund appears to be defective, a Judge or the Registrar may make such order thereon as he considers proper, refuse to make an order thereon or order that notice to show cause shall issue to any person or persons concerned in such application.**

**15. No payment shall be made under an order made under Rule 14, except upon a repayment order signed by the Registrar.**

**16. When an application is made for the refund of Government Promissory Notes deposited as security in an appeal to the Supreme Court, the applicant shall deposit with the accountant a withdrawal fee of 25 paise per cent.**

## **Chapter XVIII**

**Rules for cases arising in the Andaman & Nicobar Islands framed by the Court in exercise of the power conferred on it under Section 4 of the Calcutta High Court (Extension of Jurisdiction) Act, 1953**

(Act No. 41 of 1953)

**1. In this Chapter, unless the context otherwise requires:**

(a)'Case' includes suit, appeal, application, petition and reference;(b)'Circuit Bench' means a Bench consisting of one or more Judges holding Court in the Islands; and(c)'Islands' means the Andaman & Nicobar Islands.

**2. One or more Judges of the High Court shall visit the Islands, by way of Circuit, whenever the Chief Justice from time to time may appoint, in order to exercise in respect of cases arising therein the jurisdiction and powers vested in this Court by the Constitution and the Calcutta High Court (Extension of Jurisdiction) Act, 1953:**

Provided that such visit shall be made at least once a month unless the Chief Justice otherwise directs.

**3. All cases including applications under Articles 226 and 227 of the Constitution of India shall be initiated in the Islands and heard by the Circuit Bench.**

**4. Notwithstanding anything contained in paragraph 3, -**

(a)An appeal under Clause 15 of the Letters Patent and applications relating thereto directed against the judgment or order of one of the Judges of the Circuit Bench, and(b)Urgent applications under Articles 226 and 227 of the Constitution of India, as and when the Circuit Bench is not in session;may be filed with the leave of the Chief Justice and heard in Calcutta. Provided, however, that all such appeals and applications shall stand transferred to the Islands for being dealt with and disposed of by the next Circuit Bench, if not already disposed of, and(c)Every case in respect of which all the parties in writing request the Registrar, Appellate Side, for being heard in Calcutta and the Chief Justice agrees to the same, may be filed and heard in Calcutta.

**5. All cases arising out of the Islands but filed and/or pending in Calcutta but not heard in part shall stand transferred to the Islands for being placed before the Circuit Bench for disposal.**

**6. Urgent applications for bail in any criminal appeal and/or criminal revision and/or reference may be filed before the Registrar of the Islands, who shall have power to grant bail pending the orders of the next Circuit Bench.**

**7. The Registrar of the Islands shall be the Taxing Officer of the Court and the Chief Ministerial Officer of the Registry shall be the Stamp Reporter for all cases arising in the Islands.**

**8. The duties allotted to the Deputy Registrar in the Appellate Side Rules of the Calcutta High Court shall be performed by the Deputy Registrar of the Andaman and Nicobar Islands appointed by the Chief Justice.**

**9. During the absence of the Registrar from the headquarters in the Islands, save as hereinafter provided, the jurisdiction and duties of the Registrar shall be exercised and performed by the Sessions Judge who shall report daily to the High Court all orders of judicial or quasi - judicial character passed by him.**

**10. During the absence of the Registrar, any Memorandum of Appeal or Application, which is ordinarily required to be presented to the Registrar, may be presented to the Sessions Judge. All Memoranda of Appeals and Applications so received by the Sessions Judge shall be submitted for order to the Registrar if he is at the head-quarters on the next day.**

**11. The Chief Justice will appoint the Registrar and the necessary staff including the Deputy Registrar.**

**12. Preparation of Paper - Books of the cases arising in the Islands shall be in accordance with the Rules in Chapter IX of the Appellate Side Rules, reading "Registrar or Deputy Registrar" for "Officer - in-Charge of Judicial Department" wherever it occurs in those rules.**

Substituted by Notification No. 7087-G, dated 14th October, 1991, w.e.f. 22nd November, 1991. Earlier it read as under: "Rules for cases arising in the Andaman and Nicobar Islands framed by the Court in exercise of the powers conferred on it by Article 225 of the Constitution read with section 14A of the Andaman and Nicobar Islands Regulations, 1876 (III of 1876)1. In this Chapter "case" includes suit, appeal, application, petition or reference.2. One or more Judges of the High Court shall visit the Andaman and Nicobar Islands, by way of circuit, whenever the Chief Justice from time to time may appoint, in order to exercise in respect of cases arising in the Islands the jurisdiction and powers vested in this Court by the Constitution: Provided that such visits shall be made at least once a year or oftener if the volume of work so requires unless the Chief Justice with the approval of the Central Government otherwise directs.3. Subject to the powers reserved to the Chief Justice by Article 225 of the Constitution, all cases including applications under Articles 226 and 227 of the Constitution of India on the Appellate Side initiated in the islands shall be heard in

the island except the following: -(a) Every case cognizable by the High Court in its Extraordinary Original Civil, Ordinary or Extraordinary, Original Criminal, Admiralty, Testamentary and Intestate or Matrimonial jurisdiction.(b) Every appeal under clause 15 of the Letters Patent, 1865.(c) Every case which is to be heard by a Bench of more than two Judges.(d) Every case under Order XLV of the Code of Civil Procedure, 1908.(e) Every case under the Indian Divorce Act (IV of 1869) and under section 60 of the Indian Stamp Act (H of 1899) required to be heard by a Bench of three Judges.(f) Every case against an Advocate, Attorney, Pleader or Mukthar in respect of any misconduct for which he may be suspended or dismissed from practice and a disciplinary case under the Legal Practitioners Act, 1879, or the Bar Council Act or the Advocates Act which is required to be heard by a Bench of three Judges.(g) Every application for review of judgment, for the appointment of a Receiver or for the issue of an injunction, and all urgent applications in relation thereto, the hearing of which should not, in the opinion of the Bench to which the application is made, be delayed till the next visit of a Judge or Judges to the Andaman and Nicobar Islands.(h) Every criminal appeal or application for revision in which all the persons accused or convicted have, within two weeks of filing their appeal or application, requested the Registrar for being heard at Calcutta.(i) Every application against an order passed by the Registrar in the Andaman and Nicobar Islands which, in the view of the Bench to which the application is made, cannot conveniently be heard in the Islands.(j) Every case which all the parties request the Registrar for being heard at Calcutta, or if the Court otherwise directs: Provided that an Application under Article 226 may be filed before the Learned Judge in Circuit at the Andaman and Nicobar Islands and such Application unless all the parties so desire shall be heard and disposed of at the Andaman and Nicobar Islands or if the Court otherwise directs. In all the above cases the plaintiff, appellant, applicant or petitioner may at his option institute the proceedings in the Andaman and Nicobar Islands and if he does so, the file shall be transmitted to Calcutta as soon as the process fees have been paid.4. Every reference under section 400 and every case submitted under section 366 of the Code of Criminal Procedure shall be submitted to the Court at Calcutta and shall be disposed of in the Islands unless all the prisoners or accused, on receiving notice of the date fixed, intimate to the Registrar within two weeks of the service of the notice on all prisoners or accused, that they wish the case to be heard at Calcutta.5. Every appeal or application for revision under the Code of Criminal Procedure submitted to an officer - in - charge of a jail or to the Registrar at Port Blair shall be forwarded to the Court at Calcutta for orders and shall be heard in the Islands unless the applicants concerned intimate to the Registrar within two weeks of the filing of the appeal or application, and the respondent and/ or appoint parties within two weeks of service of the notice of appeal or application that they wish it to be heard at Calcutta.6. The following matters may be heard by a Vacation Judge at Calcutta: (a) any matter, which the Vacation Judge considers urgent, connected with, relating to, or arising out of the execution of a decree; and (b) any miscellaneous business which in the opinion of the Vacation Judge requires immediate attention.7. All other cases arising in the Andaman and Nicobar Islands shall be instituted and heard in the Islands.8. The Chief Commissioner of the Andaman and Nicobar Islands shall be the Registrar in respect of cases which have to be heard in the Islands till such time as the Chief Justice thinks it fit to appoint a Registrar.9. The Registrar shall have -(i) all the powers and perform all the duties conferred or imposed upon the Registrar by these rules and exercise or perform them even when a decree or order or sentence passed by himself is directly and indirectly challenged; (ii) power to receive applications and hear motion in the following matters: (a) a motion to admit an appeal, application



or cross - objection of any kind in the civil side which has not been filed within the prescribed period of limitation and which does not exceed Rs. 5,000 in value;(b) a motion to admit an application and an application when admitted -(1) 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,(2) for an order under Order I, Rule 8, 10 or 11 read with section 107 of the Code of Civil Procedure, and(3) under section 115 of the Code of Civil Procedure;(c) a motion to admit an application and in a case not exceeding Rs. 5,000 in value an application when admitted for an order under Order XXXIX or Order XL of the Code of Civil Procedure;(d) an application for the admission of an appeal *informa pauperis*, the value of which does not exceed Rs. 5,000;(e) any other application -(1) which under these Rules may be made to a Judge sitting singly,(2) which under these Rules is not expressly required to be made to a Bench of two or more Judges or to the Registrar,(3) which is made in any matter within the jurisdiction of a Judge sitting alone and which is not otherwise expressly provided for and to determine whether they shall be admitted and notice issued at once to the opposite party to be dealt with in a manner similar to that provided for appeals in civil cases under Order XLI, Rule 11 of the Code of Civil Procedure,(iii) power to receive appeals and applications of persons against whom or whose interest any decree or order has been made by a Civil or a Criminal Court, to admit the same or direct that they be laid before the Court for orders and to stay proceedings, Civil or Criminal, including proceedings taken or to be taken for the realisation of a fine, pending the order of the Court,(iv) power to admit an application under Order XXII, Rule 9 of the Code of Civil Procedure and issue notices or direct them to be placed before the Bench, and(v) except in so far as they are inconsistent with these Rules, all such powers which, for the time being, are exercised by the Registrar, Appellate Side, Calcutta.9A. Application for Bail in any Criminal Appeal of Criminal Revision or Reference, filed before the Registrar shall be put up before the Sessions Judge, who shall have powers to grant bail, pending the orders of the Court.10. The Registrar in the Islands, in case of any Application or Appeal against his Order, shall transmit the same to the High Court at Calcutta for orders within a week after its presentation.11. Subject to the provisions of these Rules, the Registrar in the Andaman and Nicobar Islands may in his discretion refer any matter to the High Court for orders and direct that it be laid before the Court at Calcutta or in the Islands.12. The Registrar in the Andaman and Nicobar Islands shall be the Taxing Officer of the Court and the Chief Ministerial Officer of the Registrar shall be the Stamp Reporter for all cases arising in the Islands.13. The duties allotted to the Deputy Registrar in the Appellate Side Rules of the Calcutta High Court shall be performed by the Deputy Registrar of the Andaman and Nicobar Islands appointed by the Chief Justice.14. During the absence of the Registrar from the headquarters in the Islands, save as hereinafter provided, the jurisdiction and the duties of the Registrar shall be exercised and performed by the Sessions Judge who shall report daily to the High Court all orders of judicial or quasi judicial character passed by him.15. During the absence of the Registrar, any memorandum of appeal or application, which is ordinarily required to be presented to the Registrar, may be presented to the Sessions Judge. All memoranda of appeals and applications so received by the Session Judge shall be submitted for orders to the Registrar if he is at headquarter on the next day.16. The Chief Justice will appoint the necessary staff of the Registrar or Deputy Registrar.17. Subject as herein provided the Registrar of the Appellate Side, Calcutta, will also have all the powers conferred by these rules on the Registrar, in respect of cases arising in the Islands as may be directed by the Chief Justice.18. Preparation of Paper Books of the Cases arising in the

Islands shall be in accordance with the Rules in ChapterXX of the Appellate Side Rules, reading "Registrar or Deputy Registrar" for "Officer - in - charge of Judicial Department" wherever it access in those Rules".

[CHAPTER XIX] [Inserted by Notification No. 6512, dated 10.10.1996.] Rules Relating to Computerised Listing of Cause List of Appellate Side

**1. These Rules shall have effect notwithstanding anything contrary contained anywhere else in the Appellate Side Rules of the High Court at Calcutta.**

**2. Definitions. - In this Chapter unless the context otherwise requires, -**

(i)"Application" would mean the main application to initiate the proceeding for Civil Order or Criminal Misc. Cases or Civil or Criminal Revisional Jurisdiction of the High Court and would include contempt applications;(ii)"Code" would mean the Code as mentioned in the Tables in Appendix I of this Chapter;(iii)"Case - Type" would mean the codified types of case, contained in Table I of Appendix I of this Chapter;(iv)"Case - Stage" would mean the codified stage of a case as prescribed in Table II of Appendix I of this Chapter;(v)"District - Code" would mean such Code as mentioned in Table VI of Appendix I of this Chapter;(vi)"Form" would mean the form as enumerated in Appendix II of this Chapter;(vii)"Interlocutory Application" would mean any application other than the application mentioned in Clause (i) of this Rule as enumerated in Table IV of Appendix I of this Chapter;(viii)"Memo of Appeal" would mean a memo of appeal either for Civil, Criminal or Mandamus appeal;(ix)"Petition" would mean the main petition to initiate or invoke the Constitutional Jurisdiction of the High Court as well as Contempt proceedings;(x)"Proceedings" would mean the main proceeding in relation to the Constitutional, Appellate (Civil, Criminal and Mandamus), Revisional (both Civil & Criminal) Jurisdiction or Civil Order or Criminal Misc. Cases of the High Court and would include Contempt proceedings;(xi)"Subject - classifications" would mean such codified classifications of the subjects of the respective jurisdictions of the High Court enumerated as Group A, B & C contained in Table III of Appendix I of this Chapter, and, so far as the subject classifications of the writ matters are concerned, those enumerated in Schedule "B" to Appendix IV of the Appellate Side Rules stand repealed;(xii)"Working Section" would mean the codified Section or department of the High Court as mentioned in Table V of Appendix I of this Chapter.

**3. Mode of presentation of petition, memo of appeal or revisional application. - Notwithstanding anything to the contrary contained anywhere else in the Appellate Side Rules, any petition, memo of appeal or application complete in all respects shall, save as otherwise directed by the Court, be presented at the first instance at the centralised filing section of the Appellate Side of the Court along with a duly filled in Presentation Form prescribed as Form "A" of Appendix II of this Chapter.**

- 4. Any petition, memo of appeal, application which may be allowed by the Court to be moved directly before the Court, must also be so moved along with such Presentation Form "A" duly filled in.**
- 5. Any petition, memo of appeal or application moved directly before the Court, shall be sent to the centralised filing counter of the Appellate Side on the same day by the concerned officer of the Court.**
- 6. Upon due presentation of a petition, memo of appeal or application at the centralised filing counter, a number will be granted to the presenter. Thereafter, the same shall pass successively through the Stamp - Reporting counter, Caveat counter, Scrutiny counter, central filing counter and Ledgering counter of the centralised filing section of the Appellate Side as applicable for verification and checking.**
- 7. If any proforma is found defective, the same shall not be finally numbered or listed and shall be entered into a Defective List to be published within 48 hours at the entrance of the centralised filing counter and also sent to Bar for removal of the defect within 21 days, failing which the same shall be treated as abandoned.**
- 8. Save as otherwise directed by the Court and save in the case of appeals, a defect - free petition or application will be listed 48 hours after the presentation thereof:**

Provided that all bail applications shall appear in the list within 24 hours of filing thereof.
- 9. As far as appeals are concerned, the same will be listed according to the directions of the Court.**
- 10. Rules 3 to 9 of these Rules will apply mutatis mutandis for presentation of an interlocutory application save and except that such interlocutory application must be presented along with a duly filled in Supplementary Form enumerated as Form 'B' in Appendix II to this Chapter.**
- 11. After the initial listing of the petition, memo of appeal or application all subsequent listing thereof shall be effected by means of a Modification Form prescribed as form 'C' of Appendix II of this Chapter.**

**12. All Tables and Forms referred to in this Chapter including Codes are as in Appendix I and II of this Chapter. The number of codified items may be added to or amended by the Computer Committee according to the exigencies of the situation.**

Appellate Side

Appendix I

Table I	Case Type
Table II	Case Stage
Table III	Group A, B, C Matters (i.e. Writ, Civil. Criminal matters)
Table IV	Interlocutory Applications(Civil, Criminal & Writ)
Table V	Working Sections
Table VI:	District Code

Appendix II

Form A:	Presentation Form
Form B:	Supplementary Form
Form C:	Modification Form

Appendix ITable ICase Type

Sl. No.	Subject	Computer Code
1.	Tender of First Appeal	FAT
2.	Tender of Second Appeal	SAT
3.	Admission of Civil Appeal from Order	FMAT
4.	Civil First Appeal	FA
5.	Civil Second Appeal	SA
6.	Criminal Appeal	CRA
7.	Application (Civil)	CAN
8.	Application (Criminal)	CRAN
9.	Writ Petition	WP
9(a).	Central Administrative Tribunal	WP. CT
9(b).	State Administrative Tribunal	WP. ST
9(c).	West Bengal Taxation Tribunal	WP. rr
9(d).	The Customs, Excise & Gold (Control)Appellate Tribunal	WCGAT
10.	Contempt Application	CPAN
11.	Civil Revision	CR
12.	Civil Misc. Case (Civil Order)	CO
12(a).	Central Administrative Tribunal	CO. CT

12(b).	State Administrative Tribuna	CO. ST
12(c).	West Bengal Taxation Tribunal	CO. TT
12(d).	The Customs, Excise & Gold (Control)Appellate Tribunal	CCGAT
13.	Criminal Revision	CRR
14.	Criminal Misc. Case	CRM
[14(a)] [Inserted by Notification No. 6013-G dated 6.9.2012 (w.e.f. 26.10.2012).].	[Criminal Misc. Case (Bail application)] [Inserted by Notification No. 6013-G dated 6.9.2012 (w.e.f. 26.10.2012).]	[CRM] [Inserted by Notification No. 6013-G dated 6.9.2012 (w.e.f. 26.10.2012).]
[14(b)] [Inserted by Notification No. 6013-G dated 6.9.2012 (w.e.f. 26.10.2012).].	[Criminal Misc. Case (Spl. Leave Petition)] [Inserted by Notification No. 6013-G dated 6.9.2012 (w.e.f. 26.10.2012).]	[CRMSPL] [Inserted by Notification No. 6013-G dated 6.9.2012 (w.e.f. 26.10.2012).]
15.	Death Reference	DR
16.	Civil Appeal from Order	FNA
17.	Review	RVW
18.	Letters Patent Appeal	LPA
19.	Mandamus Appeal	MA
20.	Tender of Mandamus Appeal	MAT
21.	Government Appeal	GA
22.	Cross Objection Tendered	COT
23.	Second Miscellaneous Appeal Tendered	SMAT
24.	Second Miscellaneous Appeal	SMA
25.	Family Court Appeal	FCA
[26] [Inserted by Notification No. 4491/R (listing), dated 18.7.2000.].	[Civil Revision (Contempt)] [Inserted by Notification No. 4491/R (listing), dated 18.7.2000.]	[CRC] [Inserted by Notification No. 4491/R (listing), dated 18.7.2000.]
27. [] [Inserted by Notification No. 4491/R (listing), dated 18.7.2000.]	[Civil Rule (Contempt)] [Inserted by Notification No. 4491/R (listing), dated 18.7.2000.]	[WP.CRC] [Inserted by Notification No. 4491/R (listing), dated 18.7.2000.]
28. [] [Inserted by Notification No. 962/R (listing), dated 4.3.2002.]	[Civil Rule in Writ Petition] [Inserted by Notification No. 962/R (listing), dated 4.3.2002.]	[WPCR] [Inserted by Notification No. 962/R (listing), dated 4.3.2002.]

