

**THE HIGH COURT OF KARNATAKA
RULES, 1959**

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THE HIGH COURT OF KARNATAKA RULES, 1959

High Court of Karnataka, Bangalore

NOTIFICATION

No.R.O.C.2296-59, dated 6th October 1959.

In exercise of the powers conferred by Article 225 of the Constitution of India and section 54 of the States Reorganisation Act, 1956 (Central Act 37 of 1956) read with sections 122 and 129 of the Code of Civil Procedure, 1908, and section 19 of the Mysore High Court Act (I of 1884) and all other powers thereunto enabling, the High Court of Karnataka, with the previous approval of the Government of Karnataka, promulgates and issue the following Rules with respect to practice and procedure to be followed at the High Court, the same having been previously published for objections and suggestions in the **Karnataka Gazette**, dated 27th June 1957.

CHAPTER I

Preliminary

1. These Rules may be cited as the High Court of Karnataka Rules, 1959.
2. These Rules will come into force on the date of their publication in the Karnataka Gazette.
3. They shall apply to all proceedings and matters in the High Court commenced on and after the said date and shall also apply, as far as may be practicable, to all proceedings taken on and after the said date in all causes and matters then pending in the High Court. If any doubt or difficulty arises in the application of any of these Rules to pending causes or matters, the relative papers shall be placed before the Admission Judge who may pass such order as he considers just and proper in the circumstances of the case, and a compliance with such order shall be sufficient compliance with the provisions of these Rules.
4. On the coming into force of these Rules all existing Rules, Orders, Circulars, Practice, Convention or the like governing any matter dealt with or covered by these Rules shall stand repealed:

Provided that this repeal shall not affect or invalidate anything done, any action or decision taken, any disposal made, any decree, order or proceeding made or issued under the existing Rules before the commencement of the Rules.
5. The Forms prescribed by or under these Rules shall be used for the purposes or the proceedings for which they are prescribed with such modifications as the circumstances of the case may require.
6. Where any forms, fees, charges or other matters required by these Rules are not prescribed by these Rules themselves, they may be determined or settled by or in accordance with the directions of the Chief Justice.

CHAPTER II

Definitions and Interpretations

1. In these Rules, unless the context indicates the contrary,
 - (a) "High Court", "This Court" or "The Court" means the High Court of Karnataka established under the Constitution of India and in accordance with the provisions of sub-

section (2) of section 49 of the States Reorganisation Act, 1956 (Central Act 37 of 1955) for the State of Karnataka constituted under the said Act:

- (b) "Chief Justice" means the Chief Justice of the High Court;
- (c) "Judge" means a Judge of the High Court;
- (d) "Vacation Judge" means a Judge on duty during a vacation;
- (e) "Admission Judge" or "Admission Court" means the Judge for the time being dealing with admission of cases and with interlocutory applications;
- (f) "Bench" means a Bench of Judges and shall include single Judge in relation to matters which can be disposed of by a single Judge;
- (g) "Full Bench" means a Bench consisting of three or more Judges;
- (h) "Appropriate Bench" means in relation to any matter the Bench which is competent under these rules to dispose of the said matter finally;
- (i) "Registrar" means the Registrar of the High Court and includes the ¹[Additional Registrar, Joint Registrar]¹ Deputy Registrar or an Assistant Registrar of the High Court, in relation to the powers, duties or functions of the Registrar exercised or performed by the ¹[Additional Registrar, Joint Registrar]¹, Deputy Registrar or the Assistant Registrar as the case may be;

1. Substituted by Notification 2893 of 1969 dated 24/27.1.90 w.e.f. 5.2.1970

- (j) "Constitution" means the Constitution of India;
- (k) "Code" (except when it occurs in "Code of Civil Procedure" or "Code of Criminal Procedure") means the Code of Civil Procedure in relation to Civil Matters and the Code of Criminal Procedure in relation to Criminal Matters;
- (l) "Supreme Court" means the Supreme Court of India;
- (m) "Supreme Court Rules" means the Rules of the Supreme Court for the time being in force;
- (n) "Subordinate Court" means any Court, Tribunal or Authority whose decrees, orders, sentences or proceedings are subject to appeal, reference, revision to or by the High Court under any law for the time being in force, or are subject to the jurisdiction of the High Court under Article 226 of the Constitution or to its superintendence under Article 227 of the Constitution;
- (o) "Certified Copy" shall have the same meaning as is assigned to it in section 76 of the Indian Evidence Act;
- (p) "To admit a case" means to decide to issue notice to respondent or direct issue of notice to respondent after preliminary perusal of papers or preliminary hearing under the provisions of Order 41, Rule 11 of the Code of Civil Procedure or section 421 of the Code of Criminal Procedure or any other like provision of any other law for the time being in force;

The words "Admission", "For Admission" or similar expressions shall be construed accordingly.

Where upon such preliminary perusal or hearing the Court decides not to issue notice, the case is said to be dismissed summarily;

(q) "To Admit a Case to Register" or "To Register a Case" means entering the same in the appropriate register and giving it a number in accordance with the practice of the Court after the Registrar is satisfied that the papers of the particular case have been presented to the High Court within the time, if any, limited therefore by any law for the time being in force, that proper court fee, if any, payable in respect of those papers has been paid, that all enclosures required by or under these Rules have been furnished and that the papers in all respects comply with the provisions of law and of these Rules applicable to the same relating to the presentation of such papers;

(r) "A pre-decree case" means an appeal, reference or petition presented to the Court against or in respect of any order or other determination of a Subordinate Court in a matter pending before such Court and not finally disposed of by such Court;

(s) "Prescribed" means prescribed by or under these Rules.

CHAPTER - III

Constitution of Benches

¹[1 XXX

2 XXX

3 XXX

4 XXX]¹

1. Rules 1, 2, 3, 4 omitted by Notification No. ROC 2 of 1962 dated 27.1.1962 w.e.f. 1.2.1962

5. Every petition or application for review, reconsideration or correction of a judgment, decree, order or sentence shall be posted before the original Bench which pronounced, made or passed such judgment, decree, order or sentence or if the Judge or any of the Judges who constituted the said Bench is not available by reason of death, retirement or absence, before any other Bench constituted in the same manner as the original Bench.

6. Benches shall be constituted and judicial work of the Court allotted or distributed to them by or in accordance with the directions of the Chief Justice.

7. When a single Judge refers a case to a Bench or when a Bench of two Judges refers any question to a Full Bench, then the papers of the particular case shall be placed before the Chief Justice for a reference to a Bench or for the constitution of a Full Bench.

¹[8. X X X

9. X X X]¹

1. Rules 8 and 9 omitted by Notification No. ROC 2 of 1962 dated 27.1.1962 w.e.f. 1.2.1962

CHAPTER - IV

Officers of the Court

1. In addition to the powers and authorities conferred by these and other Rules, the Registrar shall have and exercise the following powers subject to any general or special order made by the Chief Justice:-

(1) To receive all appeals, petitions, applications or other proceedings presented to the Court.

(2) To examine all such appeals, petitions and other proceedings and satisfy himself that the same have been presented within the time prescribed therefore, are in proposed form, contain the particulars required by law and these Rules, are duly stamped with proper court fee, are accompanied by necessary enclosures and in all respects comply with all the provisions of law and these Rules applicable to their presentation and on being so satisfied admit them to register and number the same.

¹[2-A) To allow from time to time any period or periods not exceeding ten days in all for filing annexures, postal covers and acknowledgments, furnishing information, or for doing any similar act necessary to make an appeal or a petition or application or other proceeding complete.]¹

1. Sub Rule 2A added by Notification No. ROC 2892 of 1969 dated 21/24.2.1970 w.e.f. 5.3.1970

(3) To require any such appeal, petition, application or other proceeding to be amended and return the same to the party presenting the same or to his Advocate, to be re-presented after removal of defects pointed out or in compliance with the requisition made.

(4) To decide all questions necessary for fully discharging his duties under the provisions of sub-rules (1), (2) and (3).

(5) To admit all civil appeals and to issue notices to respondents therein subject to the following conditions: -

(a) In appeals against original decrees and orders of subordinate Civil Courts under the Code, he shall issue notice to respondents forthwith the appeals have been presented within the time limit prescribed therefor by law and otherwise comply with all the provisions of law and these Rules relating to the same.

(b) In appeals against original orders of the subordinate Courts under enactments other than the Code of Civil Procedure where an appeal lies as of right both on facts and on law, he shall determine whether notice shall issue or the appeal be posted before the appropriate Bench for admission and if he decides on the latter alternative post the appeal accordingly.

(c) In appeals against appellate decrees and orders of subordinate Civil Courts, and against original orders under any enactment which gives a right of appeal against such orders only upon specified conditions or restrictions, he shall post the same before a proper Bench for admission.

