

The High Court of Judicature for Rajasthan Advocate Conduct Rules, 2006

RAJASTHAN

India

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Rule

THE-HIGH-COURT-OF-JUDICATURE-FOR-RAJASTHAN-ADVOCATE-C of 2006

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1. Short title, Extent and Commencement.

(1)These rules shall be called "High Court of Judicature for Rajasthan Advocate Conduct Rules, 2006".(2)(A)In these Rules unless there is anything repugnant in the subject or context, the word 'Advocate' shall include a firm of Advocates.(B)The word 'Court' shall mean the High Court of Judicature for Rajasthan and the Courts subordinate thereto.

2.

(1)No Advocate shall act for any person in any Court unless he has been appointed' for the purpose by such person by a Vakalatnama in the form annexed hereto and signed by such person or by his recognised agent or by some other person duly authorised by or under a Power of Attorney to make such appointment.(2)No Advocate who has been engaged for the purpose of pleading only shall plead on behalf of any party unless he has filed in Court a memorandum of appearance signed by himself and stating (a) the names of the parties to the suit, (b) the name of the party for whom he appears and (c) the name of the person by whom he is authorised to appear:Provided that nothing in sub-rule (2) shall apply to any Advocate engaged to plead on behalf of any party by another Advocate or Attorney who has been duly appointed to act in Court on behalf of such party:Provided

that nothing in this rule shall apply to a Public Prosecutor or an Advocate who has been requested by the Court to assist the Court amicus curie in any case or a proceeding or who has been appointed at the expense of the State to defend the accused person in a criminal proceeding: Provided further that when any Advocate appears on behalf of Government or any public servant suing or sued in his official capacity shall be sufficient for him to file a memorandum of appearance.

3.

An Advocate who is not on the roll of Advocates of the Bar Council of Rajasthan shall not appear or act in any Court, unless he files a Vakalatnama along with an Advocate who is on the roll of the Bar Council of Rajasthan and who is ordinarily practising in such Court.

4.

(a) In all cases in which a party is represented by more than one Advocate all of them may file a joint appointment. (b) In such case, where the lawyer engaged is not able to sign the Vakalatnama in token of his acceptance at the time of filing it, the same may be signed by another lawyer on his behalf provided that the former acknowledge and ratifies the acceptance of the Vakalatnama within two week from the date of its being filed in the Court by making an endorsement on the Vakalatnama to the effect.

5.

The acceptance of an appointment on behalf of a firm of Advocates shall be indicated by a partner affixing his own signature as a partner on behalf of the firm.

6.

An Advocate at the time of acceptance of his appointment shall also endorse on it his address, which address shall be regarded as one for service within the meaning of Rule 5 of Order 3 of the Code of Civil Procedure, 1908: Provided that where more Advocates than one accept the appointment, it shall be sufficient for one of them to endorse his address which address shall be regarded as one for service within the meaning of Rule 5 of Order 3, Code of Civil Procedure.

7.

When an Advocate instructed by a party to act or appear in a matter has not been able to secure a Vakalatnama in the prescribed form duly signed by the client, he may file a written statement signed by him stating that he has instructions from or on behalf of his client to act or appear in the matter and also undertaking to file within a week a Vakalatnama in the prescribed form duly signed, by the party.

8.

(1)An Advocate shall be bound to appear in Court on any day which, by notice duly or in accordance with the practice of the Court, is fixed for the hearing of a proceeding in which he is appointed by the party.(2)Where an Advocate appointed by a party in any of the proceedings is prevented by reasonable cause from appearing and conducting the proceedings at any hearing, he may instruct another Advocate to appear for him at that hearing.

9.

(1)In Civil Cases, the appointment of an Advocate shall be deemed to be in force to the extent provided in that behalf by Rule 4 of Order 3 of the Code of Civil Procedure, 1908.(2)In Criminal cases, the appointment of an Advocate shall be deemed to be in force until determined with the leave of the Court by writing signed by the client or the Advocate, as the case may be, and filed in Court or until the client or the Advocate dies, or until all proceedings in the case are ended so far as regards the client.(3)When an Advocate who has filed a Vakalatnama for a party wishes to withdraw his appearance, he shall serve a written notice of his intention to do so on his client at least seven days in advance of the case coming up for hearing before the Court. Leave of the Court to withdraw appearance may also be applied for if the client has instructed the Advocate to that effect. The Advocate shall file a note in writing requesting the Court for permission to withdraw appearance and shall also file along with the note the letter or the client instructing him to withdraw his appearance or a copy of the intimation given to the client as above together with its written acknowledgement by the client. The Court, if it is satisfied that no inconvenience is likely to be caused to the Court or the client, may permit the Advocate to withdraw his appearance and while permitting the Advocate to do so may also impose such terms and conditions as it may deem proper either in public interest or in the interest of the parties.(4)A party who wishes to discharge the Advocate engaged by him may apply to the Court for an order of discharge by following a similar procedure and the Court, if it is satisfied, may passed orders discharging the Advocate and while doing so impose such terms and conditions as it may deem proper.

10.

An Advocate who has advised in connection with the Institution of a Suit, appeal or other proceeding or has drawn pleadings or has during the progress of any suit, appeal or other proceedings appeared, acted or pleaded for a party, shall not act, appear or plead in the suit, appeal or other proceeding or in an appeal or application for revision arising therefrom or in any matter connected therewith for the opposite party.