Table IICASE STAGE

Sl. No.	Subject	Computer code
1.	To be mentioned	01
2.	For Orders	02
3.	Motion	03

4.	For admission	04
5.	Application (Civil/Criminal)	05
6.	Application for bail	06
7.	Application for anticipatory bail	07
8.	Cancellation/modification/relaxation of bail	08
9.	Contested application	09
10.	For judgment	10
11.	Specially fixed matters	11
12.	For settlement	12
13.	Lawazima matters	13
14.	Assigned matters	14
15.	For hearing	15
16.	Part - heard matters	16
17.	For further hearing	17
18.	For final disposal	18
19.	Special Bench Reference	19
20.	For Special Leave to appeal to Supreme Court	20
21.	For Special Leave to appeal under Section 378(4) Cr.P.C.	21
22.	Proceeding for exercise of inherent power of the Court under Section 482 Cr.P.C.	22
23.	For Revision	23
24.	For Review	24
25.	Residuary	25

Table III Subject Classification Group A (Writ Matters) Sub-Group

Sl. No.	Subject	Computer Code
1.	Aviation	(101000)
2.	Co - operative Societies	
(i) Election	(102010)	
(ii) Supersession	(102020)	
(iii) Miscellaneous	(102030)	
3.	Constitutional validity of Acts & Rules	
(i) State Act/Rules	(103010)	
(ii) Central Act/Rules	(103020)	
4.	Cinema /Video	
(i) Licence	(104010)	
(ii) Miscellaneous	(104020)	

5.	Contracts & Tenders
(i) Relating to public projects	(105010)
(ii) Relating to procurement for public projects	(105020)
(iii) Relating to disposal of public property	(105030)
(iv) Miscellaneous	(105040)
6.	Education
(i) Recognition/De - recognition of University/ College/School/Madrassa	(106010)
(ii) Constitution/Re - constitution/Supersession/ Suspension/Extension of Managing Committee/ Governing Body	(106020)
(iii) Approval/Disapproval of teaching/ non - teaching staff	(106030)
(iv) Allocation of Seat	(106040)
(v) Result disputes	(106050)
(vi) Miscellaneous	(106060)
7.	Essential Commodities
(i) M. R. Dealership	(107010)
(ii) Grant/Cancellation/Suspension of licence	(107020)
(iii) Grant/Renewal/Cancellation of Ration shop	(107030)
(iv) Rice/Husking Mills	(107040)
(v) Gas connection/disconnection/billings	(107050)
(vi) Movement/Trade	(107060)
(vii) Confiscation proceedings	(107070)
(viii) Miscellaneous	(107080)
8.	Essential Services
(i) Electricity	
(a) Connection/Disconnection;	(108011)
(b) Billing	(108012)
(c) Meter	(108013)
(ii) Post and Telegraph	108020)
(iii) Telephone	
(a) Connection/Disconnection	(108031)
(b) Billing and disputes regarding bills	(108032)
(iv) Railway	(108013)
(a) Booking	(108041)
(b) Dispute regarding rates	(108042)
(c) Tariffs	(108043)
(d) Allotment of wagons/rakes - Cancellation thereof	(108044)

(v) Miscellaneous	(108050)	
9.	Forest	
(i) Bid/Tender	(109010)	
(ii) Transport/confiscation proceedings	(109020)	
(iii) Forfeiture/confiscation proceedings	(109030)	
(iv) Miscellaneous	(109040)	
10.	Freedom Fighters' pension	(110000)
11.	Housing	
(i) Miscellaneous	(111000)	
12.	Industrial/Labour Disputes	
(i) Trade Unionism	(112010)	
(ii) Lockout	(112020)	
(iii) Strike	(112030)	
(iv) Wages	(112040)	
(v) Bonus/Gratuity	(112050)	
(vi) Provident Fund	(112060)	
(vii) Insurance	(112070)	
(viii) Perquisites	(112080)	
(ix) Retrenchment	(112090)	
(x) Reinstatement	(112100)	
(xi) Money claim	(112110)	
(xii) Compensation	(112120)	
(xiii) Reference to Industrial Tribunal/ Labour Courts	(112130)	
(xiv) Awards/Orders of Industrial Tribunal	(112140)	
(xv) Gheraos	(112150)	
(xvi) Miscellaneous	(112160)	
13.	Land Laws	
(i) Land Ceiling—Disputes	(113010)	
(ii) Land Revenue—Disputes	(113020)	
(iii) Land Development & Planning	(113030)	
(iv) Acquisition & Requisition of Land	(113040)	
(v) Rectification of Record - of - Rights	(113050)	
(vi) Barga disputes Claim/Termination	(113060)	
(vii) Grant and Cancellation of Patta	(113070)	
(viii) Tenancy Law—Eviction Proceedings	(113080)	



(ix) Mines and Minerals including minor minerals	(113090)	
(x) Tank Improvement	(113100)	
(xi) Restoration of alienated land	(113120)	
(xii) Compensation	(113130)	
(xiii) Unauthorised occupation	(113140)	
(xiv) Change of user of land	(113150)	
(xv) Settlement of Ferry/Fishery	(113160)	
(xvi) Miscellaneous	(114000)	
14.	Marine Law	
15.	Minority Community	(115010)
(i) Scheduled Caste/Tribe	(115020)	
(ii) Reservation	(115030)	
(iii) Institutions	(115040)	
(iv) Religious Rights	(115050)	
(v) Miscellaneous	(115060)	
16.	Motor Vehicles Act	
(i) Permits	(116010)	
(ii) Tax	(116020)	
(iii) Compensation	(116030)	
(iv) Miscellaneous	(116040)	
17.	Municipality	
(i) Municipal licence	(117000)	
(ii) Supersession of Municipality	(117020)	
(iii) Inclusion/extension of Municipal limits	(117030)	
(iv) Assessment/revision of municipal tax	(117040)	
(v) Demolition	(117050)	
(vi) Appointment of Administrator	(117060)	
(vii) Appointment & dismissal of employees	(117070)	
(viii) Removal from office	(117080)	
(ix) Building Plan	(117090)	
(x) Election	(117100)	
(xi) Municipal Services	(117110)	
(xii) Miscellaneous	(117120)	
18.	Panchayat	
(i) Election	(118010)	
(ii) Licence	(118020)	
(iii) Supersession	(118030)	

(iv) Service	(118040)
(v) Settlement of hat/ferry/fishery market	(118050)
(vi) Building Plans	(118060)
(vii) Miscellaneous	(118070)
19.	Police
(i) Police inaction/action	(119010)
(ii) Quashing of Criminal Proceedings	(119020)
(iii) Search & Seizure	(119030)
(iv) Release of seized materials	(119040)
(v) Illegal detention	(119050)
(vi) Death in lock - up	(119060)
(vii) Miscellaneous	(119070)
20.	Pollution
(i) Air	(120010)
(ii) Water	(120020)
(iii) Sound	(120030)
(iv) Miscellaneous	(120040)
21.	Public Interest Litigation (121000)
22.	Public International Law (122000)
23.	Revenue
(i) Income Tax	(123010)
(ii) Sales Tax	(123020)
(iii) Cess	(123030)
(iv) Customs	(123040)
(v) Foreign Exchange	(123050)
(vi) Excise	(123060)
(vii) Miscellaneous	(123070)
24.	Services
(i) Service Rules/Leave	(124010)
(ii) Condition of Services	(124020)
(iii) Age Dispute	(124030)
(iv) Appointment	(124040)
(v) Transfer	(124050)
(vi) Confirmation (viz) Seniority	(124060)
(viii) Promotion	(124070)
(ix) Departmental Proceedings	(124080)
(x) Suspension	(124090)

(xi) Penalty	(124110)	
(xii) Reversion	(124120)	
(xiii) Reinstatement	(124130)	
(xiv) Compulsory retirement	(124140)	
(xv) Post - retirement benefits	(124150)	
(xvi) Miscellaneous	(124160)	
25.	Shipping	(125000)
26.	Residuary	(126000)

Appendix I Table III Subject Classification Group B (Civil Matters)

Sl. No.	Description	Computer Code
1.	Abatement	(201000)
2.	Arbitration	(202000)
3.	Adoption	(203000)
4.	Bank Loans	(204000)
5.	Bengal Money Lenders' Act	(205000)
6.	Benami Transactions	(206000)
7.	Barga Disputes	(207000)
8.	Civil Contempt	(208000)
9.	Contractual Obligations	(209000)
10.	Calcutta Improvement Tribunal Proceedings	(210000)
11.	Camera Trial	(211000)
12.	Co - operative Society	(212000)
13.	Custody of Children	(213000)
14.	Cross Appeal/objection	(214000)
15.	Counter claim/set - off	(215000)
16.	Debutter	(216000)
17.	Dissolution of Partnership	(217000)
18.	Dispossession	(218000)
19.	Dismissal for default	(219000)
20.	Estates Acquisition Act Proceedings	(220000)
21.	Easement rights	(221000)
22.	Ex parte Decree/Order	(222000)
23.	Family Laws	(223000)
24.	Final Decree	(224000)
25.	Guardianship	(225000)
26.	Industrial/Labour Dispute	(226000)

27.	Landlord - Tenant Dispute	(227000)
28.	Legitimacy of Children	(228000)
29.	Legal Heirship	(229000)
30.	Legal Representative	(230000)
31.	Minority	(231000)
32.	Maintenance/Pendente lite / alimony	(232000)
33.	Money Claims/Compensation/Damages/Mesne Profits	(233000)
34.	Matrimonial Disputes	
(i) Divorce	(234010)	
(ii) Nullity	(234020)	
(iii) Judicial Separation	(234030)	
(iv) Restitution of Conjugal Rights	(234040)	
(v) Reference to High Court	(234050)	
(vi) Miscellaneous	(234060)	
35.	Mortgage - Redemption/Foreclosure	(235000)
36.	Motor Accident Claim	(236000)
37.	Property	
(i) Movable	(237010)	
(ii) Immovable	(237020)	
(iii) Lease	(237030)	
(iv) Licence	(237040)	
(v) Sale	(237050)	
(vi) Gift	(237060)	
(vii) Exchange	(237070)	
(viii) Miscellaneous	(237080)	
38.	Possession	(238000)
39.	Partition	(239000)
40.	Preemption	(240000)
41.	Proceedings under the Registration Act	(241000)
42.	Possessory Suits under Specific Reliefs Act	(242000)
43.	Permission of District Judge for sale of minor's/Trust/Miscellaneous property	(243000)
44.	Preliminary Decree	(244000)
45.	Rectification of records - of - rights	(245000)
46.	Specific Relief	(246000)
47.	Succession	

(i) Succession Certificates—issuance	(247010)	
(ii) Modification	(247020)	
(iii) Cancellation	(247030)	
48.	Substitution	(248000)
49.	Setting aside of abatement	(249000)
50.	Small Causes	(250000)
51.	Title Declaration	(251000)
52.	Trust	(252000)
53.	Testamentary	(253000)
54.	Tortuous Liability	(254000)
55.	Trespass	(255000)
56.	Wakf	(256000)
57.	Miscellaneous	(257000)
58.	Rejection of Plaint	(258000)

Appendix I Table III Subject Classification Group C (Criminal Matters)

Sl. No.	Description	Computer Code
1.	Application u/s. 340 Cr.P.C.	(301000)
2.	Abatement	(302000)
3.	Anticipatory Bail	(303000)
4.	Arrest	
(i) Issuance of Warrant	(304010)	
(ii) Recall	(304020)	
5.	Approver—Tender of Pardon—Proceedings u/s. 306 Cr.P.C.	(305000)
6.	Anti - corruption Act—Offences under	(306000)
7.	Arms Act—Offences under	(307000)
8.	Acquittal	(308000)
9.	Admonition	(309000)
10.	Breach of Peace Proceeding/preventive/prohibitory orders u/ss107, 110, 144, 145 Cr.P.C.	(310000)
11.	Bail/Cancellation of bail	(311000)
12.	B. C. L. A. Act—Offences under	(312000)
13.	COFEPOSA Offences under	(313000)
14.	Criminal Contempt	(314000)
15.	Cognizance taken/recall	(315000)
16.	Complaint—Dismissal	(316000)

17.	Customs Act—Offences under	(317000)
18.	Compounding of offences u/s 320 Cr. P. C.	(318000)
19.	Charge framing—recall	(319000)
20.	Charge - sheet—legality/vitiating	(320000)
21.	Confiscation of Property	(321000)
22.	Camera Trial	(322000)
23.	Conviction: Sentence/imprisonment/imprisonment fine/onlyfine/probation/admonition	(323000)
24.	Costs u/ss 309, 312, 359 Cr.P.C.	(324000)
25.	Compensation u/ss. 250, 357, 358 Cr.P.C.	(325000)
26.	Detention: Legality	(326000)
27.	Death Reference	(327000)
28.	Dowry Act—Offences under	(328000)
29.	Document: Summons for production	(329000)
30.	Drug & Cosmetics Act—Offences under	(330000)
31.	Discharge of accused	(331000)
32.	Dispensing with personal attendance u/s 205 Cr.P.C.	(332000)
33.	Double Jeopardy u/s 300 Cr.P.C.	(333000)
34.	Externment	(334000)
35.	Extradition	(335000)
36.	Essential Commodities Act—Offences under	(336000)
37.	Excise Act—Offences under	(337000)
38.	Explosives Act/Explosive Substance Act—Offences under	(338000)
39.	Electricity Act—Offences under	(339000)
40.	Exercise of inherent power u/s 482 Cr.P.C.	(340000)
41.	Forest Act—Offences under	(341000)
42.	Foreign Exchange Regulation Act	(342000)
43.	Foreigners' Act—Offences under	(343000)
44.	Forfeiture of surety bond/discharge of surety u/s 444 Cr.P.C.	(344000)
45.	Forfeiture of property/disposal of property u/ss 451, 452 Cr.P. C.	(345000)
46.	Factories Act—Offences under	(346000)
47.	Gold Control Order—Offences under	(347000)
48.	Guilty Plea	(348000)
49.	Habeas Corpus	(349000)
50.	Issuance of summons to accused	(350000)
51.	Issuance of summons to witness	(351000)
52.	Identification of Prisoners' Act—Offences under	(352000)

53.	Interim maintenance u/s 125 Cr.P.C./Interim Maintenance u/s 40f of the Muslim Women (Protection of Rights on Divorce) Act, 1986	(353000)
54.	Investigation: Legality/vitiation u/s 155(2)/ stopping of u/s167 (5) Cr.P.C./revival	(354000)
55.	Issuance of Commission for Examination of witness/localinspection	(355000)
56.	Juvenile Justice Act—proceeding	(356000)
57.	Jail Matters	(357000)
58.	Lunacy Act—Offences under	(358000)
59.	Local Acts—Offences under	(359000)
60.	Limitation Bar u/s. 468 Cr.P.C./extension of time u/s 473Cr.P.C./condonation u/s 5 Limitation Act	(360000)
61.	Maintenance Proceedings	(361000)
62.	Nuisance : Preventive/prohibitory orders u/s 133 Cr.P.C.	(362000)
63.	N.D.P.S. Act—Offences under	(363000)
64.	Negotiable Instruments Act—Offences under	(364000)
65.	Offences under Penal Code read with other Acts	(365000)
66.	Parole	(366000)
67.	Penal Code Offences under	
	(i) Murder	(367010)
	(ii) Homicide not amounting to murder	(367020)
	(iii) Grievous hurt	(367030)
	(iv) Hurt	(367040)
	(v) Kidnapping	(367050)
	(vi) Abduction	(367060)
	(vii) ) Rape	(367070)
	(viii) Offences against public servants	(367080)
	(ix) Criminal breach of trust	(367090)
	(x) Trespass	(367100)
	(xi) Matrimonial Offences	(367110)
	(xii) ) Defamation	(367120)
	(xiii) Dacoity	(367130)

(xiv) Robbery	(367140)	
(xv) Theft	(367150)	
(xvi) Residuary	(367160)	
68.	Prevention of Corruption Act—Offences under	(368000)
69.	Prevention of Food Adulteration Act—Offences under	(369000)
70.	Preventive Detention Act—Offences under	(370000)
71.	Premature Release	(371000)
72.	Probation of Offenders Act—Proceedings	(372000)
73.	Post & Telegraph Act—Offences under	(373000)
74.	Prohibitory Orders	(374000)
75.	Quashing of proceedings	(375000)
76.	Railways Act—Offences under	(376000)
77.	Restitution of property	(377000)
78.	Sanction for prosecution u/s 195/197 Cr.P.C.	(378000)
79.	Search Warrant—Proceedings/recall	(379000)
80.	Sentence	
(i) Enhancement	(380010)	
(ii) Commutation	(380020)	
81.	Suppression of Immoral Traffic in Women Act—Offences under	(381000)
82.	Sessions Commitment—Proceedings u/s 202(2)/ 209/323/Cr.P.C.	(382000)
83.	Summary Trial u/s 260 Cr.P.C.	(383000)
84.	Special leave for appeal by complainant against acquittal u/s 378(4) Cr. P. C.	(384000)
85.	Trial—Unsoundness of mind u/s 334 Cr.P.C.	(385000)
86.	TADA—Offences under	(386000)
87.	TRC (Till Rising of the Court)	(387000)
88.	Transfer of Cases u/s 407 Cr. P. C.	(388000)
89.	Untouchability Act—Offences under	(389000)
90.	Unlawful Possession of Railway Property Act—Offences under	(390000)
91.	Withdrawal of prosecution u/s 321 Cr.P.C./ Permission/Refusal of prayer	(391000)
92.	Withdrawal of complaint u/s 257 Cr. P. C.	(392000)
93.	Residuary matters	(393000)

Appendix I Table IV Interlocutory Applications (Civil, Writ and Criminal) Applications for:

Sl. No.	Description	Computer Code
1.	Addition of party	(0010)



2.	Addition of grounds	(0020)
3.	Adjournment	(0030)
4.	Admission of:	
(i) Documents	(0041)	
(ii) Evidence	(0042)	
(iii) Object	(0043)	
(iv) Appeal	(0044)	
5.	Abatement	(0050)
6.	Amendment of:	
(i) Memo of Appeal	(0061)	
(ii) Written objection	(0062)	
(iii) Affidavit - in - Opposition	(0063)	
(iv) Affidavit - in - Reply	(0064)	
7.	Appointment of:	
(i) Guardian	(0071)	
(ii) Manager of Trust Property	(0072)	
(iii) Receiver	(0073)	
8.	Appointment of Expert for:	
(i) Comparison of Handwriting	(0081)	
(ii) Finger Prints	(0082)	
9.	Appointment of Commissioner for:	
(i) Local Investigation	(0091)	
(ii) Inspection	(0092)	
10.	Appointment of Commissioner for examination of:	
(i) Accounts	(0101)	
(ii) Party	(0102)	
(iii) Witness	(0103)	
11.	Appropriate Order	(0110)
12.	Arrest:	
(i) Issuance of warrant of arrest	(0121)	
(ii) Recall of warrant of arrest	(0122)	
13.	Attachment of:	
(i) Property	(0131)	
(ii) Decree	(0132)	
(iii) Negotiable Instrument	(0133)	
(iv) Partner's Property	(0134)	