(6) To fix the date of return of any notice subject to directions of Court, if any.

(7) To dispense with service of notice to respondents, other than minors, under the provisions of Order XLI Rules 14 of the Code of Civil Procedure.

(8) To determine the sufficiency of service or otherwise of any notice, and to order issue of fresh notice or substituted service.

(9) To extend the time for a period or periods not exceeding six weeks in the aggregate for payment of process fee or printing or typing charges or other fees and charges payable under these Rules, or for doing any act necessary to make appeals, petitions, applications or other proceedings ready for hearing.

(10) To give time for payment of deficient court fee on any appeal.

(11) To fix the date of hearing of any matter subject to directions of Court, if any.

(12) To postpone or adjourn cases ready for hearing on the written request of parties or their Advocates, with notice to other Advocates appearing in the case.

(13) To require any person or party to file any evidence to be given on affidavit in respect of any matter in respect of which he has power to exercise any discretion or make any order.

2. The Registrar may hear and dispose of the following applications:-

¹[(1) X X X

(2) X X X

(3) X X X

(4) X X X]¹

1. Clauses 1 to 4 of Rule 2 Omitted by Notification No. ROC 2 of 1962 dated 27.1.1962 w.e.f. 1.2.1962

(1) Applications by Court Guardians for funds or for supply of papers or the like.

(2) Applications to dispense with production of enclosures as required by these Rules or for condonation of formal defects in papers.

(3) Applications for return of documents.

(4) Applications to call for records not produced by a party or to send for, either from the records of the High Court or from any other Court, records of or documents filed in any suit or proceeding other than the one in which the application is made.

(5) Application for issue of certified copies.

(6) Applications for inspection or search of records of any matter pending in the High Court.

(7) Applications for change or revocation of vakalat or for withdrawal of appearance.

(8) Applications under Rule 17(2) of Chapter VIII of these Rules.

(9) Uncontested applications under Rule 12 or Rule 19(2) of Chapter XIV of these Rules.

¹[(10) Applications for leave to take documents from the custody of the Court in pending matters.

(11) Applications for issue of a certificate regarding excess Court-fee paid under a mistake.

(12) Applications for condoning delay in paying deficit Court-fees.

(13) Applications for condonation of delay in filing statement of objections/counter/reply not exceeding 30 days.

(14) Applications for withdrawal of the case before notice is ordered to the opposite party provided such withdrawal is without liberty to file a fresh case on the same cause of action.

(15) Applications for substitution, except where the substitution would involve setting aside an abatement or where the period of limitation, if any has expired.

- (16) Applications for change or discharge of advocate on record.
- (17) Applications for payment into Court.
- (18) Applications for extending returnable dated of warrants.
- (19) Applications to appoint or discharge a next friend or guardian of a minor or a person of unsound mind and direct amendment of the record thereon.
- (20) Applications for refund of security deposit or part thereof or for payment out of security deposit.
- (21) Applications for consolidation of cases for purposes of hearing and preparation of record.
- (22) Applications for condonation of delay in re-filing provided the delay does not exceed 90 days from the date of notifying defects.
- (23) Issue of fresh summons and notices.
- (24) Applications for amendment of pleadings with the consent of all the appealing parties, or where the other side has not appeared.
- (25) All uncontested Interlocutory Applications of formal nature.
- (26) Imposing costs on the party in default of compliance of the orders passed by the Registrar.]¹

1. Sub rule 5 to 13 renumbered as sub rules (1) to (9) & sub rules (10) to (26) added by Notification No. HCLC 65/2006 dt..25.05.2007 w.e.f. 7.6.2007

3. The Registrar may with the previous approval of the Chief Justice, delegate any of the powers conferred on him by these Rules or other Rules to the ¹[Additional Registrar, Joint Registrar] ¹, Deputy Registrar or the Assistant Registrar and may cause his functions under sub-rules (1), (2) and (3) of Rule 1 of this Chapter or any of the ministerial functions to be performed by any other officer or clerk of the Court subject to the supervision of either himself or the Deputy Registrar or the Assistant Registrar.

1. Substituted by Notification No. ROC 2893 of 1969 dated 24/27.1.1970 w.e.f. 5.2.1970

4. The Registrar while exercising his powers under this Chapter shall be deemed to be performing quasi judicial functions within the meaning of section 128(2)(i) of the Code of Civil Procedure and shall have the power of correction under section 152 of the Code in respect of all orders passed by him in exercise of his powers.

5. Any party dissatisfied by any order or proposed order or any direction of the Registrar made or given in the exercise of powers under these Rules may require that the matter in respect of which the order has been made or is proposed to be made or the direction given be placed before the Admission Judge for further consideration and orders and thereupon the Registrar shall do so and act according to the orders of the Judge.

CHAPTER V

Practitioners of the Court

1. Subject as hereinafter provided no Advocate or Practitioner shall be entitled to appear and act in any civil matter before the High Court unless he files into Court a vakalatnama in prescribed form duly executed by or on behalf of the party for whom he appears.

2. Any Advocate appearing on behalf of the Government or on behalf of any public servant sued in his official capacity shall not be required to file a vakalatnama but he shall file into Court a memorandum of appearance signed by him giving the number and cause title of the matter, name of the party for whom he appears and the name of the person by whom he is authorized to appear.

¹[2-A. (i) Wherein a criminal case before the High Court the accused is not represented by an Advocate and if the Court is satisfied that the accused has no sufficient means to engage an Advocate or where the accused remains absent and the interest of justice so requires, the Court may appoint any Advocate from the panel prepared under Clause (iv) below to represent the accused in such case at the expense of the State.

(ii) The fact and the date of appointment of the amicus curiae under clause (i) above shall be noted in the order sheet.

(iii) The amicus curiae shall be entitled to inspect the records of the case, the office shall furnish him with necessary papers and the Court shall allow him adequate time for presenting the case for the accused.

(iv) Panel of Advocates of not more than ten, who are willing and suitable, may be prepared and approved by the Chief Justice every year in January. However, a panel once prepared shall remain in force until fresh panel of Advocates is prepared. No Advocate who has put in not less than five years of practice at the Bar shall be included in the panel.

(v) A fee of Rs.500/- per case and Rs.100/- per any additional day on which a case may be effectively heard shall be paid to the amicus curiae.

Provided that if in the opinion of the Court, in view of the standing at the Bar and experience of the amicus curiae and the nature of the case the amicus curiae deserves higher fee the Court may at its discretion fix such fee as it deems proper and reasonable.]¹

1. Sub Rule 2A Inserted by Notification No. LCA-1/480/92 dated 1.6.1999 w.e.f. 24.6.1999

3. (1) When an Advocate retained to appear for any party on a vakalatnama in an appeal or other matter in the High Court is prevented by sickness or engagement in another Court or by other reasonable cause from appearing and conducting the case of his client, he may appoint another Advocate to appear for him. In such a case the Court if it sees no reason to the contrary, may permit the case to proceed in the absence of the Advocate originally engaged and permit his nominee to appear for him without a vakalatnama.

(2) Where an Advocate, who has filed a vakalatnama, engages another to appear and argue his client's case but not to act for the client, the Court may permit such other Advocate to appear and argue, either without filing a vakalatnama or on filing a memorandum of appearance, instead of a vakalatnama.

4. An Advocate proposing to file a vakalatnama or appearance in an appeal or other proceeding in which there is already an Advocate on record, shall not do so unless he produces a written consent of the Advocate on record or when such consent is refused, unless he obtains the special permission of the Court.

5. Except when specially authorized by Court or by the consent of the party, an Advocate who has advised in connection with the institution of a suit, appeal or other proceeding or has drawn pleadings in connection with any such matter or has during the progress of any such matter acted for a party, shall not, unless he first gives the party for whom he has advised, drawn pleadings or acted, an opportunity to engage his services,

appear in any such suit, appeal or other proceeding or in any appeal, revision or other matter arising therefrom or in any matter connected therewith for any person whose interest is opposed to that of his former client:

Provided that the consent of the party shall be presumed if he engages another lawyer to appear for him in such suit, appeal or other proceeding without offering an engagement to the Advocate whom he had originally consulted or engaged.

6. An Advocate appearing for any party in any matter in the High Court shall be entitled to communicate personally with or receive any information regarding the said matter from any officer or member of the High Court establishment, subject to such conditions and regulations as may be prescribed.

7. A vakalatnama shall be executed before or its execution attested by any of the following persons:-

Any Judicial Officer, Registrar, ¹[Additional Registrar, Joint Registrar, Deputy Registrar]¹ or Assistant Registrar of a High Court; a Sheristedar, Head Munshi or Head Clerk of any Civil Court; a member of the Parliament of India; a Member of the Legislative Assembly or Council of any State in India; a Member of any District Board, Municipal Council or Panchayat; a Shanbhogue, Patel, a Village Munsiff; any Advocate on the rolls of the Supreme Court or of any High Court in India including the Advocate in whose favour the vakalatnama is executed; any Pleader or other Legal Practitioner.