11.

(a)The appointment of a firm of advocates may be accepted by any partner on behalf of the firm.(b)No firm of Advocates 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 of

Advocates may contain the names of the persons who were or are partners of the firm of Advocates but of no others.(d)The names of all the partners of the firm of Advocates shall be recorded with the Prothonotary and Senior Master, the Registrar of the High Court and/or the District Judge, as the case may be, and the State Bar Council and the names of all the partners shall also be set out in all professional Communications issued by the partners or the firm.(e)The firm of Advocates shall notify to the Prothonotary and Senior Master, the Registrar of the High Court and/or the District Judge, as the case may be and the State Bar Council any change in the composition of the firm or the fact of its dissolution as soon as may be from the date on which such changes occurs or its dissolution takes place.(f)Every partner of the firm of Advocates shall be bound to disclose the names of all the partners of the firm whenever, called upon to do so by the Prothonotary and Senior Master, the Registrar of the High Court, the District Judge, the State Bar Council, any Court or any party for or against whom the firm or any partner thereof has filed the appointment or memorandum of appearance.(g)In every case where a partner of a firm of Advocates signs any document or writing on behalf of the firm, he shall do so in the name of the firm and shall authenticate the same by affixing his own signature as partner.(h)Neither the firm of Advocates 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 firm or by the firm itself.

12.

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

13.

No advocate who has been debarred or suspended or whose name has been struck off the roll of Advocate shall be permitted to act as a recognised agent of any party within the meaning of Order III of the Code of Civil Procedure, 1908.

14.

No advocate who has been found guilty of Contempt of Court shall appear, act or plead in any court unless he has purged himself of contempt.The court may in its discretion permit an Advocate who has been found Contempt of Court to appear, act or plead without purging himself of Contempt of Court.

15. Right to lodge a caveat.

- (i) Where on application is expected to be made, or has been made, in a suit or proceeding

instituted, or about to be instituted, in a Court, any person claiming a right to appear before the Court on the hearing of such application may lodge a caveat in respect thereof.(ii)Where a caveat has been lodged under sub-rule (i), the person by whom the caveat has been lodged (hereinafter referred to as the caveator) shall serve a notice of the caveat by registered post, acknowledgement due, on the person by whom the application has been, or is expected to be, made under sub-rule (i).(iii)Where, after a caveat has been lodged under sub-rule (i), any application is filed in any suit or proceeding, the Court shall serve a notice of the application on the caveator.(iv)Where a notice of any caveat has been served on the applicant, he shall forthwith furnish the caveator, at the caveator's expense, with a copy of the application made by him and also with copies of any paper or document which has been, or may be, filed by him in support of the application.(v)Where a caveat has been lodged under sub-rule (i), such caveat shall not remain in force after the expiry of ninety days from the date on which it was lodged unless the application referred to in sub-rule (i) has been made before the expiry of the said period.

16. Procedure for filing cases in High Court.

- (i) Prayer for stay/interim relief may be made in the main petition memo and separate application need not be filed.(ii)The petition shall contain brief synopsis of the case with list of dates and the point involved in the case.(iii)A single set of petition, reply, rejoinder etc. as the case may be, may be filed in Single Bench cases. Additional set of petition, reply etc., shall be filed in DB cases for use of second Hon'ble Judge.(iv)In Special Appeals, the basic petition, replies etc. as well as copies of documents on which the parties seek to reply in support of their case and also documents referred to in the judgment under appeal shall be annexed as part of the paper-book. The office shall keep the record of the case (giving rise the appeal) in the file of the appeal as and when the same is listed for admission or hearing.(v)The petition, reply, rejoinder etc., as the case may be, shall be properly indexed and paginated by the counsel. Brief description of the documents enclosed as annexures shall also be mentioned in the index giving reference to the pages at which they appear in the petition, reply etc.(vi)Replies, rejoinders and other affidavits, similarly, shall be arranged serially and kept in the same folder as part of the paper-book, called Part A. These replies, rejoinders etc. shall be paginated by the office and given running page numbers.(vii)If the paper-book becomes bulky, supplementary petitions/replies affidavits etc. may be kept in another folder as Volume II or Volume III as may be required.(viii)Miscellaneous applications (similarly indexed and paginated) shall be kept in another folder called Part B. Service returns in any form may also be kept in the same folder.(ix)Neither second typed set nor typed copy of the zerox of the original need be filed unless the zerox copy is faint or otherwise not legible, or otherwise directed by the Bench.(x)The Vakalatnama shall mention the Bar Council registration number of the concerned advocate(s).

17. Procedure for maintenance of cases in High Court.

- (i) All orders shall be recorded in one order sheet including orders passed on miscellaneous applications. Zerox copy of the order-sheet shall be kept in the second set in D.B. Cases.(ii)Fresh matters listed for admission on a particular day, if not taken up on that day, will automatically be listed on the corresponding day in the next week. In case the corresponding day in the next week is a holiday, it will be listed on the next following working day.(iii)The list of hearing cases will be a

running list. Cases once included in the list will not be de-listed on its own till they are disposed of or adjourned by order of the concerned Bench.(iv)Hearing cases will ordinarily be listed according to their age. Old cases will get precedence except cases which are listed out of turn considering their urgency under orders of Hon'ble the Chief Justice.

18. Note.

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