14.	Applying the provisions of:	
(i) Probation of Offenders Act	(0141)	
(ii) Juvenile Justice Act	(0142)	
(iii) Admonition u/s 360 Cr. P. C.	(0143)	
15.	Anticipatory Bail	(0150)
16.	Bail:	(0160)
(i) Modification	(0161)	
(ii) Relaxation	(0162)	
(iii) Cancellation	(0163)	
17.	Costs:	
(i) U/s 34 C.P.C.	(0171)	
(ii) U/s 309/312/359 Cr.P.C.	(0172)	
18.	Compounding of offence u/s 320 Cr.P.C.	(0180)
19.	Cognizance:	
(i) Taking	(0191)	
(ii) Recall	(0192)	
20.	Compensations	
(i) U/s 95 C.P.C.	(0201)	
(ii) U/s 250/357/358 Cr.P.C.	(0202)	
(iii) Miscellaneous	(0203)	
21.	Compensatory costs u/s 35A C.P.C.	(0210)
22.	Camera Hearing/Trial	(0220)
23.	Contempt:	
(i) Civil	(0231)	
(ii) Criminal	(0232)	
24.	Compromise	(0240)
25.	Custody of attached	
(i) Immovable Property	(0251)	
(ii) Movable Property	(0252)	
26.	Custody of	
(i) Children	(0261)	
(ii) Juvenile	(0262)	
(iii) Delinquent	(0263)	
27.	Confirmation of Sale	(0270)
28.	Change of Advocates	(0280)
29.	Caveat	(0290)
30.	Civil Prison	(0300)

31.	Condonation of delay u/s 5 of Limitation Act	(0310)
32.	Correction of mistakes u/s 152 Cr.P.C. /362 Cr.P.C.	(0320)
33.	Cancellation of Warrant of arrest u/s 50 Cr.P.C.	(0330)
34.	Cross appeal/objection	(0340)
35.	Discovery/Inspection of Documents	(0350)
36.	Discharge of:	
(i) Guardian	(0361)	
(ii) Receiver	(0362)	
(iii) Manager of Trust Property	(0363)	
(iv) Surety	(0364)	
37.	Deposit of decretal amount	(0370)
38.	Delivery of Possession	(0380)
39.	Discharge of accused from	
(i) Bail Bond	(0391)	
(ii) Case	(0392)	
(iii) Detention	(0393)	
40.	Discharge of Witness from bail bond	(0400)
41.	Dismissal of Complaint	(0410)
42.	Dispensing with personal attendance u/s 205 Cr.P.C.	(0420)
43.	Death Reference	(0430)
44.	Extension of time for deposit of decretal amount	(0440)
45.	Extension of time for specific performance	(0450)
46.	Extension of time for vacation of property	(0460)
47.	Extension of time for payment of deficit court - fees	(0470)
48.	Extension of time to file Affidavit - in - Opposition/Reply	(0480)
49.	Extension of time to file certified copy of Judgment and decree	(0490)
50.	Execution under Order 21 C.P.C.	(0500)
51.	Execution by arrest/detention	(0510)
52.	Examination of the judgment - debtor	(0520)

53.	Exercise of inherent powers u/s	
(i) 151 C.P.C.	(0531)	
(ii) 482 Cr. P. C.	(0532)	
54.	Exemption of	
(i) Women from personal appearance u/s. 132 Cr.P.C.	(0541)	
(ii) Other persons u/s 133 Cr.P.C.	(0542)	
(iii) From arrest under civil process u/s 135 C.P.C.	(0543)	
(iv) From personal attendance in contempt proceedings	(0544)	
55.	Enhancement of sentence on	
(i) Gravity of offence	(0551)	
(ii) Previous conviction u/s 236 Cr.P.C.	(0552)	
(iii) Exercising Court's inherent power u/s 482 Cr.P.C.	(0553)	
56.	Further & better particulars	(0560)
57.	Further Order	(0570)
58.	Forfeiture of	
(i) Surety bond	(0581)	
(ii) Property disposal of u/ss. 451 & 452 Cr.P.C.	(0582)	
59.	Guilty Plea	(0590)
60.	Habeas Corpus	(0600)
61.	Interim:	
(i) Injunction	(0611)	
(ii) Maintenance u/s 4 of the Muslim Women's (Protection of Rights on Divorce) Act, 1986	(0612)	
62.	Impounding of documents/objects produced as evidence	(0620)
63.	Issuance of summons to:	
(i) Party	(0631)	
(ii) Accused	(0632)	
(iii) Witness	(0633)	
64.	Legal aid	(0640)
65.	Leave for appeal to Supreme Court	(0650)
66.	Leave for time to file certified copy of judgment & decree	(0660)

67.	Maintenance/pendente lite	(0670)
68.	Maintenance/alimony (Final)	(0681)
(i) Grant	(0682)	
(ii) Enhancement		
(iii) Reduction	(0683)	
(iv) Setting aside	(0684)	
69.	Police help	(0690)
70.	Production of additional evidence in appeal	(0700)
71.	Pauperism	(0710)
72.	Payment of money claim by instalments under Order 20, rule 11C.P.C.	(0720)
73.	Proclamation	(0730)
74.	Preventive/prohibitory orders u/s 133/144/145 Cr. P. C.	(0740)
75.	Parole	(0750)
76.	Premature Release	(0760)
77.	Quashing of proceedings for	
(i) Vitiating of cognizance	(0771)	
(ii) Defective/illegal/irregular investigation	(0772)	
(iii) For illegality in sessions commitment	(0773)	
78.	Restitution of property	
(i) U/s 144 Cr.P.C.	(0781)	
(ii) U/s 457 Cr.P.C.	(0782)	
79.	Release from detention u/s 58 C.P.C.	(0790)
80.	Rateable distribution of sales proceeds	(0800)
81.	Representative proceedings under Order 1 rule 8 C.P.C.	(0810)
82.	Revision	
(i) Civil	(0821)	
(ii) Criminal	(0822)	
83.	Recalling of the order for forfeiture of surety bond	(0830)
84.	Review	(0840)
85.	Recording satisfaction of decree	(0850)
86.	Removal of guardian	(0860)
87.	Recording minor attaining majority	(0870)
88.	Reference to High Court u/s 113 C.P.C.	(0880)

89.	Reference to larger Bench	(0890)
90.	Removal of	
(i) Arbitrator	(0901)	
(ii) Receiver	(0902)	
(iii) Manager	(0903)	
91.	Stay of operation of the	
(i) Order	(0911)	
(ii) Decree	(0912)	
(iii) Proceedings	(0913)	
92.	Striking out defence	(0920)
93.	Bail in execution	(0930)
94.	Stay of suit u/s 10 C.P.C.	(0940)
95.	Stay of suit on the ground of	
	(i) Res judicata u/s 11 C.P.C.	(0951)
	(ii) Preliminary Issue	(0952)
96.	Summons to party/accused/witness	(0960)
97.	Summons for production of documents/objects	(0970)
98.	Substituted Service	(0980)
99.	Setting aside of abatement	(0990)
100.	Setting aside order for dismissal for default	(1000)
101.	Setting aside ex parte order/decre	(1010)
102.	Substitution	(1020)
103.	Security deposit	(1030)
104.	Set - off/counter claim	(1040)
105.	Search Warrant	(1050)
106.	Sessions Commitment	(1060)
107.	Summary trial u/s 260 Cr.P.C.	(1070)
108.	Special leave for appeal by complainant against acquittal u/s 378(4) Cr.P.C.	(1080)
109.	Stay of order for:	
(i) Sentence	(1091)	
(ii) Payment of fine	(1092)	
110.	Stay of further proceedings	(1100)
111.	Stopping of investigation	
	(i) U/s 152/157 Cr. P. C.	(1111)
	(ii) Revival	(1112)

112.	Transfer of	
	(i) Suit u/s 24 C. P. C.	(1121)
	(ii) Case u/s 407/408/409 Cr.P.C.	(1122)
113.	Transfer of decree for execution	(1130)
114.	Under section 17(2) of the West Bengal Premises Tenancy Act	(1140)
115.	Under Order 2, rule 2 C.P.C.	(1150)
116.	Under Section 12 of the Arbitration Act	(1160)
117.	Under Section 39 of the Small Causes Act for order of removing a cause to High Court	(1170)
118.	Vacation of the order for attachment of property	(1180)
119.	Vacation of interim:	
	(i) Order	(1191)
	(ii) injunction	(1192)
	(iii) Maintenance	(1193)
120.	Vacation of the order for issuance of summons to:	
	(i) Accused	(1201)
	(ii) Party	(1202)
	(iii) Witness	(1203)
121.	Withdrawal of:	
	(i) Suit	(1211)
	(ii) Appeal	(1212)
	(iii) Prosecutions u/s 321 Cr.P.C.	(1213)
	(iv) Complaint u/s 257 Cr.P.C.	(1214)
122.	Residuary matters	(1220)

#### Appendix I Table V Working Sections

Sl. No.	Description	Computer Code
1.	Bench Section	01
2.	Criminal Section	02
3.	Filing & Caveat Section	03
4.	First Appeal (F.A.) Section	04
5.	First Miscellaneous Appeal (FMA) Section	05
6.	Rule Section	06
7.	Second Appeal (SA) Section	07
8.	Supreme Court Appeal (SCA) Section	08

9.	Stamp Reporter (SR) Section	09
10.	Mandamus Section	10
11.	Mandamus Appeal Section	11

Appendix I Table VI District Code

Sl. No.	Description	Computer Code
1.	Andaman & Nicobar Islands	01
2.	Bankura	02
3.	Birbhum	03
4.	Burdwan	04
5.	Calcutta	05
6.	Cooch Behar	06
7.	Darjeeling	07
8.	Dakshin Dinajpur	08
9.	Howrah	09
10.	Hooghly	10
11.	Jalpaiguri	11
12.	Malda	12
13.	Midnapore	13
14.	Murshidabad	14
15.	Nadia	15
16.	Purulia	16
17.	Uttar Dinajpur	17
18.	24 - Parganas (N)	18
19.	24 - Parganas (S)	19

Appendix II Form A Presentation Form

1.	Case Type (See Table 1) Code	:
2.	No. .... of 20..... (Number to be given by the Office)	
2A.	District Code (Table VI for W.P.)	
3.	Petitioners /Appellant(s)/ Applicant(s)	& Anr. /Ors.
4.	Respondent(s)/Opposite party (parties)	& Anr. /Ors.
5.	Petitioner(s)/Appellant(s)/Applicant(s)	:
	Advocate	
6.	Respondent(s)/Opposite party (parties)	:
	Advocate	
7.	Subject Category Code (See Table III)	: Group: Sub-Group:
8.	Case Stage Code (See Table II)	:
9.	Act(s)	: Year:



10. Rule(s) :
  11. Working Section Code (See Table V) :
  12. Date of Filing :
  13. Connected case type : No. of 20.....
  14. Lower Court information (if any) :
  - Lower court details : District/High/Tribunal  
District  
District Code (Table VI):
  - Coram
  - Lower Court Case No..... of .... 20....
  - Judgment/Order dated : Date of Transfer:
  - Connected Lower Court Cases :
  - To be listed: Main/Application
  15. on..... In Court  
No.....
  16. Special Information, if any :
- Dated: Signature of the Advocate for  
the petitioner(s)

RECEIPT

Received Case Type: of 20 .....  
submitted on:

Signature of the Section  
Officer/Superintendent,  
Central Filing Section

N.B. Any entry not  
applicable be simply  
penned through

Appendix II Form B Presentation Form

1. CASE TYPE Code :
2. Case No. .... of 20....
3. Application No. .... of 20.....
4. Applicant(s) & Anr./Ors.  
Versus
5. Respondent(s) & Anr. /Ors.
6. Application type Code (See  
Table IV)
7. Working Section Code (See  
Table V) :
- 8.

Connected Case Type.....

No. .... of 20.....

9. To be listed on ..... in  
Court Room No.....

Dated:

Signature of  
the Advocate  
for the  
petitioner(s)

# RECEIPT

Received application  
Code.....filed  
on.....

Signature of the Section  
Officer/Superintendent, Central Filing  
Section

Form C Modification Form (Exclusively for Office Use) Before the Hon'ble Justice: Court Room No.  
.....

Case Type Pet. Name Res. Name Stage Name of Adv.

By Order Registrar, A.S. Dated, the ..... 20..... Notice All urgent motions and applications on the Original Side as also on the Appellate Side which are registered at central filing section or in the concerned department of the court and not listed before any bench or a Judge sitting singly shall be mentioned before the respective benches/Judges having determination on the subject. Any motion or application which is sought to be moved as urgent motion without being so registered shall be moved before the bench/ Judge having determination for a tender number and after tender number is obtained shall be taken up as an urgent matter by the bench/Judge concerned. And All other cases which are not registered at central filing section and are not given a tender number shall be mentioned as urgent motions only before the Chief Justice. This order supersedes all earlier orders in respect of urgent motions. By Order Appendix I Forms (Civil) Form NO. 1 [Rule 31, Chapter V] Notice to Lower Court under Or. 41, r. 13, Civil Procedure Code, when Respondent resides in Calcutta [Cancelled] Form NO. 2 [Rule 31, Chapter V] Notice to Lower Court under Or. 41, r. 13, Civil Procedure Code, when Respondent resides elsewhere than in Calcutta No. In The High Court At Calcutta Civil Appellate Jurisdiction Appeal From No. Of 20 Filed on 20 No. of 20 of the Court of the Appellant, versus Respondent. Whereas the abovementioned appeal has been preferred to this Court against the of the Court of the in the abovementioned and whereas the necessary process fee has been paid by the appellant, and whereas the day of 20 has been fixed for the hearing of the said appeal in this Court: It is ordered that notice of the said appeal do issue out of, and under the seal of this Court directed to the abovenamed respondent requiring to appear therein: And it is further ordered that the said notice be forwarded to the ..... for service on the said respondent and that the said do submit to this Court his return of service thereof without delay: And it is further ordered that the said ..... do, within one week from the receipt by him of this order, transmit to this Court the record connected with the case. Dated this ..... day of ..... 20..... Deputy Registrar. Form NO. 3 [Rule 35, Chapter V] Notice to

Respondent, under Or. 41, r. 14, Civil Procedure the day fixed for hearing of appeal Appeal From No. Of 20 Valued at Rs. Appeal From The Of The Court Of The Of Dated The Of 20 Appellant. versus Respondent. To Take notice that an appeal from the ..... of the ..... of ..... in this case has been presented by advocate for the abovementioned appellant, and registered in this Court; and that ..... the day of ..... 20 more (corresponding with the ..... of ..... 20 ..... ) has been fixed by the Court for the hearing of the appeal. The appeal will be heard on that date or so soon thereafter as the business of the Court may permit, but no notice of such further date shall be given except the inclusion of the appeal in the Daily Cause List. If no appearance is made on your behalf, by yourself, your advocate, or by some one by law authorised to act for you in this appeal on the date of hearing abovementioned, or before such later date on which the appeal may be heard, the appeal will be heard and decided ex parte in your absence. Signed and sealed by order of the Court this day of ..... 20 ..... . Deputy Registrar. Form No. 4 [Rule 43, (Note) Chapter V] [Cancelled] Form No. 5 [Rule 75, Chapter V] In The High Court At Calcutta Civil Appellate And Revisional Jurisdiction Civil No. Of 20 Appellants. Petitioners. versus Respondents. Opposite Party. We direct that Formal order follows. (Sd.) (Sd.) Judges. Dated the ..... 20 ..... Memo No. Copy forwarded to of for information and necessary action. By Order of the High Court, Deputy Registrar. Assistant Registrar. High Court Civil Appellate Jurisdiction. The ..... 20 ..... Form No. 6 [Rule 21, Chapter VII] [Cancelled] Form No. 7 [Rule 8, Chapter VIII] In The High Court At Calcutta Civil Appellate Jurisdiction Notice Appeal No ..... of 20 ..... under clause 15 of the Letters Patent arising from difference of opinion in Appeal from ..... Decree No. .... No of 20 .... Appellant. versus Respondent. To Take notice that the abovementioned appeal under clause 15 of the Letters Patent has been filed in this Court on behalf of the abovenamed appellant by his advocate ..... from the judgment of Mr. Justice ..... sitting singly, passed in the abovementioned appeal from appellate decree and dated the ..... of 20 .....; that it has been set down for hearing on the ..... day of ..... 20 ..... , and that it will be heard on that date or as soon thereafter as the business of the Court will permit. Dated this ..... day of ..... 20 ..... Deputy Registrar. Form No. 8 [Rule 8, Chapter VIII] In The High Court At Calcutta Civil Appellate Jurisdiction Notice Appeal No ..... of 20 ..... under clause 15 of the Letters Patent arising from difference of opinion in Appeal from Decree No. of 20 Appellant. versus Respondent. To Take notice that the abovementioned appeal under clause 15 of the Letters Patent arising from difference of opinion between The Hon'ble Mr. Justice ..... and the Hon'ble Mr. Justice ..... has been filed in this Court on behalf of the abovenamed appellant by his advocate ..... on the ..... of ..... 20 .....; that it has been set down for hearing on the ..... day of ..... 20 ..... and that it will be heard on that date or as soon thereafter as the business of the Court will permit. Dated this ..... day of ..... 20 ..... Deputy Registrar. Form No. 9 [Rule 5, Chapter IX] In The High Court At Calcutta Detailed statement of cost incurred in the preparation of the paper - book in Appeal from Original Decree/Order No ..... of 20 ..... Appellant. versus Respondent.

Items of cost incurred by the Appellant/Respondent

Cost	Costs
claimed	passed
	by the
	Taxing

		Officer	
1		2	3
		Rs.	P.
1. Estimating ..... words at 10,000 per rupee	2. Estimating maps/photos at 12 1/2 per cent of the costs of tracing/of producing the negative		
3. Postal cost for service of estimate and final account by registered post	4. Taxing ..... pages at 10 paise per page		
5. Translating ..... words at 150 vernacular words per Rs. 1.25, three figures being counted as one word	6. Examining translation ..... words at 300 vernacular words per Rs. 2.00, three figures being counted as one word		
7. Copying ..... words at 750 words per rupee	8. Examining words of ..... manuscript at 1,200 words per rupee		
9. Editing ..... pages at 70 paise per page if the paper - book is printed, and at 35 paise per page if a typed paper - book is prepared	10. Editing maps at 70 paise for each half foolscap sheet..... sheets		
11. Printing 19 or preparing 12 typewritten copies of paper - book (actual charge) - pages at Rs. 6.50 per page	12. Tracing maps at Rs. 2.50 for each foolscap sheet..... sheets		
13. Lithographing maps at Rs. 2.50 for each foolscap sheet..... sheets	14. Cost of photos (actual charge)		
Rupees	Total		
Court Editor Dated the..... 20.....	Advocate (who has filed the Declaration under Rule 36, Chapter IX, Appellate Side Rules)	Assistant Registrar in charge of paper - books	
Notice To Mr. ....	Advocate for the Appellant/Respondent		
			Rs. P.

Total amount deposited by Appellant/Respondent. Further amount to be deposited by your client in the above case within two weeks after service of this notice. Surplus amount available for refund to your client in the above case and will be paid upon application duly made to the Registrar HIGH COURT APPELLATE SIDE, CALCUTTA. The..... 20 ..... Ledger Keeper. Accountant.

Form No. 10 [Rule 13, Chapter IX] Appellant's List

**Part I – Paper other than exhibits and those included in the first paragraph of Rule 11/64. Chapter IX of the Rules of the High Court, Appellate Side, upon which the decision of the appeal depends and which the appellant desires to have included in Part I of the paper - book at his expense.**

Appeal from the original Decree/Order No of 20....Appellant.versusRespondent.Under Rule 16/64,

Chapter IX, of the Rules, this list should be filed by the appellant within three weeks/one week after service of the notice required by Rule 12, Chapter IX.