1. Substituted by Notification No. ROC 2893 of 1969 dated 24/27.1.1970 w.e.f. 5.2.1970

8. If the person executing the vakalatnama appears to the attester to be blind, illiterate or unacquainted with the language in which the vakalatnama is written, the attester shall certify that the vakalatnama was read over and explained to the executant in a language known to him in the presence of the attester and that the executant seemed to understand the same and made his signature or mark in his presence.

9. ¹[(1)]¹ Before filing the vakalatnama into Court the Advocate shall endorse his acceptance thereon over his signature and enter the date of such acceptance. He shall also enter therein his address for service.

¹[(2) Every Vakalatnama submitted to the Court by the Advocate shall contain the Roll No. and address either in a printed form or affixed by a rubber stamp or written by hand.

(3) The Vakalatnama shall contain clearly the details as to the acceptance of the Vakalatnama by the advocate and his signature for having accepted the Vakalat.

(4) The details of Registration No. Address and also acceptance so furnished shall be recorded by the Office in the Computer or shall be entered in the relevant register.

Provided that where Vakalatnama is being filed by more than one advocate, it is sufficient if the address of the senior most among them is furnished.]¹

1. Inserted by Notification No. HCLC.5/2000 dated 30.7.2001 w.e.f. 28.12.2000.

10. The party who has engaged an Advocate to appear for him, shall not be entitled to be heard in person unless he withdraws the vakalatnama executed by him.

11. No person shall be recognized as a clerk or gumasta of an Advocate unless his name has been entered with the permission of the Registrar in a register kept for that purpose.

12. Registered clerks or gumastas may communicate personally regarding their master's matters pending in the High Court with any sectional or departmental head below the rank of an Assistant Registrar or with a subordinate with the permission of the appropriate sectional or departmental head, and may be furnished with information regarding those matters.

13. The ¹[Additional Registrar, Joint Registrar, Deputy Registrar]¹ or the Assistant Registrar may in his discretion permit a registered clerk or gumasta to correct any clerical or typographical mistakes in any memorandum of appeal, petition or application, but any such correction, if permitted, shall be made in the presence of the Deputy Registrar or Assistant Registrar, as the case may be and be authenticated by him by placing his initials near it.

1. Substituted by Notification No. ROC 2893 of 1969 dated 24/27.1.1970 w.e.f. 5.2.1970

CHAPTER VI

Appeals

¹**1. Appeals presented to the High Court shall be classified as follows:-**

(1) (a) Regular First Appeal, that is, First Appeals against decrees in original suits;
(b) Execution First Appeals, that is, First Appeals against original orders determining questions under section 47 of the Code of Civil Procedure deemed to be decrees;

(c) Miscellaneous First Appeals, that is, First Appeals against any other judgment or order including any order as to costs only, made by a subordinate civil court in the exercise of its original civil jurisdiction;

(2) (a) Regular Second Appeals, that is, Second Appeals arising out of original suits;

(b) Execution Second Appeals, that is, Appeals against appellate orders determining questions under section 47 of the Code of Civil Procedure deemed to be decrees;

(c) Miscellaneous Second Appeals, that is, Second Appeals from any judgment, decree or order including any order as to costs, only, other than those falling under sub-clause (a) or (b);

(3) Sales Tax Appeals, that is, appeals to the High Court under the Karnataka Sales Tax Act for the time being in force;

¹[(3A). 'Tax Appeals,' that is appeals to the High Court under any other Act providing levy of tax for the time being in force, to be registered as T.A. (name of the statute in intelligible abbreviation/year.

Ex:- "KARNATAKA TAX ON ENTRY OF GOODS ACT] (E-T)]¹

1. Sub Rule 3A Inserted by Notification No. HCE 729 of 1990 dt 15.2.1992 dated w.e.f. 30.7.1992

(4) Criminal Appeals, that is, appeals to the High Court from an order or sentence passed by a subordinate criminal court in the exercise of its original criminal jurisdiction.]¹

1. Rule 1 Substituted by Notification No. ROC 2 of 1962 dated 27.1.1962 w.e.f. 5.2.1962

2. Every appeal shall be preferred in the form of a memorandum signed by the appellant or his Advocate and shall contain the following particulars:-

(1) the name and description of each of the subordinate Courts out of the proceedings before which the appeal arises;

(2) denoting numbers of the file numbers of the proceedings before each of the subordinate Courts;

(3) the date of the decree, order or sentence appealed from;

(4) the names and full addresses for service of all the parties to the appeal with their respective rank in each of the subordinate Courts;

(5) the provisions of law under which the appeal is preferred;

(6) concise grounds of appeal in consecutively numbered paragraphs; and

(7) in Civil Appeals a statement of the amount of value of the subject matter of the dispute in the Court of the first instance and in the appeal of this Court and a statement of the amount of court fee paid or payable on the appeal together with the provision of law under which it is calculated.

3. When the appellant is represented by an Advocate, the memorandum of appeal shall give an address for service within the City of Bangalore at which service of any notice, order or process may be made on the party filing such memorandum.

4. Every memorandum of appeal shall be accompanied by the enclosures required by Orders XLI, XLI-A, XLII or XLIII of the Code of Civil Procedure or section 419 of the Code of Criminal Procedure or the provisions in this behalf of other law applicable to the appeal, as the case may be, and by two additional plain paper copies of the memorandum of appeal, typed on thick paper. Where the appeal is one which can be admitted only by a Bench, the appellant shall also file with the memorandum one additional typed paper copy of each of the judgments and decrees of the subordinate Courts, and one such additional copy of the document or translation, if any, required by Order XLII, Rule 3 of the Code.

4-A. Every appeal referred to in Rule 1 shall also be accompanied by a list of dates in chronological order with relevant material facts or events pertaining to each of the dates in the form of synopsis.

1. Rule 4-A inserted by Notification No. HCE/1042/99/HCLC dated 3.9.2005 and LAW 130 LAC 2005 dated 9.11.2005 w.e.f. 9.11.2005

5. In the case of Regular ¹ [First] ¹ Appeals and Appeals against orders against which an appeal lies as of right both on law and on fact under the law applicable to it, the memorandum of appeal shall also be accompanied by a memo in prescribed form for issue of processes or notices to respondents with the appropriate amount of ³[actual postage charges]³ together with as many plain paper copies of the memorandum of appeal as there are respondents to be served; ²[when service is to be effected by registered post, there shall also be produced as many envelopes and postal acknowledgement forms as there are respondents to be served and the name and address of the respondent to be served shall be written on the relative envelope and the acknowledgement form.]²

1. Substituted by Notification No. ROC 2 of 1962 dated 27.1.1962 w.e.f. 1.2.1962

2. Added by Notification ROC 1084 of 1967 dated 14.9.1967 KGD 21.9.1967

3. Substituted by Notification No. HCLC No.84/2019, dated 15.06.2019 w.e.f. 02.04.2020

¹**[5.(A)]** If the appeal, revision or petition is dismissed without notice, then the postage charges paid along with copies, cover and acknowledgment shall be returned to the appellant/petitioner.]¹

1. Inserted by Notification No. HCLC No.84/2019, dated 15.06.2019 w.e.f. 02.04.2020

6. In cases of Second Appeals and of Appeals against orders against which an appeal lies under the law applicable to them only upon specified conditions or restrictions, the enclosures mentioned in Rule 5 need not be furnished along with the memorandum of appeal, but shall be furnished within seven days from the date on which the admission of the appeal is notified on the notice board of the Court. This rule shall also apply to appeals presented after the expiry of the period prescribed therefor by law and also appeals presented in forma pauperis.

7. Appeals presented after the expiry of the period prescribed for them by law shall be accompanied by an application supported by an affidavit explaining the delay and setting forth the grounds on which the appellant seeks to have the delay condoned and the appeal entertained by the Court or to establish that the appeal has been presented within time.

8. When an appeal is presented with such an application as is mentioned in Rule 7, the said application together with all the papers of the appeal shall be posted before the appropriate Bench. Unless the Bench is of the opinion that the appeal has been presented in time, no order other than an order dismissing the application or summarily dismissing the appeal shall be passed without issuing notice to the respondents and hearing them if they appear in response to the notice.

¹[**8A.** Subject to rules made under the Karnataka Sales Tax Act for the time being in force, the provisions of this Chapter shall be applicable to Sales Tax Appeals]¹

1. Inserted by Notification No. ROC 2 of 1962 dated 27.1.1962 w.e.f. 1.2.1962

9. The cross-objections filed under the provisions of Order XLI, Rule 22 of the Code of Civil Procedure shall be in the form of a memorandum entitled in the main appeal and shall contain the names and addresses of the cross-objector and the parties against whom the memorandum is directed with their respective ranks in the main appeal, the date on which the cross-objector was served with notice of the appeal, the objections to the decree appealed against in consecutively numbered paragraphs and a statement of the valuation for purposes of court fee and the amount of court fee paid or payable thereon together with the provision of law under which it is calculated.

10. The memorandum of cross-objections shall be accompanied by a memo in prescribed form for service through Court with the appropriate amount of process fee affixed thereto in Court fee labels together with as many plain paper copies of the memorandum as there are parties to be served excluding the parties represented by Advocate in the main appeal in respect of whom an acknowledgment required by sub-rule (3) of Rule 22 of Order XLI of the Code of Civil Procedure or an affidavit mentioned in Rule 5 of Order XLI-A of the Code of Civil Procedure has been filed with the memorandum.

11. The provisions of Rules 7 and 8 of this Chapter shall apply to a memorandum of cross-objections presented after the expiry of the period prescribed therefor under Order XLI, Rule 22 of the Code of Civil Procedure.

12. Where several suits or proceedings are heard together and disposed of by a common judgment by a subordinate Court, any party filing appeals against the decree or orders made therein need file only one certified copy of the common judgment in respect of all such appeals. Unless the Court otherwise directs, all such appeals shall be posted together for disposal.

This Rule shall apply mutatis mutandis to Petitions also.

¹ [CHAPTER VI-A

Original Side Appeals

1. Appeals under section 4 of the Karnataka High Court Act, 1961, shall be designated "Original Side Appeals".

2. Every Original Side Appeal shall be preferred in the form of a Memorandum.
¹[xxx]¹

1. Omitted by Notification No. ROC 1973 of 1969 dated 4.12.1969 w.e.f. 18.12.1969

3. It shall not be compulsory for the Memorandum of Appeal to be accompanied by a certified copy of the judgment, decree or order appealed from.

4. It shall be open to the appellant to serve the notice of appeal intended to be served on any party thereto on the Advocate who appeared for the said party in the original proceedings in the High Court out of which the appeals arises. If such Advocate sought to be served accepts the notice, the party represented by him shall be deemed to have been duly served with the notice of the appeal on the date on which the notice is to be accepted. If, however, the said Advocate declines to accept the notice, the appellant shall take steps to serve the notice on the party.

5. The Paper Book in such appeals shall be typewritten and shall be prepared in the same manner as the Paper Book in Regular First Appeals is prepared under these Rules.

6. Subject to the provisions of this Chapter, the Rules applicable to Regular First Appeals and the provisions of Orders XLI and XLI-A of the Code of Civil Procedure shall, as far as may be; apply to Original Side Appeals.]¹

1. Chapter VIA Inserted by Notification No. ROC 2 of 1962 dated 27.1.1962 w.e.f. 1.2.1962

CHAPTER VII

Petitions

1. All matters not being of an interlocutory character, other than appeals and references, presented to the High Court for the first time shall be designated as Petitions which will be classified as follows:-

Civil Petitions in civil matters and Criminal Petitions in criminal matters, petitions invoking the Court's revisional jurisdiction of powers being called Civil Revision Petitions or Criminal Revision Petitions as the case may be. Writ Petitions in cases invoking the High Court's jurisdiction under Article 226 of the Constitution or for issue of directions in the nature of Habeas Corpus under section 491 of the Code of Criminal Procedure, ¹[Sales Tax Revision petitions in cases invoking the High Court's revisional jurisdiction under the Karnataka Sales Tax Act, for the time being in force]¹, and Miscellaneous Petitions in cases not falling within any of these descriptions.

1. Inserted by Notification No. ROC 2 of 1962 dated 27.1.1962 w.e.f. 1.2.1962

2. (1) Except in cases where it is otherwise provided by these Rules, every Petition shall be in the form of a memorandum, The provisions of Rules 2 and 3 of Chapter VI shall apply mutatis mutandis to the form and particulars of the memorandum.

(2) Where, however, the petition is of an original nature or is not directed against any order of any subordinate Court, or the circumstances of the case so require, in the place of

concise grounds the petition may set out the petitioner's case and grounds for relief in a narrative form in which case the petition shall be verified in the manner prescribed for verification of plaints in the Code of Civil Procedure.

(3) Every petition under section 491 of the Code of Criminal Procedure shall be supported by an affidavit, except petitions by or on behalf of Courts Martial or Commissioners under Clause (d) of sub-section (1) of the said section which may be in the form of a letter addressed to the Registrar setting out all the facts and details.

(4) Every petition under Articles 226, 227 and 228 of the Constitution shall be supported by an affidavit.

(5) In cases where a petition is supported by an affidavit, all facts on which the petitioner relief shall be set forth in the affidavit and the petition itself besides the formal parts required by sub-rule (1) shall contain only the prayer or relief claimed in clear and precise terms. Petitions under Article 226 and 227 of the Constitution may contain also a prayer for such interim relief as the petitioner may desire or seek.

(6) The Court may in any petition at any time require the petitioner to file an affidavit in verification or support of the petition or by way of evidence.

(7) Wherever the respondent to a petition has or desires to file objections to the petition, such objections shall be set forth in an affidavit by or on behalf of the respondent and a copy of such affidavit shall be served on the petitioner atleast two days before the date of hearing mentioned in the notice.

(8) Every memorandum of petition shall be accompanied by one plain paper copy of the memorandum and affidavit, if any, where the petition is one which can be disposed of by a single Judge, and in the case of petitions which can be disposed of only by a Bench of two Judges, two such plain paper copies of the memorandum and affidavit, if any, one additional plain paper copy of the enclosures other than vakalatnama or memorandum of appearance.

¹[If there are documents or annexures produced with the affidavit, the copies required to be filed by this Rule should include copies of all such documents or annexures.]¹

1. Inserted by Notification No. SPL. 213 of 1963 dated 8.6.1967 KGD 22.6.1967

3. (1) Every memorandum of petition to revise any order or proceeding of a subordinate Court shall be accompanied by-

(a) One certified copy of the order complained of and one such copy of the judgment, if any, on which it is based:

(b) Where the order complained of is an appellate order, in addition to the copies mentioned in clause (a) one certified copy of the original order and one such copy of the judgment, if any, on which it is based; and

(c) Where the proceeding out of which the revision arises, has gone through more than two subordinate Courts, provisions of clause (b) shall apply to the order and judgment of each such Court.

(2) The Court may, on sufficient cause being shown or in its discretion upon an application made for the purpose, dispense with the production of any of the enclosures mentioned in sub-rule (1) on such terms and conditions as it may deem fit.

4. All other petitions shall be accompanied by such papers and documents as may be required by the law under which they are made or may be prescribed.

¹[4A. Subject to rules made under the Karnataka Sales Tax Act for the time being in force, the provisions of this Chapter shall be applicable to Sales Tax Revision Petitions.]¹

1. Inserted by Notification No. ROC 2 of 1962 dated 27.1.1962 w.e.f. 1.2.1962

5. The provisions of Rule 5 of Chapter VI shall apply mutatis mutandis subject to Rule 6 of that Chapter to all petitions other than those made by or on behalf of Courts Martial or Commissioners under clause (d) of sub-section (1) of section 491 of the Code of Criminal Procedure or by or on behalf of any Court, Tribunal or Authority exercising judicial or quasi-judicial functions.

6. (1) Petitions to revise the order or proceedings of any Court for which no period of limitation is prescribed by any law applicable to it shall be presented to the High Court within a period of ninety days from the date of the order complained of in computing which period, provisions of section 12 of the Indian Limitation Act shall apply;

(2) Such petitions presented after the period prescribed by sub-rule (1) shall be accompanied by an application supported by an affidavit setting forth the grounds on which the petitioner relies to get the delay condoned and the petition entertained by Court. The Court may, if is satisfied that the petitioner was prevented by sufficient cause from presenting the petition within the period prescribed, excuse the delay and entertain the petition with or without issuing the notice of the application to the respondent;

(3) No party shall be added to any such petition after the expiry of the period prescribed under sub-rule (1) except upon an application made for the purpose supported by an affidavit unless the Court itself directs suo motu that such party be added.

7. Where any petition for which the law applicable to it prescribes a period within which it shall be presented or made, is presented after the expiry of the said period, the provisions of Rules 7 and 8 of Chapter VI shall apply **mutatis mutandis**.

CHAPTER VIII

Special Rules regarding Writ Petitions

1. The Rules contained in this Chapter shall apply to Writ Petitions and shall be read as supplemental to the Rules contained in Chapter VII applicable to such petitions.