Serial No.	Number on the record	Description and date of paper	Whether the whole or portion and, in case of apportion, what portion to be inserted in the paper - book	Remarks
------------	----------------------	-------------------------------	---	---------

## **Part II – (Tile list of exhibits to be inserted in Part II of the Paper - book at the expense of the Appellant)**

The list of exhibits should follow the order of the exhibit mark. A correct and full description of such documents must be given.

Serial No.	Exhibit mark on the record	Description and date of document	Whether the whole or portion and, in case of apportion, what portion to be inserted in the paper - book	Remarks
------------	----------------------------	----------------------------------	---	---------

I ..... Advocate for the Appellant, do hereby certify that I have examined this list with reference to the provisions of Rule 25, Chapter IX, of the Rules of the High Court, Appellate Side, and declare that in my judgment it is necessary to include in the paper - book of this appeal every document or portion of a document included in this list in order to arrive at a proper decision of the appeal. The ..... 20 ..... Signature of Advocate for the Appellant. Form No. 11[Rule 20, Chapter IX]Respondent's List

## **Part I – (Paper other than those inserted in the Appellant's list, which are relevant to the subject - matter of the appeal, and to which the respondent desires that reference shall be made by the Court at the hearing of the appeal.)**

Appeal from Original Decree Order No ..... of 20 .....Appellant.versusRespondentUnder Rule 20/64, Chapter IX, of the Rules of the High Court, Appellate Side,,this list should be filed by the Respondent within three weeks/one week after service of the notice required by Rule 18, Chapter IX, and should contain the papers to be included, at the cost of such Respondent, in the paper - book of the above appeal.

Serial No.	Number on the record	Description and date of paper	Whether the whole or portion and, in case of apportion, what portion to be inserted in the paper - book	Remarks
------------	----------------------	-------------------------------	---	---------

## Part II – (The list of exhibits to be inserted in Part II of the paper - book at the expense of the Respondent)

The list of exhibits should follow the order of the exhibit marks. A correct and full description of such documents must be given.

Serial No.	Exhibit mark on the record	Description and date of document	Whether the whole or portion and, in case of a portion, what portion to be inserted in the paper - book	Remarks
------------	----------------------------	----------------------------------	---	---------

I ..... Advocate for the Respondent, do hereby certify that I have examined this list with reference to the provisions of Rule 25, Chapter IX of the Rules of the High Court, Appellate Side, and declare that in my judgment it is necessary to include in the paper of this appeal every document or portion of a document included in this list in order to arrive at proper decision of the appeal. The ..... 20 ..... Signature of Advocate for the Appellant. Form No. 12 [Rule 21, Chapter IX] Appeal from Original Decree/Order No ..... of 20 ..... Appellant versus Respondent. Appeal Valued at Rs. .... Estimate of cost for translating and printing, etc., the papers to be included in Parts I and II of the paper - book of the above appeal, i.e., the papers included in paragraph I of Rule 11/64, Chapter IX of the Rules of the High Court, Appellate Side, and the papers as per list filed on behalf of the appellant.

Rs. P. Rs. P.

For estimating words at 10,000 words per rupee" maps/photos at 121/2 per cent of the cost of tracing/producing the negative" translating words at 150 vernacular words per Rs. 1.25 (three figures being counted as one word)" examining translations words at 300 vernacular words per Rs. 2.00 (three figures being counted as one word)" postal charges for the service of estimate and final account by registered post  
Total Already deposited Balance

For copying ..... words at 750 words per rupee" examining ..... words of manuscript at 750 words per rupee" editing ..... pages of the paper - book at 70 paise a page if it is printed and at 35 paise a page if it is typed" editing map ..... sheets at 70 paise for each half foolscap sheet" printing 19 copies of the paper - book ..... pages at the rate of Rs. 6.50 as a page" lithographing maps at Rs. 2.50 per foolscap tracing maps ..... sheets at Rs. 2.50 per foolscap" cost of photos (actual charge)" taxing ..... pages of the paper - book at ten paise a page  
Total Grand Total Already deposited Balance

Notes(1)The above rates are liable to alteration.(2)The charge for editing includes the charge for indexing if the paper - book is printed, and that for stationery if the paper - book is typewritten.(3)If the document to be translated is in any language other than Bengali, a special rate may be fixed by the Registrar.(4)Each item of cost in the preparation of the paper - book at the rates specified above is calculated to the nearest 10 paise fraction below 5 paise being omitted and 5 paise or over being reckoned as 10 paise).Under clause (a) of Rule 22, Chapter IX of the Rules of the High Court, Appellate Side, the amount due for estimating, translating and examining translations [after deducting the amount of the initial deposit made under Rule 34(1), Chapter VI shall be deposited with the accountant of the Court within four weeks of the service of the estimate upon the advocate for such appellant, and under clause (b) of the said Rule the whole of the remainder within four weeks of the deposit of the amount under clause (a) of the Rule.

Deputy Registrar.High CourtThe  
 ..... 20 .....To.....Advocate for the Appellant.Signature of Advocate for the  
 Appellant.....Date of service .....Form No. 13[Rule 21, Chapter IX]Appeal  
 from Original Decree/Order No..... of 20.....Appellant.versusRespondent.Appeal Valued  
 at Rs. ....Estimate of cost for translating and printing, etc., the papers to be included in  
 Parts I and II of the paper - book as per list filed on behalf of the Respondent.

Rs. P. Rs. P.

For estimating words at 10,000words per rupee" maps/photos at 121/2 percent of the cost of tracing/ producing the negative" translating words at 150vernacular words per Rs. 1.25 (three figures being counted as oneword)" examining translationswords at 300 vernacular words per Rs. 2.00 (three figures beingcounted as one word)" postal charges for the service of estimate and finalaccount by registered post

Total

For copying .....words at 750 words per rupee" examining .....words of manuscript at 750 words per rupee" editing..... pages of the paper - book at 70 paise a pageif it is printed and at 35 paise a page if it is typed" editing map..... sheets at 70 paise for each half foolscapsheet" printing 19 copies of thepaper - book..... pages at the rate of Rs. 6.50 as apage" lithographing maps at Rs.2.50 per foolscap tracing maps ..... sheets at Rs.2.50 per foolscap" cost of photos (actualcharge)" taxing ..... pages of the paper - book atten paise a page

TotalGrand Total

Notes(1)The above rates are liable to alteration.(2)The charge for editing includes the charge for indexing if the paper - book is printed, and that for stationery if the paper - book is typewritten.(3)If the document to be translated is in any language other than Bengali, a special rate may be fixed by the Registrar.(4)Each item of cost in the preparation of the paper - book at the rates specified above is calculated to the nearest 10 paise (amount below 5 paise being omitted and 5 paise or over being reckoned as 10 paise).Form No. 14[Rules 33 and 33A, Chapter V]

The following| First/Second appeals from Orders/DecreesCross - Objections| have been registered on .....20.....

Serial No.	Appeal No. and year	Name of first Appellant	Name of first Appellant's
Cross - objector	Cross - Objector's		

1

2

3

4

High Court, Appellate Side, Calcutta. Superintendent F.A./S.A. Section. The.....  
20..... Form No. 15 [Rule 63, Chapter IX] General Warning List The following appeals are ready for  
hearing and will be transferred to the Weekly Cause List on the expiration of fourteen days from the  
date of this List: -

Serial No.	No. and year of Appeal	Advocate for Appellant	Advocate for Respondent	Remarks
1	2	3	4	5

Form No. 16 [Rule 19, Chapter XIII] Form of Application For Copy

Space for searching fee. Fifteen paise Court - fee stamp on application. Space for Expedition - fee.

In The High Court At Calcutta Appellate Jurisdiction Serial No. Application for urgent/ordinary  
copy. [..... No. of 20.....] [Here state class of case, e.g., S.A., Civil Rule, etc.]

Appellant Petitioner.

versus

Respondent Opposite Party.

Description of document of which a copy is wanted, with date when necessary Date..... 20..... Application is made by ....., the undersigned for  
certified/uncertified copy of marginally noted document from  
the High Court/Lower Court file in the above case which was  
disposed of on ..... The following stamp - sheets  
are filed. Signature of applicant

Office Report The copy will cover	Estimate of Costs (Excluding stamps and stamp - sheets filled.) Stamp - sheets at 40p. Court - fee stamps at 80p. Stamp for authentication extra stamp for urgency Searching - fee - in stamps Total Superintendent Copying Section	Estimated stamps etc., notified no ..... Estimated stamps, etc., supported no ..... Applicant's signature ..... received on Copy will be ready on ..... Copy delivered on
..... sheets. Searching - fee is/is not required Superintendent		

Serial No.

Received an application for copy bearing the above number Estimated stamps and stamp - sheets paise ..... valued at Rs. .... paise ..... supplied To attend for copy on 20..... Date ..... 20..... Superintendent

Received copy on ..... 20..... with unused stamps and stamp - sheets sheets valued at Rs. .... Applicant.

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. Form No. 17 [Rules 25 and 29, Chapter XIII] Register of information to applicants as to stamps and folios necessary for copies applied for



To be  
supplied  
within 7  
days

Date of entry in this Register	Serial Number of Application	Case number	Name of applicant	Number of impressed stamp - sheets at 40 paise	Number of adhesive stamp at 40 paise	Fee for authentication Rs.	Searching - fee P.	Expedition - fee Rs.	Rem. P.
---	------------------------------------	----------------	----------------------	--	--	----------------------------------	--------------------------	----------------------------	------------

Form No. 18[Rules 1(2), and 1(4), Chapter XVI]Register of licensed clerks employed by Advocates of the High Court.

Licence No.	Name of licensed clerk	Father's Name	Residence of licensed clerk	Date of licence	Name of Advocate by whom employed	Remarks
1	2	3	4	5	6	7

Note : Not more than two or three names should be entered on each page, and as such renews his licence from year to year the date of such renewal should be entered on the same page in column 5. Form No. 19[Rule 1(4) Chapter XVI]Licence for Advocate's clerks, other than articulated clerks.

High Court Appellate Side.

Licence(Not transferable)

No.....This is

toauthorise.....

son of..... residing at

.....to act as the licensed

clerk of .....

(On the reverse)

Advocate, during

theyear.....Dated.....20.....Licensed

Authority.To be produced when required

andreturned for renewal on .....

ToThe Licensing AuthorityPlease  
renew for

Year

Date of renewal  
and renewing  
officer'sSignature

Signature of the AdvocateForm No. 20[Rule 1, Chapter XVIIIn The High Court At Calcutta(Civil Appellate Jurisdiction)Title - Page

## Part I – (This file must be preserved for ever)

Appeal from No..... of..... 20.....Appellant.versusRespondent.Date of decision of High Court.....Date of decision of Supreme Court  
.....Form No. 20A[Rule 1, Chapter XV]In The High Court At Calcutta(Civil Appellate Jurisdiction)Title - Page



## 5. Date by which information is to be ready.....

## 6. Information -

Supplied on.....\*To be filled in by the applicant. Signature of officer supplying the information. Note : A searching fee will be charged on all applications, if the information required will necessitate a search in the record room of record of the appeal or proceedings from which the information can be obtained. Form No. 23[Rule 2, Chapter XVII]ToThe Registrar,Appellate Side, High Court,Calcutta, the.....day of..... 20.....Challan No.....Sir,I beg to tender this challan for depositing the undernoted amount for credit of the account of which the details are noted below:No. of Appeal: - F.A., M.A., S.A., S.C.A., Rule of 20 ...Name of person on whose behalf the money is tendered :.....Particulars of deposit : .....Amount tendered (in words).....Rs..... P.....Advocate for Appellant/Respondent. Personal Ledger AccountChallan No. ....High Court,Appellate Side.The .....day..... of 20.....ToReserve Bank of India(Public Accounts Department)No. of Appeal: - - F.A., M.A., S.A., S.C.A., Rule..... of 20.....Rs.....Please receive from.....Advocate for Appellant/Respondent on account of ..... the sum of Rupees..... for credit of the Accountant-General, West Bengal, with the account of the Registrar, Appellate Side, High Court, if tendered to you to - day.Accountant.ReceiptChallan No.....Reserve Bank of India,Public Accounts Department.Calcutta, ..... 20...No. of Appeal: - - F.A., M.A., S.A., S.C.A., Rule..... of 20.....Received from..... Advocate for Appellant/Respondent the sum of Rupees..... as per High Court Challan No. .... 20..... for credit of the Accountant-General, West Bengal, with the account of the Registrar, Appellate Side, High Court.Superintendent.

Form No. 23A (Civil) Rule 1, Chapter XVII			Form No. 23A (Civil) Rule 1, Chapter XVII			Form No. 23A (Civil) Rule 1, Chapter XVII		
ORIGINALChallanNo.			DUPLICATEChallanNo.			RECEIPTChallanNo.		
.....Treasury of			.....Treasury of			.....Treasury		
HighCourt, Appellate			HighCourt, Appellate			of HighCourt, Appellate		
Sidedated..... 20.....			Sidedated..... 20.....			Sidedated.....		
By			By			By		
whom	On what account	Amount	whom	On what brought	Amount	whom	On what account	Amount
brought		Rs.	brought		Rs.	brought		Rs.
Total			Total			Total		
Rupees.....(in			Rupees.....(in			Rupees.....(in		
figures)TotalRupees.....(in			figures)TotalRupees.....(in			figures)TotalRupees.....		
figures)			figures)			figures)		
CashierExamined			CashierExamined			CashierExamined		
andentered.....Accountant			andentered.....Accountant			andentered.....Accountant		

Form No. 24[Rule 10, Chapter XVIII]ToThe Registrar, High Court, Appellate SideRe..... Appeal No ..... of 20.....Appellants.versusRespondents.Sir,Please allow me to withdraw the sum of Rs being the surplus amount on account of the cost of preparation of paper - book in the above appeal deposited on behalf of the Appellants/ Respondents I am authorised by the vakalatnama filed by me to withdraw the money.Yours faithfully,Advocate for the Appellants/Respondents.Dated.....20.....Appeal No.....of 20.....Advocate for the Appellants/Respondents, is authorised by the vakalatnama filed by him to withdraw money from this Court on behalf of the Appellants/Respondents mentioned in his application.Superintendent.....Section.Certified that a sum of Rs.....(Rupees paise only) is due for refund to the Appellants/Respondents in the above appeal and that there is no stop order in force affecting the refund.Accountant.Refund the sum of Rupees..... paise only to the Appellants/Respondents through his/their AdvocateAssistant RegistrarForm No. 25(Abolished)Form No. 26(Abolished)Form No. 27(Abolished)Form No. 28(Abolished)Form No. 29(Abolished)Form No. 30[Rule 59, Chapter IX]In The High Court At CalcuttaNotice to Appellant under Rule 59, Chapter IX of the Appellate Side RulesAppeal from Appellate Decree/Order No.....of 20.....Appellant.versus.Respondent.Appel valued at Rs.....ToMr.....Advocate, authorised by the Appellant under Rule 58 to prepare the paper - book.Take notice that the record of this appeal has been received in this office on.....Under Rule 59 of the Rules for the preparation of paper - books in appeals from Appellate Decrees or Orders you are required to file before the expiry of thirty days from the date of receipt by you of this notice one copy /two copies of the paper - book for the use of the Court, prepared in accordance with Rule 56, accompanied by sufficient number of copies for service on all the appearing Respondents and upon the Deputy Registrar of the Court if he is appointed guardian ad litem of a minor Respondent and a certificate to the effect that the paper - book has been compared with the original papers. The copies meant for the use of the Court must tally as to paging, etc., with the copies for the use of the Advocate for the Appellant, the Respondents and the Deputy Registrar.So far.....Respondent(s)/set(s) of Respondents have/has appeared.The Deputy Registrar.has/has not been appointed guardian ad litem.Dated, Calcutta..... 20.....Assistant Registrar.Form No. 31[Rule 59, Chapter IX]In The High Court At CalcuttaSupplementary notice to Appellant under Rule 59, Chapter IX of the Appellate Side RulesAppeal from Appellate Decree/Order No. of 20.....Appellant.versusRespondent.Appel valued at Rs.....ToMr..... Advocate, authorised by the Appellant under Rule 58 to prepare the paper - books.In continuation of the Notice, dated the ..... 20, take notice that the Deputy Registrar has been appointed Guardian ad litem another Respondent(s)/set(s) of Respondent has/ have appeared and deposited paper - book costs in the above appeal. You are, therefore, required to file an additional copy/additional copies of the paper - book within - ten days from the date of receipt by you of this Notice.Dated, Calcutta, the.....20.....Assistant RegistrarForm No. 32[Rule 61, Chapter IX]ToThe Registrar, High Court, Appellate SideRe : Second Appeal No..... of 20.....Appellants.versusRespondents.Sir,Please allow me to withdraw the sum of Rs being the amount on account of the cost of preparation of paper - book in the above appeal, deposited on behalf of the respondent(s).Having been authorised by a declaration filed by the Appellant under

Rule 58, Chapter IX, Appellate Side Rules, I prepared the paper - book in the Appeal and filed the requisite number of copies for service on the appearing Respondents. Yours faithfully,..... Advocate authorised to prepare paper - books under a declaration filed by the Appellant(s). Dated the..... 20.... Second Appeal No..... of 20.... Mr..... Advocate, is authorised by the Appellant(s) to prepare the paper - book. He has filed the requisite number of paper - books. Superintendent, Second Appeal Section. Certified that a sum of Rs..... (Rupees..... paise..... only) is in deposit being the amount deposited by Respondent(s) under Rule 61, Chapter IX, Appellate Side Rules. The Appellant is entitled to withdraw the amount and there is no stop order in force affecting the withdrawal. Accountant. Pay the sum of Rupees..... paise..... only to the Applicant, Mr..... Advocate, who prepared the paper - book and filed the requisite number of copies for service on the Respondents. Assistant Registrar. Form No. 33 [Rule 66, Chapter 1/] In The High Court At Calcutta Civil Jurisdiction Certificate Of Non - Satisfaction In the matter of Civil Revision No..... of..... 20..... In the matter of Appeal from Original Order No..... of 20..... arising out of Civil. Revision Case No..... of 20..... (under Article 226 of the Constitution of India). Petitioner/Appellant. versus Opposite Party/Respondent. I/We do hereby certify that no satisfaction of the decree for costs passed by this Court in the above Rule/Appeal (a copy whereof is hereunto attached) has been obtained by execution within the original jurisdiction of this Court and such costs have also not been deposited in this Court by the judgment - debtor abovenamed for payment to the decree - holder. Dated this the..... day of ..... in the year two thousand and..... (Chief Justice.) of the Judges of the High Court Form No. 34 [Rule 79, Chapter V] In The High Court At Calcutta Civil Appellate jurisdiction Letter of Request..... No..... of 20..... Appellant/Petitioner. versus Respondent/Opposite Party. To The Speaker of the House of the People/The Chairman of the Council of States..... Committee, Parliament House, New Delhi. The Speaker of the Legislative Assembly/The Chairman of the Legislative Council..... Committee..... Sir, It having been represented to this Court that (i) the production of the undermentioned document(s) is necessary for the purpose of justice and for the determination of the matters in dispute between the parties in the abovenoted case and it appearing that the said document(s) is in the custody of the House of the People/the Council of States/the Legislative Assembly/the Legislative Council/Committee and also that (ii) the evidence of..... an officer of the Secretariat of the House of the People/the Council of States /the Legislative Assembly/the Legislative Council/Committee of..... (or any duly informed officer in the Secretariat of the House/Committee as a witness in the above proceedings is required in regard to the matters noted below, I am directed to request that you will (a) arrange to send the document(s)/certified copy(ies) of the document(s), so as to reach this Court on or before the ..... by registered post with acknowledgement due or through an officer in the Secretariat of the House/Committee and (b) direct the said officer to appear before this Court at a.m. on..... (i), (ii), (a) and (b) - Omit portion not required. Yours faithfully Registrar

## 1. Particulars of the document(s) to be produced.

## 2. Matters in regard to which evidence is required.

Form No. 35[Rule 81, Chapter V]In The High Court At Calcutta(Civil Appellate Jurisdiction)In the matter ofAn Application (set out the particulars)An Appeal from (set out the particulars)AndIn the matter ofName of the CaveatorPlaintiff / Defendant / Appellant / Respondent Petitioner / Opposite PartyToThe Registrar, Appellate Side,High Court, CalcuttaSir,Under Section 148A of the Code of Civil Procedure I am lodging Caveat in respect of an Application which is expected to be made/ has been in a Proceeding instituted/about to be instituted in the Appellate Side of this Court, let no Order be made on such an Application except on Notice to me. I am furnishing the necessary particulars hereunder.Particulars(a)Name and full Postal address of the person lodging Caveat.(b)Name of the Applicant in respect of whose Application the Caveat is intended and the full Postal address of such Application.(c)The Court by which the Decree or Orders referred to in the Caveat was passed together with the number and year of the Suit or Proceeding in which the Decree or Order was passed.(d)Particulars of the Proceeding of the High Court in case the Caveat is being lodged in the pending Proceeding with reference to which the Caveat is being lodged.(e)Value of the Suit or Proceeding.(f)A statement as to how the Notice of the Caveat has been served on the person by whom the Application in respect of which the Caveat being lodged has been or is expected to be made.Yours faithfully,Appendix IIForms(Criminal)(Only such Criminal Forms as are specifically mentioned in these Rules have been incorporated in this Appendix)Form No. 1[Rule 11, Chapter XI](Abolished)Form No. 2[Rule 11, Chapter XI]No.Cr.FromThe Registrar Of The High Court At CalcuttaAppellate SideToThe Magistrate Of The District OfDated, Calcutta, the ..... 20....(Death reference No..... and Appeal No..... of 20.....High CourtCriminalSir,The Sessions Judge of ..... having referred to this Court for confirmation under section 366 of the Code of Criminal Procedure, the proceedings of this Court, dated the ..... of..... 20..... convicting..... son of..... of murder and sentencing to death under section 302 of the Indian Penal Code, I am to request that you will inform the prisoner ..... that the reference has been set down for hearing on the of 20 or as soon thereafter as the business of the Court will permit and along with which the appeal which has been/ may be preferred by will also be heard and disposed of.