2. Every petition for the issue of a Writ in the nature of Certiorari which seeks to quash an order of any subordinate Court, shall be accompanied by a certified or authenticated copy of the order sought to be quashed and one such copy of the judgment or enclosure if any, containing the grounds for such an order. Where the proceedings out of which the petition arises has gone through more than one subordinate Court, provisions of Clauses (b) and (c) of sub-rule (1) of Rule 3 of Chapter VII shall apply mutatis mutandis.

3. Where the petition is for the issue of a Writ in the nature of prohibition, the memorandum of petition shall be accompanied by the original notice or proceeding if any served on the petitioner or a certified or an authenticated copy of the same purporting to issue from the subordinate Court whose jurisdiction is questioned in the petition.

4. Where the petition is for the issue of a Writ of any other nature or any order or direction, the memorandum of petition shall be accompanied by the orders or proceedings in original or certified or authenticated copies of the same which are either the occasion for, or the subject matter of the petition.

5. The Court may, on application made by the parties for the purpose either verified in the manner prescribed for plaints in the Code of Civil Procedure or supported by an affidavit, dispense on such terms and conditions as it may deem fit with the production of all or any of the papers required by Rules 2, 3 and 4 of this Chapter to accompany the petitions.

6. Where the petition is for an order under clause (f) of sub-section (1) of section 41 of the Code of Criminal Procedure, the memorandum of petition shall be accompanied by a certified copy of the Amin's return to warrant of arrest. The Officer having custody of the Amin's report shall cause a copy of the same to be produced on a requisition to him in writing.

7. Where the petition is under clause (a) of sub-section (1) of section 491 of the Code of Criminal Procedure, the memorandum or petition shall be accompanied by a copy of the warrant under which the person sought to be brought up before Court is detained, obtained from and authenticated by the signature of the person in whose custody the detained person is, unless such a copy on being asked for has been refused to be granted to the petitioner and the fact of such demand and refusal is set out in the affidavit filed in support of the petition.

8 (1). A petition or letter under clause (d) of sub-section (1) of section 491 of the Code of Criminal Procedure shall set out the purpose for which the Court Martial has been assembled or the authority under which the Commissioners are acting and also state where the prisoner is detained in custody and when and where and for what purpose he is required to be produced.

(2) The affidavit filed in support of a petition under clause (c) of sub-section (1) of section 491 of the Code of Criminal Procedure, shall state where the prisoner is detained and for what purpose his presence is required; and an affidavit in support of a petition under clause (e) of the same sub-section shall state 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.

9. Every affidavit in support of petition for the issue of a Writ, order or direction under Article 226 of the Constitution shall state where there are other legal remedies open to the petitioner for the redressal of his grievances and if so, whether he had before the presentation of the petition pursued all or any of such remedies and with what result, and if he has not done so the reasons for such omission and the grounds on which he seeks to invoke the jurisdiction of the Court under the said Article. The affidavit shall also set out in what right the petitioner has made the petition and how he is competent and entitled to make the petition and to seek to invoke the said jurisdiction of the Court.

10. Every Writ Petition as early as possible after it has been admitted to register, shall be posted before the appropriate Bench for preliminary orders as to issue of notice. The Bench after hearing the petitioner or his counsel if he appears, may either dismiss the petition summarily or order issue of notice to the respondent calling upon him to appear on a day named in the notice to show cause why the application should not be granted.

11. If the Court orders notice to issue to the respondent in a Writ Petition, it may pass such interim order in the case either unconditionally or upon such terms as the Court thinks just, as the nature and circumstances of the case may require.

12.¹[(1)]¹ Where notice is ordered on a Writ Petition, provisions of Rule 5 of Chapter VI read with Rule 6 of the said Chapter shall apply with the modification that for "seven days" appearing in the said Rule 6 "three days" shall be substituted.

¹ [(2) Along with the memo for service of notice, the Petitioner shall file into Court as many plain paper copies as there are Respondents to be served, of the petition, affidavit or affidavits filed in support of it and of all the Annexures thereto.

(3) Whenever an ex-parte interim order made in a Writ Petition is required or directed to be served on any person or authority not impleaded as Respondent to the petition, copy of the order to be so served shall be accompanied by a copy of the petition, affidavit or affidavits filed in support of it and all the annexures thereto. The party obtaining a direction or order from Court for service of such interim order on a person or authority other than the one impleaded in the Writ Petition shall be required to file into Court for service on such person or authority the copies mentioned above:]¹

1. Inserted by Notification No. SPL 213 of 1963 dated 8.6.1967 w.e.f. 22.6.1967

¹[Provided that where the State Government or an Officer of the State Government is a Respondent, one more such plain paper copy shall be given by the petitioner for service on the Advocate General.]¹

1. Proviso Inserted by Notification No. RPS 16 OF 1983(2) dated 10.4.1984 KGD 3.5.1984

¹[**12-A.** The notice of the petition issued to each of the Respondents shall be accompanied by copies of the petition, affidavit and all annexures thereto, to be delivered to the Respondents along with the copy of the notice.

12-B. When a Petitioner files into Court additional documents or the Respondent files any documents which he wishes to rely upon in support of his case, he shall file along with the memo accompanying the documents, an acknowledgment from the Advocate or Advocates appearing for the other side that copies thereof have been served upon him.

12-C. Every Respondent in a Writ Petition desirous of opposing the same may file his opposition in the form of a counter-affidavit. He shall, before filing into Court, an affidavit, serve a copy thereof on the Petitioner or his Counsel and file into Court his acknowledgment of having received such a copy. The Petitioner may, with the leave of the Court, file an affidavit in reply to the counter-affidavit or affidavits. Copies of annexures, if any to any such affidavit shall be furnished to the other side along with the copy of the said affidavit.]¹

1. Inserted by Notification No. SPL 213 of 1963 dated 8.6.1967 KGD 22.6.1967

13. Notice of a petition under clause (c) of sub-section (1) of section 491 of the Code of Criminal Procedure shall be served also on the prisoner.

14. The Court may in its discretion at any time before a Writ Petition is finally disposed of, direct that notice of the petition be served on any person whether – impleaded therein as a respondent or not who in the opinion of the Court may be affected by any order which the Court may make in the petition. On such a direction being given the provisions of Rule 12 of this Chapter shall apply.

15. In any case in which the Court orders a person to be brought either before it or before a Court Martial or Commissioner, or to be removed from one custody to another, a warrant shall be prepared and signed by the Registrar and sealed with the seal of the Court. Such warrant shall be served personally upon the person to whom it is directed or otherwise as the Court shall direct and in cases under clause (d) of section 491 of the Code of Criminal Procedure the warrant be forwarded to the officer-in-charge of the jail in which the prisoner is

detained. Where, however, the place of detention is not known, the warrant should be served upon the detaining authority.

16. Where at a final disposal of a petition under clause (b) of sub-section (1) of section 491 of the Code of Criminal Procedure, the Court decides that the petition should be granted, the order shall state that the person or persons improperly detained shall be set at liberty or delivered to the persons entitled to their custody.

17. (1) Costs of the Writ Petitions shall be in the discretion of the Court. When costs are awarded to any party such costs may include court fees paid on the petition or other documents filed with the petition, costs of making copies of papers either for use of Court or for service on other parties and Advocate's fees. Advocate's fee when allowed, shall be such as may be fixed by Court.

(2) If costs awarded are not paid, the party entitled to receive the same may apply to the Court whereupon the Court, may transmit the order in the Writ Petition to any subordinate Court for execution, and such subordinate Court shall proceed to execute the same in the manner prescribed for execution of decrees of that Court.

18. Where a Writ Petition impugning the validity of a Central Act or State Act or any provision thereof or any rule made thereunder is admitted, notice of the petition shall issue to the Advocate General of Karnataka and if the Act or provision thereof impugned is a Central Act or a provision thereof, falling under the Union List or Concurrent List of the Seventh Schedule to the Constitution or the rule impugned is one made by the Central Government under such Central Act, notice of the petition shall also issue to the Attorney General of India.

CHAPTER - IX

References

1. Where a reference to the High Court is from a subordinate Court seeking the opinion or directions of the High Court on any point or question, the reference shall be in the form of a statement of the case containing the denoting number and particulars of the suit, appeal or other proceeding out of which the reference arises, the names and addresses of all the parties interested in or likely to be affected by the reference, setting out the facts of the case and the points or questions on which the opinion, order or direction of the High Court is sought together with the opinion of the referring officer, Court or Authority thereon, and shall be accompanied by such records and papers as are, in the opinion of the referring officer, Court of authority, relevant for a full consideration of the reference, with two copies of such statement.