## 2. You are also requested to intimate to me hereon that notice has been served as directed.

Yours faithfully,Registrar.Cr.Memo No.Copy forwarded to the Superintendent and Remembrancer of Legal Affairs for his information.By Order of the High Court,High CourtAppellate Side,Criminal SectionThe....., 20.....Registrar.Form No. 4[Rules 11 and 20, Chapter XI]No.Cr.FromThe Registrar Of The High CourtAt Calcutta, Appellate SideToThe Magistrate Of The District OfAdvocate for Appellant(s)High Court :CriminalDated, Calcutta, the ..... 20....Present:The Hon'ble Mr. JusticeandThe Hon'ble Mr. Justice(Appeal No..... of 20.....)Sir,Under section 385 of the Code of Criminal Procedure, I am directed

[Appeal of .....Appellants. to forward herewith a copy of the Court's order, dated the Convicted undersection ..... of 20and to inform you (request you to take notice) that the

the I.P.C. and sentenced by the Sessions case[marginally] [ ] Strike out if not required.] noted is set Judge of ..... on the 20.....] down for hearing on the ..... day of 20....., or as soon [ ] Strike out if not required.] thereafter as the business of the Court will permit [and to request that you will give notice thereof to the appellant(s) and report actual service of notice to me before the date fixed for the hearing of the case].

Yours faithfully, Registrar. [Memo. No. Cr. Copy, together with a copy of the Court's order, dated the ..... 20..... forwarded to the District Magistrate of ..... with the request that pending the hearing of the appeal, he will release the appellant(s) ..... on bail to the satisfaction of the District Magistrate/cause the realisation of the fine to be stayed. By Order of the High Court, High Court : Appellate Side : Criminal Section : Registrar.] The ..... 20..... Memo. No. Cr. Copy forwarded to the Sessions Judge of ..... for his information, and with a request that he will forward the papers of the case, including the Magistrate's commitment record, at once. Should this not be despatched so as to reach this office on or before the ..... 20..... an explanation of the delay should be given.

## 2. The material exhibits of the case, if any, need not be sent until called for by the Court.

By Order of the High Court, High Court : Appellate Side : Criminal Section : The ..... 20..... Memo. No. Cr. Copy, together with a copy of the Court's order, dated the ..... 20..... forwarded to the Superintendent and Remembrancer of Legal Affairs, West Bengal, for his information. By Order of the High Court, High Court : Appellate Side : Criminal Section : Registrar. The ..... 20..... Form No. 5 [Rules 11 and 20, Chapter XI] No. Cr. From The Registrar Of The High Court At Calcutta Appellate Side To The Magistrate Of The District Of Dated, Calcutta, the ..... 20..... (Appeal No. .... of 20.....) Sir, Under section 385 of the Code of Criminal Procedure, I am directed to forward herewith a copy of the Court's

High Court Criminal Present: The Hon'ble Mr. Justice and The Hon'ble Mr. Justice \* Appeal of Appellants. Convicted under section I.P.C. and sentenced by the Sessions Judge of ..... on the 20...

order, dated the ..... 20..... and to inform you that the case marginally\* noted is set down for hearing on the day of ..... 20....., or as soon thereafter as the business of the Court will permit. As the appellant is confined in the ..... Jail, the District Magistrate of ..... has been requested to have the notice served upon.

Yours faithfully, Registrar. Memo No. Cr. Copy forwarded to the District Magistrate of ..... with request that he will have notice of the date fixed for hearing the appeal served upon the appellant, and intimate to this office hereon that he has done so. By Order of the High Court, High Court : Appellate Side : Criminal Section : Registrar The ..... 20..... Memo. No. Cr. Copy forwarded to the Sessions Judge of ..... for his information and with a request that he will forward the papers of the case including the Magistrate's commitment record at once. Should they not be despatched so as to reach this office on or before the ..... 20..... an explanation of the delay should be given.

## 2. The material exhibits of the case, if any, need not be sent until called for by the Court.

By Order of the High Court, High Court :Appellate Side:Criminal Section :Registrar.The ..... 20....Memo. No.Cr.Copy together with a copy of the Court's order, dated the..... 20..... , forwarded to the Superintendent and Remembrancer of Legal Affairs for his information.By Order of the High Court, High Court :Appellate Side:Criminal Section :Registrar.The ..... 20....Form No. 10[Rule 8 Chapter XI]In The High Court At CalcuttaCriminal Appellate/Revisional JurisdictionCriminal..... No..... of 20.....Mr./Messrs.For Accused/Petitioners/Appellants.Mr./Messrs.For Opposite party/for the State.[This reference is accepted/rejected.] [Strike out if not required.]We direct that the accused/petitioners/appellants named be at once released and if on bail the bail bond cancelled. be at once released on bail.be called upon to surrender forthwith to his/ their bail to serve out the ([remainder] [Strike out if not required.] of the) sentence of imposed upon him/ them be informed(1)that he/they has/have been sentenced to death.(2)that the sentence of death passed on him/them has been confirmed.(3)that the sentence of death passed on him/ them has been commuted to transportation for life.(4)that the sentence of death passed on him/them has been altered to rigorous imprisonment for years.(5)that he has/they have been sentenced to.(6)that the sentence(s) passed on him/them has/have been confirmed.(7)that the sentence(s) passed on him/them has/have been altered to Judgment follows:Dated the..... 20.....Memo. No.Cr.Copy forwarded to the Sessions Judge/District Magistrate of..... for information and necessary action, with reference to his letter No ..... dated the ..... 20.....[An acknowledgement of the receipt of the Court's order by telegraph is requested. The actual date of surrender or release must be reported within a week of the receipt of this.] [Strike out if not required.]By Order of the High Court, High Court :Appellate Side:Criminal Section :Registrar.The ..... 20....Form No. 12[Rule 11, Chapter XI]No.Cr.FromThe Registrar Of The High CourtAt Calcutta Appellate SideTOThe Magistrate Of The District OfDated, Calcutta, the..... 20.....(Government Appeal No..... of 20.....)Sir,With reference to the accompanying copy of the petition of appeal,

High Court(Criminal)Present:TheHon'ble Mr. JusticeThe Hon'ble Mr. JusticeThe Sate ofAppellant,versusRespondent,Convicted of an offence under section I.P.C. By the Magistrateof..... on the 20..... and acquitted on appeal by theSessions Judge of ..... on the 20.....

filed by the Superintendent and Remembrancer of Legal Affairs, West Bengal, on behalf of the State of West Bengal, under section 378 of the Code of Criminal Procedure, in connection with the case noted on the margin, I am directed to forward herewith a copy of the Court's order, dated ..... the..... 20..... and to inform you under section 385 of the said Code that the appeal has been set down for hearing on the..... 20....., or as soon thereafter as the business of the Court will permit, and to request that you will give notice thereof to the respondent..... intimating to me hereon that you have done so.

Yours faithfullyRegistrarMemo No.Cr.Copy forwarded to the Sessions Judge of ..... for his information.By Order of the High Court, High Court :Appellate Side:Criminal Section :Registrar.The ..... 20....Memo No.Cr.Copy, together with a copy of the Court's order, dated the



..... 20....., forwarded to the Superintendent and Remembrancer of Legal Affairs, West Bengal, for his information. By Order of the High Court, High Court :Appellate Side:Criminal Section :Registrar. The ..... 20....Form No. 40[Rule 1, Chapter XV]In The High Court At Calcutta(Criminal Appellate Jurisdiction)Appeal No..... of 20.....The StateversusAppellants. Title Page

## **Part I – (This file must be preserved for ever)**

Date of decision of High Court.....Date of deposit in the Record Room.....Form No. 41[Rule 1, Chapter XV]In The High Court At Calcutta(Criminal Appellate Jurisdiction)Title Page

## **Part I – (This file must be destroyed at the end of 3 years)**

The above period shall be calculated from the date of the final order. Appeal No..... of 20.....The StateversusAppellants. Date of decision of High Court.....Date of deposit in the Record Room.....Form No. 42[Rule 1, Chapter XV]In The High Court At Calcutta(Criminal Appellate Jurisdiction)Civil Revision No.....of 20Petitioners.versusOpposite party. Title Page

## **Part I – (This file must be preserved for ever)**

Date of decision of High Court.....Date of deposit in the Record Room.....Form No. 43[Rule 1, Chapter XV]In The High Court At Calcutta(Criminal Appellate Jurisdiction)Civil Revision No ..... of 20.....Petitioners.versusOpposite party. Title Page

## **Part II – (This file must be preserved for ever)**

The above period shall be calculated from the date of the final order. Date of decision of High Court.....Date of deposit in the Record Room.....Form No. 44[Rule 1, Chapter XV]In The High Court At Calcutta(Criminal Appellate Jurisdiction)Revision No..... of 20.....Petitioners.versusOpposite party. Title Page

## **Part I – (This file must be preserved for ever)**

Date of decision of High Court.....Date of deposit in the Record Room.....Form No. 45[Rule 1, Chapter XV]In The High Court At Calcutta(Criminal Appellate Jurisdiction)Revision No..... of 20.....Petitioners.versusOpposite party. Title Page

## Part II

(This file must be preserved for ever)The above period shall be calculated from the date of the final order.Date of decision of High Court.....Date of deposit in the Record Room.....Form No. 46[Rule 1, Chapter XV](Abolished)Form No. 47[Rule 1, Chapter XV](Abolished)Form No. 48,[Rule 1, Chapter XV](Abolished)Form No. 49[Rule 1, Chapter XV](Abolished)Form No. 50[Rule 1, Chapter XV]In The High Court At Calcutta(Criminal Appellate Jurisdiction)Reference under section 374, Code of Criminal ProcedureNo..... and Appeal No..... of 20.....The StateversusAccused.Title Page

## Part I – (This file must be preserved for ever)

Date of decision of High Court.....Date of deposit in the Record Room.....Form No. 51[Rule 1, Chapter XV]In The High Court At Calcutta(Criminal Appellate Jurisdiction)Reference under section 366, Code of Criminal ProcedureNo..... and Appeal..... No of 20.....The StateversusAccused.Title Page

## Part II – (This file must be preserved for ever)

The above period shall be calculated from the date of the final order.Date of decision of High Court.....Date of deposit in the Record Room.....Form No. 52[Rule 1, Chapter XV]In The High Court At Calcutta(Criminal Appellate Jurisdiction)Reference under section 400, Code of Criminal ProcedureNo ..... of..... 20.....Complainant.versusAccused.Title Page

## Part I – (This file must be preserved for ever)

Date of decision of High Court.....Date of deposit in the Record Room.....Form No. 53[Rule 1, Chapter XV]In The High Court At Calcutta(Criminal Appellate Jurisdiction)Reference under section 400, Code of Criminal ProcedureNo ..... of ..... 20.....Complainant.versusAccused.Title Page

## Part II – (This file must be destroyed at the end of 3 years)

The above period shall be calculated from the date of the final order.Date of decision of High Court.....Date of deposit in the Record Room.....Form No. 57[Rule 42, Chapter XII](Abolished)Form No. 58[Rule 42, Chapter XII](Abolished)Form No. 59[Rule 42, Chapter XII](Abolished)Form No. 60[Rule 42, Chapter XII](Abolished)Form No. 61[Rule 42, Chapter XII](Abolished)Appendix IIICalcutta High Court Contempt of Courts Rules, 1975Rules Regulating the Procedure in Contempt of Court matters framed under the Contempt of Courts Act, 1971\*Notification No. 10171-G., dated 22nd August 1975. - In exercise of the powers conferred by section 23 of the Contempt of Courts Act,

1971 and by Article 215 of the Constitution of India and all other powers in that behalf enabling the High Court of Calcutta hereby makes the following rules to regulate the proceedings for contempt of itself or of a Court subordinate to it under the Contempt of Courts Act, 1971 (Central Act 70 of 1971).

## **1.**

(1) These rules may be called Contempt of Courts Rules, 1975. (2) They shall come into force from such date as may be fixed by the High Court by a notification in the Official Gazette.

**1A. In these Rules, unless it is repugnant to the subject or context, the words and expressions 'Act', 'Court' shall mean respectively the Contempt of Courts Act, 1971 and the High Court. The "Form" shall mean the Forms mentioned in the Appendix to the Rules.**

"Civil Contempt" and "Criminal Contempt" shall have the same meaning as in the definitions in the Contempt of Courts Act, 1971.

## **2.**

(1) Proceedings in connection with a Civil Contempt may be initiated -(a) by a petition presented by a party or parties aggrieved; or (b) by the High Court on its own motion; or (c) on a reference made to the High Court by the subordinate courts as in the case of "Criminal Contempt". (2) Proceedings in connection with a criminal contempt may be initiated -(a) on a motion of the High Court in respect of a contempt committed upon its own view under section 14 of the Act; or (b) on its own motion by the High Court under section 15(1) of the Act; or (c) on a motion founded on a petition presented by the Advocate General under section 15(1)(a) of the Act; or (d) on a motion founded on a petition presented by any other person with the consent in writing of the Advocate-General under section 15(1)(b) of the Act; or (e) on a reference made to the High Court by the subordinate courts under section 15(2) of the Act, containing the following particulars -(a) a brief statement of the case; (b) the particulars of the contumacious acts; (c) name, address and other particulars of the respondents along with the copies of the papers relating to contumacious acts.

**3. Every petition shall be expressed to be made in the "Special Jurisdiction" of this Court provided that every petition for civil contempt shall be expressed to be made in the "Special Civil Jurisdiction" and that every petition for criminal contempt in the "Special Criminal Jurisdiction".**

**4. Every petition and affidavit in connection therewith (suitably modified where necessary) shall be entitled:**

In the matter of Contempt of Court And In the matter of (state briefly the nature of contumacious conduct complained of) And In the matter of (state the name and other particulars required as in a

plaint, of the petitioner and each of the petitioners) - PetitionerVersus(State the name and other particulars required, as in a plaint, of the respondent or each of the respondents) - Respondents

**5. Every petition and affidavit in connection therewith shall consist of paragraphs numbered consecutively and shall be fairly and legibly type - written on demy - foolscap size paper, or on paper ordinarily used in the High Court for transcribing petition with quarter margin.**

**6. Every petition shall contain full particulars of the materials upon which the petition is grounded.**

**7. The prayer to the petition shall distinctly state the particular contumacious conduct alleged for which the rule is prayed for.**

**8. Every petition shall be signed and dated by the petitioner or his duly authorised agent.**

**9. Every petition shall be verified by the solemn affirmation made by the petitioner or by a person or persons having cognizance of facts stated and shall state clearly by reference to the paragraphs of the petition whether the statements are based on knowledge information and belief or on record. Where a statement is based on record sufficient particulars shall be given to identify the records.**

**10. Where the petitioner is a company there should be appended an affidavit of competency.**

Where the petitioner or the respondent is a corporation provision of Order XXIX of the Code of Civil Procedure, in so far as they are applicable shall apply.

**11. All annexures to the petition shall be type - written (except where they are in the vernacular when they may be typed or be in manuscript) and transcribed on the same kind of paper as is used in the body of the petition. The annexure shall be separately paginated and marked with exhibits marks (for example - A.B.C.D. etc.) and shall bear certificate of the Commissioner before whom the affidavit is made.**

**12. Original documents and certified copies may not be annexed, only transcribed copies thereof need be annexed.**

**13. Where a document is not in the English language, the Court may direct that the party filing the same as an annexure should get it officially translated. The procedure for such translation and the fees to be paid therefor shall be as provided in the rules of the Original Side.**

**14. Where the respondent is the Central. Government or the State Government the cause - title shall mention the person upon whom the notice or the rule is to be served.**

**15. All petitions in connection with a civil contempt grounded on wilful disobedience to a judgment decree, direction, order or other process of a Court or wilful breach of an undertaking given to a Court shall be heard by the Judge or Judges who passed the judgment or the decree or gave the direction or the order or issued the writ or other process or before whom the undertaking was given.**

**16. All petitions presented by the Advocate-General and all petitions presented by any other person under section 15 of the Act shall be moved before the Bench presided over by the Chief Justice or by such other Bench as the Chief Justice may from time to time appoint.**

All matters relating to contempt of subordinate courts, brought or coming to the notice of this Court shall be dealt with by the Bench presided over by the Chief Justice or by such other Bench as the Chief Justice may from time to time appoint.

**17. Rules issued by any Court on its own motion shall be dealt with by that particular Court provided that such rules under section 15 of the Act shall be heard and determined by such Bench of Judges as the Chief Justice may appoint.**

**18. Notwithstanding anything contained in Rules 15 to 17 above, the Chief Justice may assign a rule for hearing before another Judge or Bench if required in the special circumstances of to case or if the Judge or the Bench reports or report to the Chief Justice for so doing.**

**19. The Court may issue Rule Nisi or summarily reject the petition or make such order thereupon as thought fit.**

The Rule Nisi shall be drawn up, as far as may be, in the model form in Form No. 1, Appendix I.

**19A. Reference made by the subordinate courts shall be placed before the Bench in Chambers for orders.**

**20. Where a rule is issued by the Court on its own motion or on a motion made by the Advocate-General under section 15, the Rule Nisi shall be drawn up, as far as may be in the model form in Form No. 2, Appendix I.**

**21. Preparation of paper - book for use of the Court and of the contemner shall be made by the office as per direction of the Court.**

**22. Provisions in these rules shall apply mutatis mutandis in cases of contempt of subordinate courts.**

**23. Every attempt shall be made to serve the Rule Nisi personally upon the alleged contemner or contemnors, but in suitable cases, the Court on being satisfied that personal service cannot be effected may make an order for an alternative form of service provided for by the Code of Civil or Criminal Procedure.**

**24. In applications before a Judge or Judges sitting in the Original Side minutes shall be maintained as in applications made in the Original Side of this Court. In applications before a Judge or Judges sitting in the Appellate Side an Order Book shall be maintained as in Civil Revision cases. In the case of a Criminal Contempt, however, order sheets shall be maintained as in Criminal Revision cases.**

**25. So far as appearance of Advocates and Attorneys are concerned the rules applicable in the Original Side shall apply to applications made in the Original Side and the rules applicable in the Appellate Side shall apply to applications made in the Appellate Side.**

**26. Upon a Rule Nisi being issued on a petition, the petitioner shall within one week of the making of the order file as many typed copies of the petition as there are respondents. Where the Central Government, State Government or a Government Department is a party respondent, an additional copy of the petition will be filed for service upon, the Legal Remembrancer of the State or Solicitor to the Central Government.**

**27. Except as otherwise specified in these Rules - in respect of applications moved before the Original Side, the Rules of the Original Side relating to interlocutory applications and in respect of applications moved before the Appellate Side or in respect of proceedings for Criminal Contempt initiated in the Appellate Side Rules of the Appellate Side relating to Civil Revision Cases or Criminal Revision Cases, as the case may be, shall apply mutatis mutandis with regard to the following matters: -**

(1) The drawing up of all interlocutory Orders and Rule Nisi. (2) The service of all orders and the Rule Nisi upon the respondents or the contemnors : Provided that in applications moved before the Appellate Side the cost of serving the interlocutory orders by post upon the respondent or respondents shall be borne by the petitioner. (3) The appointment of next friend for a petitioner or a guardian ad - litem for the respondent or the contemner, where the petitioner or the respondent or the contemner as the case may be, is as minor or a person under disability. (4) The entering of appearance of the respondents or the contemnors including the filing of Vakalatnamas and power of attorney. (5) The making of interlocutory applications. (6) Affirmation of affidavits. (7) Filing of petitions and affidavits. (8) Payment of court - fees. (9) Payment of process - fees. (10) The drawing up of order generally. (11) Assessment or taxation of cost. (12) Any matter, not expressly covered by these rules.

**28. In applications moved before the Original Side, when the return of service has been filed and in proceedings for criminal contempt initiated in the Appellate Side when the return of service (which shall include a return of non - service) upon the contemner - opposite party has been received and on the expiry of the returnable date the matter shall be put down in the daily or peremptory list of the appropriate Court for direction.**

**29. The respondent or the contemner may file an affidavit showing cause and the petitioner may file a reply thereto within such time as may be directed by the Court. The Court may, however, in a contempt proceeding take such evidence as may be considered necessary.**

**30. All affidavits shall be drawn up in paragraphs numbered consecutively and shall be type - written, transcribed and verified in the same manner as a petition. The annexures shall be in the same form as a petition and consecutively paginated.**

**31. Excepting in cases where rules have been issued by the Court on its own motion, no affidavit shall be allowed to be filed unless the same be accompanied by a receipt showing service of a copy thereof on the Advocate or Attorney appearing for the other side.**

**32.**

(1) Fines imposed by any Judge or Bench of the Appellate Side or the Original Side shall, unless the Court directs otherwise, be deposited with the Registrar, Appellate Side or Original Side as the case may be. (2) Fine imposed upon a contemner if not deposited may be realised in accordance with the procedure prescribed by section 421 of the Code of Criminal Procedure, 1973 (Act 2 of 1974).

**33. Orders for committal shall be drawn up, as far as may be in accordance with the model form set out in Appendix II.**

**34. The Court may call upon the Advocate-General to appear and conduct any contempt proceeding on behalf of the Court.**

**35. In respect of appeals from the orders of any Judge or Bench of the Original Side the Rules of the Original Side relating to appeals and in respect of appeals from the order of any Judge or Bench of the Appellate Side, the Rules of the Appellate Side shall apply mutatis mutandis.**

**36. Repeal and Savings. - On the coming into force of these rules, all existing rules or the like governing any matter dealt with or covered by these rules shall stand repealed :**

Provided that this appeal shall not affect or invalidate anything done, any action or decision taken, any disposal made, any order or proceeding made or issued under the existing rules before the amendment of these Rules. Appendix I Forms Of Rule NISI Form No. 1 Upon reading a petition of ..... and his/their affidavit of verification thereof, dated ..... and the exhibits or annexures to the said petition and upon hearing ..... advocate or the said petition(s). It is ordered that Rule do issue calling upon the respondent/ respondents to show cause why he/they should not be committed to prison or otherwise penalised or dealt with for having ..... (set out the nature of contumacious conduct). And it is further ordered



that pending the disposal of this Rule the respondent/respondents are restrained from ..... (State particulars). The Rule is made returnable ..... On the returnable date, it is ordered, the respondent/respondents shall appear personally before this Court at ..... a.m./p.m., and shall not leave the Court without permission. Form No. 2 Whereas it has been brought to the notice/been reported to of this Court by an affidavit filed by the Advocate-General, Registrar, Appellate/Original Side of this Court that the respondent/respondents has/have..... (Set out the nature of contumacious conduct) It is ordered that a Rule do issue calling upon the respondent(s) to show cause why he/they should not be committed to prison or otherwise penalised or dealt with for the acts or conduct stated above. The Rule is made returnable on ..... The contemner shall be personally present in Court at ..... on the returnable date and shall not leave the Court without permission. Appendix II In The High Court At Calcutta (Special Jurisdiction) Contempt of Court No ..... of ..... To The Sheriff of the Town of Calcutta and To The Superintendent of the Presidency Jail Whereas ..... (Give full name and address of the contemner) has this ..... day of ..... 20 ..... been found guilty of contempt of court for (Give particulars) ..... and whereas it has been ordered that the said ..... (Give name of the contemner) be ..... (Give particulars of the sentence imposed) These are therefore to will and require you the said Sheriff to take the said ..... and to carry and convey ..... forthwith to the said Jail under safe and secure conduct. And you the said Superintendent aforesaid are hereby in the name of President of the Union of India commanded and required to take and receive the said ..... into the Jail and keep imprisoned therein until the further order of this Court. Witness ..... Chief Justice at Calcutta aforesaid the ..... day of ..... in the year Two thousand and ..... Attorney. Registrar. By order of the High Court Deputy Registrar. Suit No ..... of 19 ..... In The High Court At Calcutta Special Jurisdiction/Civil Jurisdiction versus Contempt Warrant Filed this ..... day of ..... 20 ..... Assistant Registrar Attorney. Appendix IV Rules of High Court at Calcutta relating to Applications under Article 226 of The Constitution of India The following Rules framed by the High Court at Calcutta will come into force with effect from the 23rd day of May, 1986.

## Chapter 1

**1. Except as otherwise provided, all applications made under Article 226 of the Constitution shall be governed by these rules.**

**2. Rule 8, second paragraph, Part - I, Chapter - II, Rule 15A, Part - II, Chapter - V and Rule 28A, Part - II, Chapter - XI of the Appellate Side Rules shall stand repealed.**

**3. All such applications shall be expressed to be made in the "Constitutional Writ Jurisdiction" of this Court except that applications for a Writ in the nature of Habeas Corpus shall be expressed to be made in the "Constitutional Writ Jurisdiction (Habeas Corpus)".**

**4. All applications for Writs in the nature of Mandamus, Prohibition and Quo Warranto, in which all the respondents reside or carry on business or have their offices situate within the Ordinary Original Civil Jurisdiction of this High Court, whether they relate to a person or Court, or Authority, whether exercising civil, criminal or other jurisdictions, shall be dealt with by the Original Side and shall be marked as "Original Side" application.**

**5. All applications for Writ in the nature of Certiorari, wherein the records are located or are available within the Ordinary Original Civil Jurisdiction of this High Court, whether they relate to an authority or Court exercising civil or criminal or other jurisdiction, shall be dealt with by the Original Side and shall likewise be marked as "Original Side" applications, where such authority or court and any other person, having custody of the records, have their offices situate within the aforesaid Ordinary Original Civil Jurisdiction of this High Court.**

**6. [] [[Rule 6 substituted vide Notification No. 7103-G dated 18.11.1999. Earlier rule 6 stood as under:**

'6. All applications for a Writ to the nature of Habeas Corpus shall be heard and disposed of at the Appellate Side and governed by Rules 29 to 42 of Chapter XI, Part - II of the Appellate Side Rules.']] All applications for a Writ in the nature of Habeas Corpus shall be made before the Division Bench taking the criminal business of the Appellate Jurisdiction of the High Court and shall be governed by the following procedure:(i)Such application shall be made by Advocates and Attorneys may instruct such Advocates;(ii)Applications shall be made on petition duly verified by affidavit setting forth the circumstances under which the order is sought;(iii)Where the application is for an order that a prisoner detained in any jail situate within such limits be brought before the Court to be there examined as a witness in any matter pending or to be inquired into such Court, it shall be stated where the prisoner is detained and for what purpose his evidence is required;(iv)Where an order under clause (3) of Section 475 of the Criminal Procedure Code, 1973 is required the Court martial or the Commissioners may send an application to this Court in writing and in such case an affidavit shall not be required. The application shall be in the form of a letter addressed to the Registrar stating the purpose for which the said Court martial has been assembled or the authority under which the Commissioners are acting, and also, stating where the prisoner is detained in custody and when, where, and for what purpose he is required to be produced. It shall be the duty of the

Registrar to submit the letter, as soon as possible after receipt thereof, to, and to obtain the order thereon of the Judges presiding over the Criminal Appellate Bench of this Court;(v)Where the application is for an order that a prisoner within the limits of its Appellate Criminal Jurisdiction be removed from one custody to another for the purpose of trial, notice of the application shall be served on the prisoner and it shall be stated in the affidavit where the prisoner is detained in custody to what other custody it is proposed to remove him and the reason for such change of custody;(vi)Where an application is for an order that the body of a defendant within such limits is brought in or the Sheriffs' return of cepi corpus to a writ of attachment, or the Sheriffs' return of cepi corpus to the warrant of arrest shall be produced. The officer having the custody of the Sheriffs' return shall cause the same to be produced before the Court on a requisition to him in writing;(vii)In any case in which the Court shall order a person in custody to be brought either before it, or before a Court martial, or before Commissioners, or to be removed from one custody to another, a warrant shall be prepared and signed by the Registrar, Appellate Side, and sealed with the seal of the Court;(viii)Such warrant where issued under Rule 33, shall be forwarded by the Registrar of the Appellate Side to the Officer in charge of the jail in which the prisoner is confined; in every other case the warrant shall be served personally upon the person to whom it is directed or otherwise as the Court shall direct;(ix)Where the application is to bring up before the Court a person in custody under a warrant to detain such person, a copy of the warrant under which he is detained, obtained from an authenticated by the signature of the person in whose custody the applicant is, shall be produced to the Court, or it shall be shown by affidavit that it has been asked for and denied;(x)Where the Court is of opinion that a prima facie case for granting the application is made out, a rule nisi may be issued calling upon the person against whom the order is sought to appear on a day to be named therein to show cause why such order should not be made and at the same time to produce in Court the body of the person or persons alleged to be illegally or improperly detained then and there is to be dealt with according to law;(xi)On the returnable day of such rule or on any day to which the hearing thereof may be adjourned where no cause is shown, or where cause is shown or where cause shown and disallowed, the Court shall pass an order that the person or persons improperly detained shall be set at liberty or delivered to the person entitled to his or their custody. Where cause is allowed the Rule shall be discharged;(xii)In disposing of any such rule the Court may in its discretion make an order for the payment by one side or the other of the costs of the rule;(xiii)The forms of warrants No. 57 to 61 (Criminal) of Appendix II shall be followed.

## **7. All other applications whether they relate to a person or authority or Court exercising Civil or Criminal or other jurisdiction shall be dealt with by the Appellate Side of the High Court and marked as "Appellate Side" applications.**

[8. All such applications which are marked "Original Side" applications shall be numbered as "W.P. No. .... of ..... (state year)" and all applications which are "Appellate Side" applications shall be numbered as "W.P. No. .... (W) of ..... (state year)": Provided that all applications under Article 226 of the Constitution filed in Andaman & Nicobar Islands shall be numbered as "W .P. (AN) No. .... of ..... (state year)."]  
[[Rule 8 substituted vide Notification No. 7103-G dated 18.11.1999. Earlier rule 8 stood as under:'8.

All such applications which are marked 'Original Side' applications shall be numbered as 'Matter No. .... of .... (state year)' and all applications which are 'Appellate Side' applications shall be numbered as 'Civil Revision No. .... (W) of .... (state year)' or 'Criminal Revision (W) No. .... of .... (state year)' as the case may be: Provided that all applications under Article 226 of the Constitution filed in Andaman and Nicobar Islands shall be numbered as 'Civil Revision No. (W) .... of (state year) and filed at Andaman and Nicobar Islands', and should be separately and serially numbered other than the number of Civil Revisions filed at the High Court at Calcutta itself.']) [8A. All petitions under Article 226 of the Constitution shall contain the particulars as detailed in the proforma as specified in the Rules relating to computerised listing on the Appellate/Original Side as applicable. A petition which does not contain the necessary details as prescribed shall not be accepted by the department.] [Rule 8A substituted vide Notification No. 7103-G dated 18.11.1999. Earlier rule 8A stood as under: '8A. All petitions for the issuance of high prerogative writs under Article 226 of the Constitution shall contain the particulars as detailed in the proforma being Schedule - A to these Rules mentioning the B Group and Head according to the classification list of different types of writ proceedings as specified in Schedule - B to these Rules.')] [8B. All petitions for the issuance of high prerogative writs under Article 226 of Constitution shall also contain the particulars as detailed in the proforma being Schedule A to these Rules mentioning the Group and Head according to the classification list of different types of writ proceedings as specified in Schedule B to these Rules.] [Rule 8B inserted vide Notification No. 936-G, dated 28.02.2005, (w e.f. 14.06.2005).] [9. All petitions and affidavits with suitable modification shall be instituted. In the Matter of : An application under Article 226 of the Constitution. And In the Matter of: (state the name and other particulars required, as in a plaint, of the petitioner or each of the petitioners).... Petitioner. Versus (State the name and other particulars required as in a plaint of the respondent or each one of the respondents).... Respondent.]

**10. All petitions shall consist of paragraphs numbered consecutively and shall be fairly and legibly type - written on standard petition paper, demi - foolscap size or on paper ordinarily used in the High Court for transcribing petitions, with quarter margin.**

[11. All petitions shall contain a paragraph containing the "grounds" upon which the petition is moved, each separate ground being serially numbered. In every application under Article 226 of the Constitution, there should be appended a paragraph containing a statement, that on the self same facts or cause of action, no application was moved earlier or at all, before any Court and if so moved, the result thereof, must be indicated and further that the concerned application was not moved before any Court. A writ petition challenging an investigation or criminal proceeding with a prayer for stay of arrest during the pendency thereof or for grant of anticipatory bail or bail, shall also state whether the petitioners or any of them previously moved this Court or any other Court for anticipatory bail or bail and if so, state the number of the case, date of disposal and the results thereof.] [Rule 11 substituted vide Notification No. 7103-G dated 18.11.1999. Earlier rule 11 stood as under: '11. All petitions shall contain a paragraph containing the 'grounds' upon which the petition is moved, each separate ground being serially numbered. In every application under Article 226 of the Constitution, there should be appended a paragraph containing a statement, that on the self same

facts or cause of action, no application was moved earlier, or at all, before any Court and if so moved, the result thereof, must be indicated and further that the concerned application was not moved before any other court.']]

**12. The prayers to the petition shall distinctly state the particular Writ or orders or directions which the petitioner requires to be issued. Where leave is asked for making an application in a representative capacity, there must be a distinct prayer to that effect.**

**13. In an application for a Writ in the nature of Certiorari, there should be a statement as to the location of the records of the proceedings impugned.**

**14. Every petition must be signed and dated by the petitioner or his duly authorised agent.**

Explanation. - An endorsement in the petition signed by the advocate representing the petitioner, to the effect that he is satisfied that the petition has been signed by an agent of the petitioner duly authorised in that behalf, shall be accepted as prima facie evidence of the fact that the provision of the Rule has been complied with.[15. Every petition shall be verified by the solemn affirmation made by the petitioner or a person or persons duly authorised in this behalf and proof to the satisfaction of the Court to be acquainted with the facts of the case in the manner as specified under sub - rules (ii) and (iii) Rule 15 Order VI of the First Schedule of the Code of Civil Procedure and who having cognizance of the facts stated and shall clearly by reference to the paragraphs of the petition whether the statements are based on knowledge, information and belief, or on records and where statements are based on information, the source of information should be disclosed and where the statements are based on records, sufficient particulars be given to identify the records.] [[Rule 15 substituted vide Notification No. 7103-G dated 18.11.1999. Earlier rule 15 stood as under:'15. Every petition shall be verified by the solemn affirmation made by the petitioner or a person or persons having cognizance of the facts stated and shall state clearly by reference to the paragraphs of the petition whether the statements are based on knowledge, information and belief, or on records and where statements are based on information, the source of information should be disclosed and where the statements are based on records, sufficient particulars should be given to identify the records.']]

**16. Where the petitioner is a Company or a Corporation, there should be appended an affidavit of competency, where the petitioner or a respondent is a Corporation, the provisions of the Civil Procedure Code in so far as they are applicable shall apply.**

**17. Unless the Court otherwise directs, every application for a Writ in the nature of Habeas Corpus, shall be accompanied by an affidavit of a competent person setting out all material facts including the place of the**

**detention, if it is known to him.**

**18. It will not be necessary to set out in the application or in the affidavit any document, which is part of a record present in the High Court, but the application shall state shortly all facts upon which it is intended to rely, and shall give the number, letter, title or other description of all documents on the record present in the High Court, to which it is intended to refer.**

[19. In the case of an application relating to a matter which is or has been before the High Court, the High Court file, together with the application shall be placed before the Court or the Registrar at the time of hearing of the application. When an applicant desires that any document in a record present in the High Court shall be produced at the hearing, in order that it may be referred to by the Court, he shall at the time of filing the application, give notice to produce the same to the proper officer of the Court. Provided that no production shall be made in a pending case without the approval of the Judge, before whom the case is pending.] [[Rule 19 substituted vide Notification No. 7103-G dated 18.11.1999. Earlier rule 19 stood as under: '19. In the case of an application relating to a matter which is or has been before the High Court, the High Court file, together with the application, shall be placed before the Court or the Registrar at the time of the hearing of the application. When the applicant desires that any document in a record present in the High Court shall be produced at the hearing. In order that it may be referred to by the Court, he shall at the time of filing the application, give notice to produce the same to the proper officer of the Court. Note. - This rule will not apply to applications filed in Andaman and Nicobar Islands if the document is not available there.']]