2. Where a reference to the High Court is for confirmation of any decree, or sentence or other decision or determination by a subordinate Court, such decree, sentence or other decision or determination sought to be confirmed, together with the entire record of the matter or proceeding in which the same has been made or passed, shall be submitted to the High Court, together with a memorandum citing the provision of law under or pursuant to which the reference has been made and confirmation of the High Court sought.

3. The High Court may, if it deems necessary to do so, call for further papers or for further information from the referring Court or Authority.

4. Unless the law under or pursuant to which the reference is made prescribes a different procedure, the provisions of Rules 3, 4 and 5 of Order XLVI of the Code of Civil Procedure shall apply to all references made to the High Court.

¹ [5. References to the High Court shall be designated as follows:-

1. Inserted by Notification No. ROC 2868 of 1962 dated 5.12.1963 KGD 12.12.1963

(1) References under the Income-tax Act shall be designated as Income-tax Referred Cases;

¹ [(2) References made under section 130 of the Customs Act or section 35-G of the Central Excise and Salt Act or section 82-B of Gold (Control) Act, as the case may be, shall be designated as Customs/Central Excise and Salt/Gold (Control) – Referred Cases;]¹

1. Added by Notification No. ROC LC A-I 10 of 1983 dt. 20.9.1984 KGD 11.10.1984.

¹ [(3)]¹ References under any Act levying taxes on Agricultural Income shall be designated as Agricultural Income tax Referred Cases;

¹ [(4)]¹ References in all other tax matters shall be designated as Tax Referred Cases;

¹ [(5)]¹ All other references in Civil matters shall be designated as Civil Referred Cases;

¹ [(6)]¹ References in Criminal Cases shall be designated as Criminal Referred Cases.]¹

1. Renumbered by Notification LCA I 10 of 10 of 1983 dt. 20.9.1984 w.e.f. 11.10.1984.

CHAPTER - X

Interlocutory Matters

1. (1) All applications made during the pendency of an appeal, reference, petition or other matter presented to and pending in the High Court and connected with the same or with any decree, order or sentence or other proceeding of the subordinate Court which is the subject-matter of the same, and praying for any interim relief or order, shall be called Interlocutory Applications and be consecutively numbered separately in each appeal, reference, petition or matter as the case may be.

(2) All applications presented along with any appeal, or petition for leave to file any such appeal or petition, to condone the delay in the presentation of any such appeal or petition or to condone any defects in the papers of any such appeal or petition or for impleading parties as the representatives of parties who died after the order of the subordinate Court appealed or petitioned against or for any other purpose with a view to comply with or to dispense with compliance with the provisions of any law, or of these Rules relating to the presentation of any such appeal or petition, shall also be called Interlocutory Applications and be numbered as provided in sub-rule (1).

(3) All applications made after the disposal of any such appeal, petition or reference or other matter, connected with it or with any decree or order passed therein, other than those for review of any judgment of this Court or for leave to appeal to Supreme Court which shall be designated as petitions under Chapter VII, shall also be called Interlocutory Applications and be numbered as provided for in sub-rule (1).

2. Every Interlocutory Application shall be supported by an affidavit.

Where, however, the facts on which the application is based, appear from the records in this Court or relate to any act or conduct of the applicant's Advocate himself, the Registrar may permit a memorandum of facts signed by applicant's Advocate to be filed instead of an affidavit.

3. Every Interlocutory Application shall be entitled in the main matter in which it is made and shall set out the names of the applicant and the respondents and their respective ranks in the main matter, the provision of law under which the application is made and the prayer or relief sought in clear and precise terms. The application shall be signed by the applicant or his Advocate who shall enter the date on which such signature is made or the application is presented. All facts on which the applicant relies for making the prayer or obtaining the relief sought in the application, shall be set out in the affidavit or wherever permitted in the memorandum of facts under Rule 2.

¹ **[3A. In every matter where an application is filed for an ad-interim stay on injunction against the Union of India or any State Government or any of its authorities, a copy of such application shall be served upon the Standing Counsel/Advocate for the Union of India or the concerned State Government before the matter is listed in Court, except when the Court otherwise directs]**¹

1. Inserted by Notification No. LCA-I 313 of 1991 (1) dt. 12.4.1993 w.e.f. 13.5.1993.

4. In cases of urgency, the applicant may make a written request to the Registrar to post an Interlocutory Application before the appropriate Bench for urgent orders. When such a request is made in respect of an application of the nature described in sub-rule (1) of Rule 1 of this Chapter, the Registrar shall take steps to complete the examination of the papers of the appeal or petition or other matter as the case may be in which the application is made, if such examination has not already been completed, and post the application together with papers of the main case (for admission if it is not already admitted) before the appropriate Bench.

5. Requests of the nature described in Rule 4 shall ordinarily be made to the Registrar, and the Interlocutory Application in respect of which the request is made together with all the necessary papers of the main appeal or petition, if not already presented, be presented before 1 p.m. After completion of the preliminaries as stated in the last proceeding Rule, the Interlocutory Application with the main appeal or petition shall ordinarily be posted in the forenoon of the succeeding working day when an appropriate Bench is sitting.

6. If an applicant desires to have the application posted earlier than is provided in Rule 5, he shall obtain orders or directions of the appropriate Bench which may be done by way of oral request made before the said bench in open Court.

7. In appeals and petitions in which notice to respondent has already been issued, and Interlocutory application shall not be numbered or posted unless parties to the appeal or petition affected by the application who are represented by Advocates have been served with notice of the application by delivering to each of such Advocates a copy of the application together with a copy of the supporting affidavit or memorandum of facts and the written acknowledgment over the signature of each such Advocate or his registered clerk is taken either by endorsement on the application or otherwise and is filed in the Court along with the application. If, however, the applicant's Advocate makes an endorsement on the

application that such service on Advocate was either refused to be accepted or could not be effected in spite of due diligence, the Registrar may direct that the application be numbered and posted. Wherever it is intended to move the application as an emergent application, the copy of the application served on every Advocate under this Rule shall contain an endorsement stating that the application is intended to be moved as an emergent application on the day specified in the endorsement.

8. An order passed by Court in an Interlocutory Application before service of notice on the respondent to the application shall not be communicated to the subordinate Court or the authority or the party affected by it unless the applicant has filed in the Court a memo in prescribed form for service of notice of the application on parties to whom notice has to be given or is directed by the Court with the appropriate amount of ¹[actual postage charges] ¹ together with as many plain paper copies of the application and the supporting affidavit or memorandum of facts as there are parties to be served, or unless the applicant himself has served such notice and produces into Court proof of such service.

1. Substituted by Notification No. HCLC No.84/2019, dated 15.06.2019 w.e.f. 02.04.2020

9. (1) Except in cases in which it is otherwise provided by these Rules, notice of an application shall issue only when ordered by Court.

(2) Unless the Court orders otherwise, notice of an Interlocutory Application need not be given to a party who having been served with the notice in the main appeal or petition, has not entered appearance or to a party to whom notice in the main appeal or petition has been dispensed with under the provisions of Order XLI, Rule 14 of the Code of Civil Procedure.

10. Where notice of an application has to be given an applicant shall, within three days from the date of the order directing notice, file in the Court a memo in prescribed form for service on parties to whom the notice has to be given or has been directed with the appropriate amount of ¹[actual postage charges] ¹ together with as many plain paper copies of the application and the supporting affidavit or memorandum of facts as there are parties to be served:

Provided that where the party to be served is represented by an Advocate in the main appeal or petition, notice of the application may be served on the Advocate in the manner hereinbefore prescribed in Rule 7.

1. Substituted by Notification No. HCLC No.84/2019, dated 15.06.2019 w.e.f. 02.04.2020

CHAPTER - XI

Affidavits

1. Every affidavit for use in the High Court shall set forth the cause title of the appeal or matter in which it is sought to be used and in case of affidavits used in Interlocutory Applications also the cause title of the Interlocutory Application.

2. Every person making an affidavit shall be described in the affidavit in such a manner as will be sufficient to identify him clearly.

3. An affidavit shall be confined to statement of facts and avoid arguments.

4. When an affidavit contains statements of facts not within the declarant's personal knowledge but based on the information received by the declarant, he shall state so and that

he believes them to be true and also give the source of such information wherever possible and the grounds of his belief if any.