**20. All petitions for a Writ in the nature of Mandamus shall contain a statement as to whether a demand for justice has been made and specify the particulars of such demand, including the date and service thereof. A copy of such demand, where the demand is in writing, shall be set out in the annexure to the petition.**

[21. (a) All petitions must be filed in paper book form with index alongwith a short list of dates and a statement of the point of law involved.] [[Rule 21 substituted vide Notification No. 7103-G dated 18.11.1999. Earlier rule 21 stood as under: </p>'21. All annexures to a petition shall be type - written, printed or cyclostyled or Xeroxed in a legible manner (except where they are in the vernacular, when they may be typed or handwritten, cyclostyled or Xeroxed) and transcribed on the same kind of paper as is used for the body thereof. The annexures shall be separately paginated and marked with exhibit marks (e.g. 'A', 'B', 'C' etc.) and shall bear the certificate of the Commissioner before whom the affidavit is made.'](b)[ \*\*\*\*] [[Deleted by Notification No. 6531-G dated 29th September, 2000. Earlier it stood as under: '(b) The petition, and the affidavits - in - opposition, the affidavits - in - reply, if any, shall be serially paginated. The responsibility for such pagination will be on the Advocate last filing the pleading.'](c)[ Documents in vernacular may be supplied with an official translation as and when directed by the Court.] [[Substituted by Notification No. 6531-G dated 29th September, 2000. Earlier it stood as under: '(c) All documents in the vernacular must be

accompanied by an official translation thereof.'](d)The annexures of all pleadings shall be separately paginated and distinctively marked as follows:(i)Annexure to the petition must be marked P/1, P/2, P/3, etc.(ii)Annexure to the affidavit - in - opposition must be marked R/1, R/2, R/3, etc.(iii)When there are annexures to the affidavit - in - reply it shall be marked P/4, P/5, P/6, etc.(iv)Where there are more than one affidavit - in - opposition the numbering must indicate the particular respondent to whose affidavit the particular document is annexed. For example, an annexure to the affidavit of Respondent No. 1 will be marked as R - 1 /1, R - 1 /2, R - 1 /3, etc. Annexure to the affidavit of Respondent No. 2 will be marked as R - 2/1, R - 2/2, R - 2/3, etc. and so on.(e)Papers in connection with interlocutory applications, applications for substitution, amendment etc. must be maintained in separate files in the same manner. All pleadings in interlocutory matters must indicate the nature of the interlocutory proceeding at the top of each pleading and at the top of the file in which papers relating to the matters are maintained.]

**22. Original documents, or certified copies may not be annexed as such, but copies thereof as indicated in Rule 21 above may be annexed.**

**23. Where a document is not in the English language, the Court may direct that the party filing the same as an annexure, should get it officially translated. The procedure for such translation of any document annexed to an application moved in the Original Side or in the Appellate Side and the fees to be paid therefor, shall be as provided in the Rules of the Original Side or the Appellate Side as the case may be.**

**24. Where the respondent is the Central Government, the Government of West Bengal or any other State or Corporate body, the cause - title shall mention the person upon whom the Writ is to be served, e.g. - "The State of West Bengal through.....".**

[24A. Before any matter is listed for hearing the officer before whom the petitions are filed shall certify that all the formalities prescribed under the Rules including the classification, sub-classification, etc. have been complied with. No defective filing shall be entertained except when the same is dispensed with with the express leave of the Court.] [Rule 24A inserted vide Notification No. 7103-G dated 18.11.1999.][25. All applications under Article 226 of the Constitution shall be filed centrally, as per the Rules relating to computerised listing on the Appellate/Original Side, as applicable:Provided that an application under Article 226 of the Constitution may be moved before the Judge on Circuit at the Andaman and Nicobar Islands:Provided further that no application shall be moved at the residence of a Learned Judge or elsewhere outside the Court premises, without an assignment in writing from the Chief Justice or any Judge authorised by the Chief Justice in that behalf.] [[Rule 25 substituted vide Notification No 7103-G dated 18.11.1999. Earlier rule 25 stood as under:'25. All applications under Article 226 of the Constitution shall, subject to any direction of the Chief Justice, be made before a Judge or Judges as the Chief Justice may appoint:</p>
</div>
<div data-bbox="114 939 458 955" data-label="Page-Footer">
<p>Indian Kanoon - <a href="http://indiankanoon.org/doc/193876314/">http://indiankanoon.org/doc/193876314/</a></p>
</div>
<div data-bbox="910 939 940 955" data-label="Page-Footer">
<p>191</p>
</div>

before the Judges in circuits at Andaman and Nicobar Islands.'])[26. Save and except as provided in these rules, all applications for a Rule Nisi shall be made in the first instance before the Court on such day or days and at such time or times as may be fixed by the Court.] [[Rule 26 substituted vide Notification No. 7103 - C dated 18.11.1999. Earlier rule 26 stood as under:'26. Save and except as provided in these Rules, all applications for a Rule Nisi shall be made in the first instance before the Court on such day or days and at such time or times as may be fixed by the Court:Provided that no application shall be moved at the residence of a learned Judge or elsewhere outside the Court premises, without an assignment in writing from the learned Chief Justice or any learned Judge authorised by the learned Chief Justice in that behalf:Provided further that an application for a Rule nisi involving revenue shall not be moved, unless the Judge otherwise directs, without serving a forty - eight hours prior notice along with a copy of the application under Article 226 of the Constitution, proposed to be moved on the Administrative Head of the department concerned with the administration of the Revenue law:Provided further that no application for Rule nisi shall be moved at the Andaman and Nicobar Islands before the Judges in Circuit, unless the Judges otherwise direct, without serving ten days' prior notice, along with a copy of the application proposed to be moved on the Administrative Head of the Department concerned, if the office of the Head of the Administration concerned is situated in Andaman and Nicobar Islands, otherwise fourteen days notice.The Court hearing such an application may issue a rule nisi or summarily reject the application or make such order therein as it thinks fit.A Judge issuing a rule nisi may make it returnable before a Division Bench or may while hearing the Rule, refer the same to the Division Bench for hearing.']]An application under Article 226 shall not be moved and no prayer for interim order shall be entertained in a writ petition under Article 226 of the Constitution without serving copy of such petition alongwith all annexures upon the respondents to be bound by or affected by such interim order and without giving such party a reasonable opportunity to contest the same, without serving 48 hours' prior notice alongwith a copy of the application under Article 226 of the Constitution, proposed to be moved, on the concerned respondent. Provided where the State Government is a party, service on the Legal Remembrancer/Government Pleader, as appropriate, will be sufficient; where the Central Government/ Local Authority/ Body/Corporation or any of its officers is a party service may also be made on the Standing Counsel for the Central Government/Local Authority or Body or Corporation notified to the Registrar in this behalf:Provided that the Court may for reasons recorded allow the moving of the application and entertain the prayer for such interim order without such notice, in which case, a copy of the application alongwith all annexures in support thereof, shall forthwith be served by the petitioner, upon the respondents against whom the interim order has been obtained:[\* \* \*] [[Second Proviso deleted vide Notification No. 480-G dated 15.01.2009. Previously it stood as under:'Provided that the provisions of Section 148A of the Code of Civil Procedure, 1908 shall mutatis mutandis apply to proceedings under Article 226. Such Caveats must be filed before an Officer nominated in this behalf by the Chief Justice.']]Provided further that an affidavit of service shall be filed showing compliance with these rules before the matter is taken up for hearing. The Court hearing such an application may issue a Rule Nisi or summarily reject the application or issue notice or give direction/ directions or make such order thereon as it thinks fit.A Judge, for the reasons recorded, at the hearing or at any subsequent stage of the proceeding may make it returnable before a Division Bench or may while hearing the Rule, refer the same to the Division Bench for hearing.Explanation. - The Judge hearing such application may dispose of the same by issuing notice and without issuing



formal Rule.[\* \* \*] [[Rule 27 deleted vide Notification No. 7103-G dated 18.11.1999. Earlier Rule 27 stood as under:'27. No prayer for interim order shall be entertained in a petition under Article 226 of the Constitution without serving a copy of such petition along with all the annexures upon the Respondents to be bound by or affected by such interim order and without giving such party a reasonable opportunity to contest the same.Provided that if the respondent sought to be bound or affected by the interim order is the Andaman and Nicobar Administration or any person or authority ordinarily residing or having its office in the islands, unless ten days' prior notice has been served upon such a respondent or any one authorised by him to receive such notice along with a copy of such application or petition as the case may be, together with all documents in support thereof.Provided further that the Court may for reasons recorded, entertain the prayer for such interim order without such notice, in which case, a copy of the application along with all annexures in support thereof, shall forthwith be served by the petitioner, upon the Respondents against whom the interim order has been obtained.']] [27.] [Renumbered as rule 27 and thereafter another paragraph added vide Notification No. 7103-G dated 18.11.1999.] In all cases where service is effected by the party, an affidavit of service be filed within such time as the court may direct.[In all cases where service is affected by the party on the Legal Remembrancer /Government Pleader, the office of the Legal Remembrancer/Government Pleader must specify the name of the Advocate concerned to deal with the matter in respect of which notice is served.] [Renumbered as rule 27 and thereafter another paragraph added vide Notification No. 7103-G dated 18.11.1999.][28. Every such application filed shall ordinarily be listed before the appropriate bench under the heading "For Admission" after 48 hours. The said period of 48 hours shall be deemed to be sufficient notice to the respondent - opposite party covered by Rule 26 of these rules to seek instruction. Except in special circumstances no adjournment shall be granted by the Court in such cases for seeking instructions once the case has been so listed for admission.] [Inserted by vide Notification No. 7103-G dated 18.11.1999.]

**29. A party who has been served with notice as aforesaid [.....] [The words 'or a party who has lodged a caveat in the form or manner as may be prescribed' deleted vide Notification No. 480 - 0 dated 15.1.2009.] or any of the respondents having knowledge of such a petition or application, shall be entitled to appear at the hearing thereof and shall have opportunity of being heard.**

[30. Every application for vacating and/or modifying any ex parte interim order shall, unless the Court otherwise directs be filed only upon previous notice to the petitioner in the writ petition and as and when application is filed, it should forthwith be listed for hearing at the top in the daily list under a special heading "Application for vacating ex parte interim order" and all endeavours should be made to dispose of such application at the earliest possible opportunity.] [[Rule 30 substituted vide Notification No. 7103-G dated 18.11.1999. Earlier rule 30 stood as under:'30. Every application for vacating and/or modifying any ex parte interim order shall, unless the Court otherwise directs, be filed only upon previous notice to the petitioner in the Writ petition and as and when an application is filed, it should forthwith be listed for hearing in the daily list under a special heading 'Application for vacating ex parte interim order' and all endeavours should be made to dispose of

such application at the earliest possible opportunity.']]

**31. Every application for vacating and /or modifying any other interim order shall, unless the Court otherwise directs, be filed only upon previous notice to other parties.**

**32. A Rule nisi issued on an application moved in the Original Side shall be drawn up as far as may be in the model form set out in Appendix I while the Rule nisi issued on an application in the Appellate Side shall be drawn up in the manner as in respect of an application under section 115 of the Code of Civil Procedure.**

[33. In applications marked "Original Side", an order book and minutes shall be maintained as in applications made in the Original Side of the High Court. In applications marked "Appellate Side", an order book shall be maintained as in Civil Revision Cases in the Appellate Side.] [[Rule 33 substituted vide Notification No. 7103-G dated 18.11.1999. Earlier rule 33 stood as under:'33. In application marked 'Original Side', minutes shall be maintained as in applications made in the Original Side of the High Court. In application marked 'Appellate Side' an order Book shall be maintained in as Civil Revision cases in the Appellate Side.']]

**34. So far as appearance of Advocates and Advocates on record are concerned, the Rules applicable in the Original Side will apply to applications marked "Original Side" and the Rules applicable in the Appellate Side will apply to applications marked "Appellate Side":**

Provided that in the matter of applications marked "Original Side" as aforesaid, but relating to Industrial Tribunals or the Corporation of Calcutta or Income Tax or Agricultural Income Tax or other Tax Authorities or Tribunals, Advocates not entitled to practise on the Original Side and Advocates so entitled under Chapter I, Rule 2 of the Original Side Rules, shall be entitled to appear and act.

**35.**

(1) Upon admission of his petition in respect of petitions marked "Appellate Side", the petitioner shall, within a week of the making of the order, file as many copies of his petition as there are respondents who have not been served together with an extra copy for each serving Court, to be retained by such Court for the purpose of drawing up of the return of service or non service as the case may be. Where the State Government is a party respondent copies will be filed for serving upon the concerned officer. Where the Central Government or the Andaman and Nicobar Administration is a party respondent, an additional copy will be filed for service upon the Officer - in - Charge of the Branch Secretariat of the Ministry of Law, Justice and Company and Legal Affairs, Calcutta or the Principal Officer of the Andaman and Nicobar Administration in Calcutta. (2) In applications marked

"Appellate Side", where fresh service is effected, notice of that fact shall be given to the petitioner, who shall within a week of the service of such notice, file the requisite number of copies of the petition for such fresh service. In case of default in filing such copies, the matter will be placed before the appropriate Court for further directions.(3)Unless the Court otherwise directs, such of the respondents, who have already been served with a copy of the petition under Article 226 of the Constitution under Rules 26 and 27 as above need not be served with a copy of such petition along with notice of the Rule and no copies on that account need further be filed by the petitioner.(4)In applications marked "Appellate Side", where notice on a particular respondent has been returned unserved and the copy of the petition has also been returned therewith, filing of fresh copies of such petition may be dispensed with by the Registrar.(5)[ Deleted.][36.] [[Rule 36 substituted vide Notification No. 8104-G dated 8th December, 2000. Earlier rule 36 stood as under:'36. Except as otherwise specified in these Rules, -In respect of 'Original Side' application, the Rules of the Original Side relating to interlocutory application, and in respect of 'Appellate Side' applications, the Rules of the Appellate Side relating to Civil Revision cases shall apply mutatis mutandis, in respect of the following matters:(1)The drawing up of all interlocutory orders and the Rule nisi.(2)The service of all orders and the Rule nisi upon the respondent or respondents. Provided, however, that in applications marked 'Appellate Side', the cost of serving interlocutory orders by post upon the respondent or respondents shall be borne by the petitioner.(3)The appointment of Next - friend for a petitioner or a guardian ad litem of the respondents, where the petitioner or the respondent, as the case may be, is a minor or a person under disability.(4)The entering of appearance of the respondent or respondents, including the filing of Vakalatnamas and Powers of Attorney.(5)The making of interlocutory applications.(6)Affirmation of affidavits.(7)Filing of petitions and affidavits.(8)Payment of Court - fees.(9)Payment of Process - fees.(10)The drawing up of orders generally.(11)Assessment or Taxation of costs.(12)Any matter, not expressly covered by these Rules.']] (1) Except as otherwise specified in these Rules:In respect of "Original Side" applications, the Rules of the Original Side relating to Interlocutory applications, and in respect of "Appellate Side" applications, the Rules of the Appellate Side relating to Civil Revision Cases shall apply mutatis mutandis, in respect of the following matters:(a)The drawing up of the Rule nisi.(b)The service of all Orders and the Rule nisi upon the respondent or respondents. Provided, however, that in applications marked "Appellate Side", the cost of serving interlocutory orders by post upon the respondent or respondents shall be borne by the petitioner.(c)The appointment of Next - friend for a petitioner or a guardian - ad - litem of the respondents, where the petitioner or the respondent, as the case may be, is a minor or a person under disability.(d)The entering of appearance of the respondent or respondents, including the filing of Vakalatnamas and Powers of Attorney.(e)The making of interlocutory applications.(f)Affirmation of affidavits.(g)Filing of petitions and affidavits.(h)Payment of Court - fees.(i)Payment of Process - Fees.(j)The recording of orders generally.(k)Assessment or Taxation of costs.(l)Any matter, not expressly covered by these Rules.(2)On all applications whenever an order shall be passed, the same shall become effective upon pronouncement thereof by a Judge or by the Judges, as the case may be dealing with the applications.

**37. Unless otherwise ordered, a Rule nisi in an application marked "Original Side" shall be returnable within three weeks from the date of the making of the order. A Rule nisi in an application marked "Appellate Side" shall be likewise returnable eight weeks from the date of the making of the order:**

Provided that an application filed before the Judges in Circuit in Andaman and Nicobar Islands shall be made returnable within such time as the Judges direct.

**38. Unless the Court otherwise directs, the respondent/ respondents shall file his/their affidavit - in - opposition/s within four weeks from the date of service of the Rule Nisi. The said affidavit - in - opposition/s shall be accompanied by a receipt showing service of a copy of the same upon the petitioner or his advocate - on - record. Within three weeks from the date of service of the affidavit - in - opposition/ s upon the petitioner or his Advocate - on - record, as the case may be, the petitioner shall file his affidavit - in - reply thereto together with a receipt showing service of the said reply upon the respondent or his advocate - on - record:**

Provided that the Judge issuing Rule nisi while in Circuit at Andaman and Nicobar Islands shall give directions at the time of the issue of the Rule nisi for counter - affidavit or other affidavits and affidavit - in - reply.[39. All affidavits shall be drawn up in paragraphs numbered consecutively and shall be type written, printed or cyclostyled, xeroxed and transcribed in the same manner as a petition and shall be verified in the same manner as a petition. The annexures shall be paginated and numbered in the manner prescribed in Rule 21 hereof.] [[Rule 39 substituted vide Notification No. 7103-G dated 18.11.1999. Earlier rule 39 stood as under:'39. All affidavits shall be drawn up in paragraph numbered consecutively and shall be type - written, printed or cyclostyled, xeroxed and transcribed in the same manner as a petition and shall be verified in the same manner as a petition. The annexures shall be in the same form as in a petition and paginated.']]

**40. Unless otherwise ordered, all affidavits shall be filed before the proper officer of the Court and in compliance with directions given by the Court. No affidavit shall be used unless filed at least 24 hours before the sitting of the Court on the date fixed for the hearing and no affidavit shall ordinarily be read at the hearing unless a copy thereof has been served upon the respondent or his Advocate at least 24 hours prior to such hearing.**

**41. Unless otherwise ordered, a Rule nisi in the case of a Writ of Certiorari shall contain a direction upon the inferior Court, Tribunal or Authority concerned, to cause the relevant records to be produced at the time of hearing.**

**42. Upon a final order being made, or a Rule being made absolute, the petitioner, through his Advocate or Advocate - on - record, as the case may be, shall within a week thereof, make a requisition in writing to the Registrar, for drawing up of the said order or the Rule. The Registrar shall then proceed to draw up the Order or Rule, upon notice to the contesting parties or the Advocate or Advocates - on-record appearing on their behalf.**

**43. Writs shall be drawn up as far as may be, in accordance with the model forms set out in Appendix II.**

**44. In applications marked "Original Side", copies of all Writs or final orders shall be made over to the petitioner or his Advocate-on - record, for service upon the respondent or the parties concerned and shall be served according to the rules for serving orders in the Original Side.**

**45. In applications marked "Appellate Side", copies of all Writs or final orders shall be handed over to the petitioner or his Advocate or served through Court, upon payment of process fees.**

**46. All Writs of Mandamus, issued upon Companies incorporated under the Indian Companies Act or any order or direction which calls upon the Company, to do or abstain from doing anything, shall be served upon the Company, but the petitioner may furnish a list of Directors residing within the jurisdiction of the Court and obtain a direction from Court that each such Director shall be served with a copy of such order, direction or Writ, and thereupon such Directors shall be served with such order, direction or Writ as if they were parties to the application.**

**47. Any such person served with an order, direction or Writ may appear and object to such service upon him.**

[48. (1) Appeals from orders in this jurisdiction shall be made in the Original Side if the original order is passed in the Original Side and in the Appellate Side if the original order is passed in the Appellate Side by presenting a Memorandum of Appeal drawn up in accordance with the Original Side Rules or the Appellate Side Rules as the case may be together with a certified copy of the order appealed from: Provided, however, leave may be granted by the Appeal Court to present the Memorandum of Appeal without the certified copy of the order, if an application has been made by the appellant for a certified copy of the order, but the certified copy of the order has not been made available to the appellant by the department. (2) All other Rules applicable to Original Side Appeals

and Appellate Side Appeals in terms of the Rules of the Original Side and Appellate Side shall apply mutatis mutandis to the appeals preferred in the Original Side and appeals preferred in the Appellate Side respectively: Provided that unless the Court otherwise directs no prayer for any interim order shall be entertained unless a copy of an application for such an interim order has been served upon a party, who has lodged a caveat in the form and manner as may be prescribed, and given an opportunity of being heard.] [[Rule 48 substituted vide Notification No. 8014-G dated 8.12.2000. Earlier rule 48 stood as under: '48. Appeals from orders in this jurisdiction shall be made in the same manner as appeals from orders in the Original Side and appeals from orders in the Appellate Side according as they arise out of 'Original Side' and 'Appellate Side' applications and all Rules applicable thereto in the Rules of the Original and Appellate Side, respectively, shall apply thereto mutatis matandis: Provided that unless the Court otherwise directs, no prayer for any interim order shall be entertained unless a copy of an application for such an interim order has been served upon a party, who has lodged a caveat in the form and manner as may be prescribed, and given an opportunity of being heard.']]

**49. The Court may direct any party to an application to furnish security, either to the satisfaction of the Registrar or in any other manner. Such matters will be dealt with by the Registrar, Original Side and the provisions of the Rules of the Original Side in so far as they are applicable, shall apply.**

**50. In matters marked "Appellate Side", deposit and withdrawal of costs shall, in the absence of special directions, be effected in the Accounts Department of the Appellate Side in the same manner as Paper - Book costs.**

**51. In all applications involving Revenue, where an assessment has already been made or upheld, no order shall be made staying the realisation thereof, unless the assessee making the application, gives security as may be deemed adequate by the Court, for the due payment of the amount assessed to tax. The amount of security, the time within which it shall be furnished and the manner of furnishing, shall be at the discretion of the Court making the order. Where such security has been ordered ex parte, any party to the application upon being served with the Writ, may apply to the Court for enhancing or reducing the same.**

**52. Except when otherwise directed, the records of the lower Courts, Tribunals or Authorities, if received by the Court, shall be sent down as soon as possible after the case has been disposed of.**

[53. Save and except as provided by these Rules and subject thereto, the provisions of the Code of Civil Procedure (Act V of 1908) in regard to suits shall be followed, as far as it can be made

applicable, in all proceedings under Article 226 and nothing in these Rules shall be deemed to limit or otherwise affect the inherent power of this Court to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Courts.] [[Rule 53 substituted vide Notification No. 7103-G dated 18.11.1999. Earlier rule 53 stood as under: '53. Save and except as provided by these rules and subject thereto, the procedure provided in the Code of Civil Procedure (Act V of 1908) in regard to suits shall be followed, as far as it can be made applicable, in all proceedings for issue of a writ. ']] [53A. The Court may in proceedings under this Chapter impose such terms as to costs and as to giving of security as it may deem fit. Where costs have been awarded by the Court in a writ petition or in an appeal from an order passed on a writ petition, any party entitled thereto may apply to the Court for execution of the order. The application shall be accompanied by an affidavit stating the amount of costs awarded. The Court may direct the order to be sent to the District Court of the District in which the order is to be executed. The order may be executed by such Court or be transferred for execution to any subordinate court. Explanation. - This Rule is in addition to the Rules of recovery prescribed under Article 15 to Schedule I to the Bengal Public Demands Recovery Act and under section 36 of the Code of Civil Procedure 1908.] [Rule 53A inserted vide Notification No. 7103-G dated 18 11.1999.]

**54. All earlier rules framed by the High Court in this regard are hereby repealed and these Rules shall apply to all pending proceedings.**

[CHAPTER 2] [Inserted by Notification No. 7613 - RG, dated 23.8.2010.] Public Interest Litigation.

**55. Application of this Chapter. - The Rules incorporated in this Chapter will be applicable only to Public Interest Litigation as defined in Rule 56 hereof in addition to those contained in Chapter I.**

**56. Definition of Public Interest Litigation. - Public Interest Litigation shall include a litigation the subject-matter of which is a legal wrong or a legal injury caused to a person or to a determinate class of persons by reason of violation of any constitutional or legal right or any burden imposed in contravention of any constitutional or legal provision or without authority of law or any such legal wrong or legal injury or illegal burden is threatened and such person or determinate class of persons is, by reason of poverty, helplessness or disability or socially or economically disadvantaged position, unable to approach the Court for relief, and for redressal of which any member of the public not having any personal interest in the subject - matter presents an application for an appropriate direction, order or writ in this Court under Article 226.**

Notwithstanding anything contained above, in any appropriate case, though the petitioner might have moved a Court in his private interest and for redressal of personal grievances, the Court in

furtherance of the public interest involved therein may treat the subject of litigation in the interest of justice as a public interest litigation.

**57. Modes of entertainment of Public Interest Litigation. - A Public Interest Litigation may be initiated in any of the following ways:**

(a) By presenting a petition of motion complying with the formalities required for filing an ordinary writ - application under Group - IX (Residuary) of the Classification List being Schedule B hereof. Such petition should be placed before the Division Bench constituted by the Hon'ble the Chief Justice for entertaining Public Interest Litigation: Provided that a letter addressed to the Hon'ble the Chief Justice pointing out the violation of the constitutional or legal right or the instances of the legal injury to any person or class of persons, which can form the subject - matter of a Public Interest Litigation, may also be entertained: Provided further that a letter addressed to the Hon'ble the Chief Justice shall be an exception to the normal rule of presenting petitions in accordance with these rules. (b) *Suo motu* reference by any of the Judges of this Court including the Hon'ble the Chief Justice calling for appropriate action in a situation, which forms the subject - matter of a Public Interest Litigation.

**58. Procedure for initiation of proceedings by way of letter addressed to the Hon'ble the Chief Justice.**

(a) All letters addressed to the Hon'ble the Chief Justice as provided in the proviso to Rule 57(a) of these rules shall be considered by the Hon'ble the Chief Justice in chamber and listed for consideration if the Hon'ble the Chief Justice so directs. (b) In the event the Hon'ble the Chief Justice is of the considered view that the subject matter of the letter does not constitute public interest litigation as defined in this chapter or that the sender of the letter is not sufficiently disabled to present a formal petition in terms of Rule 57(a) of these rules, an intimation shall be sent by the Registry to the sender of the letter whereupon the sender of the letter shall be entitled to present a formal petition before the Court. (c) Once the contents of a letter are treated as constituting ground for initiation of a public interest litigation, it shall be registered like any other writ petition by giving a number and then listed before the Division Bench vested with determination to take up Public Interest Litigation for necessary orders being passed thereon. (d) The sender of the letter upon registration thereof as a regular writ petition shall not be entitled to engage a member of the Bar of his choice in support of his claim but may withdraw the petition and present a formal petition in terms of Rule 57(a) of these Rules.

**59. Procedure for initiation of suo motu proceedings at the instance of the Judges. - If any of the judges of this Court is of the opinion, whether in course of hearing of any judicial business or otherwise, that there has been violation of fundamental or legal right of any person or class of persons or there exists any instance of legal injury, which constitutes the subject - matter of a Public Interest Litigation justifying immediate intervention of this**



**Court, he may, by giving a report in detail, draw the attention of the Division Bench taking up Public Interest Litigation by directing the Registrar General to register such report as a Public Interest Litigation and to place the same before the said Division Bench. The report so placed before the Division Bench shall be treated as a Public Interest Litigation and the Division Bench shall decide the matter in accordance with law. Neither any court fees shall be payable on such suo motu proceedings nor any supporting affidavit need be affirmed.**

**60. Engagement of Advocates for assisting Court. - In the matter of Public Interest Litigation mentioned in Rules 58 and 59 above, the Division Bench taking up Public Interest Litigation may, in its discretion, engage any member of the Bar for rendering pro - bono service in support of the contents of the letter forming subject - matter of Public Interest Litigation.**

Nothing in these Rules shall preclude the Division Bench to direct payment of honorarium to such an advocate if it considers fit and proper in the circumstances by directing the parties before it to bear the same.

**61. Power of court to take appropriate action in case a Public Interest Litigation is found to be frivolous. - If a Division Bench while disposing of a Public Interest Litigation initiated in terms of Rules 57(a) and 57(b) of these Rules finds that the same is a frivolous one or made with mala fide intention or both, it may not only impose exemplary costs against the petitioner but also debar him from presenting any Public Interest Litigation in future before this Court for such a period as it thinks fit.**

**62. Costs. - The costs that may be awarded by the Division Bench while dismissing a frivolous Public Interest Litigation may, if directed, be deposited in a fund to be operated by the Registrar General and the money so realised should be deposited with State Legal Services Authority.**

Appendix I Form of Rule Nisi Matter No. or C. R. No. Original Side or Appellate Side Cause Title as in Petition Upon reading a petition of ..... and his affidavit of verification thereof, dated ..... and the exhibits or annexures to the said petition, and upon hearing ..... Advocate for the said petitioner. It is ordered that a Rule do issue calling upon the respondent or opposite parties to show cause why a Writ in the nature of Mandamus should not be issued directing the said respondents or opposite parties to do (state the things that should be done) or forbear from doing (state the things that should be forborne) or why a Writ in the nature of Certiorari should not be

issued setting aside, cancelling, or quashing the following:[State the documents, orders or proceedings to be set aside, cancelled or quashed]and they are further commanded at the hearing of the application to produce in Court or cause to be forwarded to the Registrar of this Court, for being so produced, all the said documents, orders or proceedings, and the following other , documents, records or proceedings.[Set out a list]so that conscionable justice may be administered by setting aside, cancelling or quashing the same or making such other directions as to the Court seem fit and proper.or why a Writ in the nature of Prohibition should not issue commanding the respondents or opposite parties (or if only one or more of them, then state their numbers in the cause - title) not to proceed with [give particulars of proceedings] or exercise jurisdiction in any manner in respect thereof or why a Writ in the nature of Quo Warranto should not be issued upon the respondents or opposite parties (or if only upon one or more of them then state their numbers in the cause - title) directing him or them to show to the satisfaction of this Court as to the right and authority under which he or they are holding the office of [state particulars of office] or acting as [state particulars] and to show cause why he or they should not cease to hold the office and vacate the same forthwith and/or cease to exercise any power or authority in connection therewith and/or cease to act in the capacity mentioned above.And it is further ordered that pending the disposal of this application the respondents or opposite parties are restrained from doing the following acts:[State particulars]and/or that the following proceedings are stayed:[State particulars]In witness whereof, etc.Rule Nisi in case of a Writ of Habeas Corpus.To ..... GreetingsWhereas you have in your custody the body of ..... we command you upon the receipt of this our Writ to produce the body ..... before the Court or Judges [give particulars] on the..... to undergo and receive all and singular such matter or things as our Court or Judge shall then and there consider of concerning him in this behalf.And in default, take notice that you shall be answerable for contempt in not obeying the orders of this Court.

Appendix II Form of Writs

Form I Writ in the nature of Mandamus Upon reading on the part ..... (hereinafter referred to as the "Petitioner") his petition, affirmed by an affidavit of..... And upon reading an affidavit of ..... and..... and being the returns made to the rule nisi issued herein dated And upon hearing appearing on behalf of the petitioner, and..... appearing on behalf of the respondent.It is ordered that the said order nisi is hereby made absolute, and it is further ordered that a Writ in the nature of Mandamus is issued upon the respondent [here state which respondent or respondents] ..... commanding the said respondent (or respondents) to do or forbear from doing the following acts, that is to say -And it is further ordered that(State any other directions given or order made)Witness, etc.

Form II Writ in the nature of Certiorari Upon hearing on the part of .....(hereinafter referred to as the "Petitioner") his petition, affirmed by an affidavit of.....And upon reading an Affidavit of ..... and ..... and being the returns made to the rule nisi issued herein, dated ..... and upon hearing appearing on behalf of the petitioner, and ..... appearing on behalf of the respondent.It is ordered that the said rule Nisi is hereby made absolute, and it is further ordered that a Writ in the nature of Certiorari is issued and that the following orders, and/or judgments, and/or proceedings are set aside/cancelled/quashed:(a)(Here state the particulars of the order, judgment or proceedings to be quashed, including a clear description of the Court, tribunal or authority whose order, etc. is being affected)(b)(c)And it is further ordered that the said ..... upon being served with this Writ do hear and decided the said cause in accordance with law.Witness, etc.

Form III Writ in the nature of Prohibition Upon hearing on the part of ..... (hereinafter referred to as the "Petitioner")

his petition, affirmed by an affidavit of ..... And upon reading an affidavit of ..... and ..... and being the returns made to the rule Nisi issued herein, dated ..... and upon hearing ..... appearing on behalf of the petitioner, and ..... appearing on behalf of the respondent. It is ordered that the said rule Nisi is hereby made absolute, and it is further ordered that a Writ in the nature of Prohibition is issued upon the respondent prohibiting the said respondent from ..... further hearing or determining the following suit, matter, application, cause or proceeding pending before the said respondent. (a) (State the particulars of the suit, matter, application, cause or proceeding affected.) Witness etc. Form IV Writ in the nature of Quo Warranto Upon reading on the part of ..... (hereinafter referred to as the "Petitioner") his petition, affirmed by an affidavit of ..... And upon reading an affidavit of ..... and ..... and being the returns made to the rule Nisi issued herein, dated ..... and upon hearing ..... appearing on behalf of the petitioner, and appearing on behalf of the respondent. It is ordered that the said rule Nisi is hereby made absolute and it is further ordered that a Writ in the nature of Quo Warranto is issued upon, the respondent quashing and/or setting aside the warrant of appointment, dated ..... and commanding the said respondent not to act, or purport to hold the office of ..... [state particulars] ..... or to exercise any jurisdiction in respect thereto. Witness, etc. Form V Writ in the nature of Habeas Corpus Upon reading on the part of ..... (hereinafter referred to as the "Petitioner") his petition affirmed by an affidavit of ..... And upon reading an affidavit of ..... and ..... and upon hearing ..... in person. It is ordered that this rule hereby made absolute and that ..... whose body has been produced from custody by the ..... be forthwith set at liberty, or that he be returned to custody or that the following orders or directions be given and obeyed. [State particulars] Witness, etc.

## A

Proforma [Vide Rule 8B promulgated under Notification No. 936-G, dated 28.02.2005 (w.e.f. 14.06.2005).] In The High Court At Calcutta ..... Side C.C. /C.R. No. (W)/Matter No. .... of 20..... Subject Matter in relation to ..... Under ..... Act. Group ..... Head ..... of the Classification list. Cause

Title: ..... Petitioner versus .....  
on Record: Name: Address Phone No.:

## B

Classification list of different types of writ proceedings [Vide Rule 8B promulgated under Notification No. 936-G, dated 28.02.2005 (w.e.f. 14.06.2005).] Group I. - Matters relating to land laws and orders and direction relating to land (including land revenue) may be classified under the following sub - heads: (a) Dispute about ceiling, (b) Dispute about recording of barga, (c) Dispute about preparation of record of rights in general, (d) Grant and cancellation of pattas, (e) Requisition and acquisition proceedings, (f) Dispute relating to tenancy laws and eviction proceedings; (g) Mines and minerals including minor minerals, (h) Land development and planning, (i) Tank improvement and settlement of ferries and fisheries, (j) Restoration of alienated land, (k) Dispute as to land revenue, (l) Miscellaneous. Group II. - Matters relating to educational institutions including service

matters relating to such institutions may be divided under the following heads:(a)Recognition and derecognition of Schools and Colleges,(b)Supersession/Suspension/Extension of Managing Committee/ Governing Body,(c)Approval and disapproval of teaching and non - teaching staff,(d)Orders of Appeal Committee,(e)Dispute concerning admission,(f)Managing Committee and its constitution,(g)Powers of different authorities,(h)Miscellaneous.Group III. - Matters concerning labour and industrial legislation may be classified under the following sub -

heads:(a)Compensation,(b)Reference to Industrial Court or Tribunal,(c)Orders of Awards of Industrial Tribunal,(d)Wage dispute,(e)Bonus and gratuity,(f)Provident Fund,(g)Trade Union,(h)Insurance,(i)Lockout and Strike,(j)Miscellaneous.Group IV. - Matters relating to Revenue and Tax Laws (excluding land revenues):(a)Assessment/Re - opening of Assessment,(b)Stay of recovery,(c)Refund,(d)Declaration forms,(e)Appeal/Revision,(f)Liability to pay tax/registration and cancellation thereof,(g)Exemptions/deductions,(h)Classification of Tariff items and entries of the Schedule - I,(i)Search and seizure,(j)Adjudication proceedings,(k)Levy and short levy of duties,(l)Miscellaneous.Group V. - Matters relating to Municipalities, Co - operative Societies and Panchayats may be classified under following heads:(a)Election,(b)Inclusion/Exclusion of Municipal limit,(c)Assessment and Revision of Municipal Tax,(d)Grant and refusal and renewal of licences/Building plans,(e)Demolition,(f)Supersession,(g)Appointment of Administrator,(h)Removal from Office,(i)Appointment and dismissal of employees,(j)Settlement of hat, market, ferries and fisheries,(k)Miscellaneous.Group VI - Matters relating to service regulations may be divided under the following sub -

heads:(a)Transfer,(b)Seniority,(c)Promotion,(d)Suspension,(e)Reversion,(f)Dismissal/Removal,(g)Departmental proceedings/2nd show cause,(h)Confirmation,(i)Age dispute,(j)Compulsory retirement,(k)Leave and condition of service,(l)Post - retirement benefit,(m)Miscellaneous.Group VII. - Matters relating to transport and communication may be divided under the following sub -

heads:(A)Railway:(1)Booking and dispute with regard to rates/tariffs,(2)Allotment of Wagons/rakes and cancellation thereof (Service matters regarding Railway Servants are included under Service Matters in general).(B)Post and Telegraph and Telephone:(1)Connection and disconnection and shifting of telephone,(2)Dispute regarding telephone/telex bills.(C)Motor Vehicles Act:(1)Grant or refusal to grant permits/registration of vehicles,(2)Cancellation or suspension of permits,(3)Dispute with regard to routes,(4)Terms and conditions of permits.Group VIII. - Matters relating to Regulation of Industries and Essential Commodities and various Central Orders may be divided under the following sub - heads:(a)Grant/Cancellation/Suspension of Licence,(b)Grant Renewal of Ration shop,(c)M.R. Dealership,(d)Confiscation proceeding,(e)Restraint on movement/trade,(f)Taking over Management,(g)Extension of Management/administration,(h)Shift of Rice/Husking Mills,(i)Rationalisation/Modification of Rice Milling Unit,(j)Miscellaneous.Group IX. - Residuary matters.[[Rule 9 substituted vide Notification No. 7103-G dated 18.11.1999. Earlier rule 9 stood as under:'9. All petitions and affidavits with suitable modification shall be institutedIn the matter of An application under Article 226 of the Constitution AndIn the matter of (state the authority or Court concerned) AndIn the matter of (state the particulars of the order or enactment complained of) AndIn the matter of (state the name and other particulars required, as in a plaint, of the petitioner or each of the petitioners).PetitionerVersus(State the name and other particulars required as in a plaint of the respondent or each of the respondents)Respondent'.]]