5. Affidavits intended for use in the High Court may be made before and attested by any of the following persons, hereinafter called attesting officers, who are hereby empowered to administer oath or solemn affirmation:-

Any Judicial Officer, Magistrate, or other Presiding Officer of Civil, Criminal or Revenue Court:

Any Registrar or Sub-Registrar of Assurances;

The Registrar, ¹[Additional Registrar, Joint Registrar, Deputy Registrar]¹ or Assistant Registrar of any High Court;

1. Inserted by Notification No. ROC 2893 of 1969 dated 24.1.1970 KGD 5.2.1970

¹[The Chief Ministerial Officer of any Civil Court by whatever name called;]¹

1. Substituted by Notification No. ROC 298 of 1960 dated 25.8.1960 w.e.f. 1.9.1960

¹[Notary appointed under the Notaries Act (Central Act 53 of 1952).]¹

1. Inserted by Notification No. ROC 1921 of 1960 dated 9.11.1960

¹[5A (1) The High Court may also appoint advocates as Oath Commissioners for the purpose of administering oath or affirmation in case of affidavits intended for use in the High Court. The number of Oath Commissioners to be appointed for Bangalore, and other places in the State may be as fixed by the High Court from time to time. Advocates who have put in practice of not less than two years and not more than four years are eligible for appointment as Oath Commissioners. The appointment as oath commissioners shall be initially for a period of three years and may be extended for a period till the completion of practice of seven years. However, the appointment of an Oath Commissioner may be cancelled at any time by the High Court.]¹

1. Substituted by Notification LCA-I/108/1995 dt. 19.4.2000]

¹[Provided that no person who has attained the age of thirty-five years on the last date fixed for filing application shall be appointed as Oath Commissioner.]¹

1. Proviso inserted by Notification No.LCA-I/571/85/OC/92 dt. 16.12.1993.

- (2) The oath commissioners will be entitled to a fee Rs. 5-00 only per affidavit. He shall keep and maintain a register in the form prescribed below in which particulars of all affidavits shall be entered. The Oath Commissioner shall pass a written receipt to the deponent for the fee received in the form prescribed as hereunder. The receipt shall be in a printed form consisting of a foil and a counterfoil, the foil being handed over to the deponent and the counterfoil being preserved by the Oath Commissioner for production at an inspection.

Note-1: The Oath Commissioner will be entitled to an additional fee of Rs.10-00 from a deponent when he is required to attend the deponents residence.

Note-2: With a view to ensure that particulars of all the affidavits which are attested are duly entered in the register and receipts for the fee received are given the Oath Commissioner shall send a report within 15 days of the end of every three months about the total number of affidavits attested and the amount of fee collected during

the previous quarters to the Registrar or any other authorised officer of the High Court of Karnataka, Bangalore. The Registrar or the authorised officer may make such periodical inspection of their registers and receipt books containing counterfoils, as may be considered necessary.

Note-3: Every Oath Commissioner shall have and use, a seal of such form and design as may be prescribed and supplied by the High Court on payment of prescribed fee.

Note-4: Every Oath Commissioner shall handover the Seal, Register and receipt books kept and maintained by him/her to the Registrar or the other authorised Officer, High Court of Karnataka, he/she ceases to be an Oath Commissioner.

FORM OF REGISTER

REGISTER OF AFFIDAVIT

Sl. No.	Name & Address of the person tendering affidavit	Date of Administering Oath or affirmation	Signature or Thumb Impression of the Deponent	Name of the Court in which the affidavit is intended to be filed	Name, address & signature of the person identifying the deponent who is personally known to the Oath Commissioner	Signature of the Oath Commissioner
1	2	3	4	5	6	7

FORM OF RECEIPT

(Both Foil and Counterfoil)

Receipt No.

Date:

Place:

Serial No. in the Register of Affidavits.

Received a sum of Rs. (in words)
 from
 towards fee for administering Oath in respect of an Affidavit.

Signature of Oath Commissioner.

6. The declarant of the affidavit shall sign or make his mark at the foot of every page of the affidavit and also at the end of it. The attesting officer shall authenticate every correction, alteration or inter lineation by placing his initials near it and also enter at the foot of every page the number of such authenticated corrections, etc., or enter the word 'nil' if there is none and initial such entry and sign his name and enter his designation at the end of the affidavit, and affix thereto his official seal or seal of his Court.

7. If the person making the affidavit is not personally known to the attesting officer, he shall be identified by a person known to the attesting officer, and the fact of such identification together with the name and description of the person making the identification shall be noted at the end of the affidavit. If a person making the affidavit not known to the

attesting officer is not so identified, the left thumb impression of the person making the affidavit shall also be fixed at the end of the affidavit and be certified to be such impression by the attesting officer.

8. If the declarant appears to be illiterate or blind or is unacquainted with the language in which the affidavit is made or written, the affidavit shall be read out and explained to declarant in a language known to him in the presence of the attesting officer who shall certify that it was so explained in his presence and that the declarant appeared to understand the same and signed his name or made his mark in the presence of the attesting officer.

9. If any document is referred to in the affidavit and produced with it, the attesting officer shall make an endorsement thereon as follows:-

“This is the document referred to as Exhibit in the affidavit of

Sworn/solemnly affirmed before me this the day of
19 and sign such endorsement.

CHAPTER - XII

Presentation and Examination of Papers

1. Every memorandum of appeal, petition or application and every affidavit and every other memorandum, or list or paper other than documents tendered in evidence presented to the High Court shall be headed as follows:-

“In the High Court of Karnataka at Bangalore” followed by the description of the paper such as memorandum of appeal memorandum of petition, Interlocutory Application, as the case may be followed by the provision of law under which the same is presented or made.

¹[2. Every memorandum of appeal, petition, affidavit, interlocutory application or other memorandum or list presented to or filed in the High Court (other than original documents) shall be fairly and legibly written, typed or printed or partly so written, partly typed or partly printed on strong and durable ²[White paper of metric A-4 size (30.5 cms long and 21.5 cms wide) weighing with minimum 75 gsm, Font style-Verdana, Font size of the title – 14” bold single line, Font size of the text -12”, left margin 1.75”, right margin 1”, top margin 1.5” & bottom margin 1.5”, the writing, typing and printing shall be made on single side of the paper with double line spacing.] and every set of papers shall be stitched bookwise with pages serially numbered and be provided with an index; the index shall be on paper of the same size and strength mentioned above and shall be stitched as the first sheet of the papers. Where certified copies of judgments, decrees or orders of sub-ordinate Courts and Tribunals produced with an appeal, petition or application or for any other purpose are in manuscript, typed copies thereof conforming to the above specifications shall be produced along with certified copies.]¹

1. Substituted by Notification No. ROC 1084 of 1967 dt. 14.9.1967 w.e.f. 21.9.1967

2. Substituted by Notification No. HCLC No.188/2019, dated 22.08.2019 w.e.f. 26.11.2020

3. Except in cases hereinafter mentioned every appeal, petition, application or other document presented to the High Court, shall be presented by party making such appeal, petition or application or by his recognized agent as defined under Order III, rule 2 of the Code of Civil Procedure or by his Advocate or his registered clerk or by another Advocate deputed by such Advocate. No paper intended to be presented to the High Court in any

judicial matter or proceeding shall be presented by post or be presented otherwise than is provided for by this rule.

4. Rule 3 shall not apply to appeals or petitions by a person in jail or in duress or restraint, or to petitions by or on behalf of Courts Martial or Commissioners under clause (d) of sub-section (1) of section 491 of the Code of Criminal Procedure or to any petition, reference or other matter made or presented to the High Court by or on behalf of any Court, Tribunal or Authority, exercising judicial or quasi-judicial functions.

5. All papers in judicial matters shall be presented at the office of the Registrar at the High Court on working days between the hours 11 a.m. and 4 p.m. The Registrar may in special cases receive or direct the same to be received by the office after 4 p.m. on any day. In very urgent matters, the Registrar may, if satisfied about the urgency, receive any papers at his residence on holidays and take the directions of the Chief Justice or in his absence, of the seniormost Judge present in Bangalore as the further action to be taken on papers so received by him at his residence.

6. No appeal, petition, application or the like in judicial matters shall be received during vacation of the Court except in cases of urgency in accordance with the rules from time to time made by the Chief Justice for the disposal of urgent matters during vacation.

7. The Registrar shall appoint one or more clerks as receiving clerk or clerks to receive the papers in judicial matters presented to the High Court.

8. Every appeal, petition, application or the like presented to the High Court, shall be accompanied by a list in prescribed form in duplicate setting forth all the papers filed therewith and particulars of all court fee paid in respect of the same.

9. Immediately on receiving the papers the receiving clerk shall check all the papers and the court fee, if any, paid thereon with reference to the list referred to in the last preceding rule, and on being satisfied that the papers and the court fee mentioned in the said list have actually been filed and paid, shall return one copy of the list to the party presenting the same or his Advocate duly signed by him affixing thereto the date seal of the High Court containing the date of presentation of papers.

10. The particulars of the papers and the court fee shall then be entered in the Register or Registers prescribed for the purpose either by the receiving clerk or such other clerk as may be appointed for the purpose.

¹[10(A) As and when the petitions, revisions or appeals are filed, the same shall be assigned FR number. The said FR number will continue till all the office objections are complied with.]¹

1. Inserted by Notification No. HCLC No.84/2019, dated 15.06.2019 w.e.f. 02.04.2020

11. All the papers shall then be forwarded to the Appeal examiner's section for purpose of examination.

12. It shall be the duty of the Appeal Examiner to examine all papers allotted to him for examination with a view to see that the papers are presented within the time prescribed by law for their presentation, that proper court fee payable thereon has been paid, that the papers are in proper form, that the enclosures required by law or by these rules have been furnished and that the papers comply in all respects with the provisions of law and the rules applicable to them.

13. In connection with every set of papers presented and examined, the Appeal Examiner shall attach one or more sheets entitled the Examination Report in prescribed form. In the said report the Examiner shall record whether the papers comply with the requirements stated in the last preceding rule or they are in any manner defective and if there are any defects, shall record the same in the report. He shall then place the report before the Registrar for his orders.

14. ¹[(1) The Registrar after reading the report of the Examiner and looking into the papers examined wherever necessary shall, if all the papers are in order, direct that the appeal, petition or other matter be admitted to register and numbered. If there are any defects, the Registrar shall direct such amendments or corrections in the papers as may be necessary be carried out or direct rectification of the defects or compliance with such requisitions as he may consider necessary in the circumstances of the case by the party presenting the same or his advocate in the office of the concerned Registrar within three weeks from the date of notifying such defects. The Registrar may, from time to time, extend the time or period allowed by him for (Compliance of requisitions or rectification of defects) by such periods as may be necessary not exceeding six weeks in the aggregate.

²[(2) "Time of four weeks shall be available for compliance of requisitions or rectifications of defects from the date on which the list is published on the official website of the High Court. Within a period of two weeks from the expiry of the prescribed period of four weeks, the matters in which compliance of requisitions or rectification of defects is not made within the aforesaid period of four weeks, shall be listed before a Registrar of this Court nominated by the Chief Justice. The party presenting the papers or the Advocate presenting the papers shall be entitled to appear before the Registrar and seek waiver of the defects. The Registrar so nominated by the Chief Justice shall have the power to condone defects, except the defects regarding payment of deficit court fees and non-joinder or mis-joinder of parties. The Registrar shall not have the power to decide the issue of maintainability of the case. The Registrar so nominated shall have power to extend the time for compliance of requisitions or rectification of defects by a maximum period of three weeks from the date on which the matter is firstly placed before him. The Registrar shall have the power to pass a peremptory order dismissing the petition/appeal/application, if compliance of requisition as put up or published at the first instance or rectification of defects is not made within the time extended by the Registrar."]

1. Substituted by Notification No.HCE 1119/2001/HCLC dt. 1.4.2003 KGD 8.5.2003.

2. Substituted by Notification No. HCLC No.62/2020, dt. 22.05.2020, w.e.f.26.11.2020

15. All memoranda, endorsements or notes or orders in the Examiner's Report by the Examiner or the Registrar or by the party or his Advocate in answer to the Notes of the Examiners or orders or directions of the Registrar, shall be recorded in the Examiner's report in the order in which they are made. Additional sheets wherever necessary shall be add to the Examiner's Report.

16. The Examiner's Report and all endorsements, notes, orders, etc., thereon shall form part of the record and all parties to the appeal petition or other proceeding to which the report relates shall be entitled to inspect the same and to receive certified copy of the same.

17. If the papers are re-presented without the defects pointed out or the requisition made by the Registrar corrected or complied with or after the expiry of the period allowed by the Registrar or after the aggregate period of six weeks mentioned in rule 14 of the Chapter has elapsed, the papers shall be placed before the Chief Justice or such other Judge as he may nominate for the purpose for orders.

18. When all defects pointed out have been corrected and requisitions made have been complied with and all the papers are finally found to be in order, the appeal, petition or other matter shall be admitted to the register and numbered.

CHAPTER - XIII

Issue and Service of Notice

1. When cases are admitted and notice to respondents directed therein, the Registrar shall cause notice to issue in appropriate forms prescribed for the purpose, signed by the Registrar and sealed with the seal of the Court. Every such notice shall be accompanied by a copy of the memorandum of appeal or petition or similar principal pleading in the matter to which the notice relates.

2. All notices issued shall be entered in the respective appeal, petition or other proceeding in which they are issued and shall specify the day fixed for the hearing of the matter or for respondent's appearance. Such day shall be fixed with reference to the current business of the Court, the place of residence of the respondent and the time necessary or service of the notice so as to allow the respondent sufficient time to appear and answer the appeal, petition or application in which the notice was issued.

¹[3. Unless the Court or these rules otherwise directs or provide appearance by a party served with notice shall not be later than thirty days in the case of appeals; ten days in the case of petitions and applications from the date of service and in the case of emergent notice appearance by a party shall be within five days from the date of service of such notice.]¹

1. Substituted by Notification No. HCE 729 of 1990 dt. 15.2.1992 w.e.f. 30.7.1992.

4. Every notice to respondent shall declare that if he does not appear on the day fixed in the notice, the appeal, petition or other matter in which the notice is issued will be proceeded with and heard in his absence.

5. Notice shall be served in the manner prescribed in the Code of Civil Procedure for the service of summons upon a defendant in a suit subject as hereinafter provided for.

¹[5-A.²[(1)]² When the service is to be effected on a Government servant, the Court may, on an application made for the purpose, direct that the notice shall be sent to such Government servant through the Head of the Department concerned (to whom such notice may be forwarded by registered post) for service. The party seeking such service shall furnish, along with his application, postal covers containing the correct name and designation of the Government servant and of the Head of the Department concerned on whom service is to be effected, and also the postage stamp sufficient to cover registration charges.]²

1. Rule 5A added by by Notification No. SPL 213 of 1963 dt. 8.6.1967 w.e.f. 22.6.1967

²[(2) In all matters in which the court directs the issue of notice to the Union of India or to any State Government or to any of its authorities, the petitioner/applicant shall specify the proper department of the Union of India or the State Government, as the case may be, on whom the notice is required to be served. The notice shall be served on the appropriate department and additionally on the Standing Counsel/Advocate of the Union Government or the State Government concerned alongwith a copy of the petition with its annexures. In addition to the usual mode of service, the petitioner may make a request to the Registrar for service by hand delivery on the appropriate department and Standing Counsel/Advocate.

The Standing Counsel/Advocate of the Union of India or the State Government concerned shall obtain necessary instructions from the appropriate department or authority.]²

2. Rule 5A renumbered sub rule (2) inserted by Notification No. LCA I 313 of 1999 (1) dt. 12.4.1993 w.e.f. 13.5.1993

6. In all pre-decree cases, notice shall be served on the Advocate or other legal practitioner appearing for the party in the main proceeding pending in the lower Court out of which the appeal, petition or other matter arises. When such an Advocate or Legal Practitioner appears for more parties than one in such proceeding, service under this rule on the said Advocate or practitioner shall be made on behalf of all the parties for whom the said Advocate or practitioner appears. Service under this rule shall be deemed to be sufficient service as if it had been made on the party direct.

7. In all Interlocutory Applications or matters before the High Court service of notice on parties represented by Advocate in the main case shall be made on Advocates representing the parties in the main appeal, petition or matter in the High Court as provided for in Chapter X of these rules. The provisions of the said Chapter as to service of notice shall apply in all interlocutory matters unless otherwise ordered by Court in any particular case.

8. Where a party appears through an Advocate in the High Court, his address for service shall be that of the Advocate and all notices and processes in the appeal, petition or other matter and all Interlocutory Applications therein shall be sufficiently served if left by a party or Advocate or by a person employed by the Advocate or by an Officer or employees of the Court between the hours 10 a.m. and 5 p.m. at the address for service of the party to be served.

9. Unless otherwise directed by Court, every notice issued in respect of proceedings in the High Court, other than those which may be served on Advocates under the provisions of rule 7 of this Chapter, shall be sent in the first instance by registered post. Provisions of rule 4 of Order XLI-A of the Code of Civil Procedure shall apply to notices issued under this rule.

10. In all appeals or revision petitions against Interlocutory Orders of subordinate Courts if an interim order is passed by the Court on any application made in the appeal or revision petition with a direction to issue notice to the respondents in the application, notice shall be issued simultaneously fixing the same date of hearing or for appearance both in the application and for the appeal or revision petition on payment of a single process fee in respect of the respondents common to both the application and the appeal or revision petition and separate process fee in respect of the respondents who are parties to the appeal or revision petition but not parties to the application. Unless the Court otherwise directs the appeal or revision petition and the application shall be posted together for final disposal within 20 days after the service of notice on the parties.

11. When a date is fixed for hearing or appearance and is specified in the notice, the matter in which the notice was issued shall not be posted before the said date. When notice has been served and service is held sufficient, no further notice of posting or adjournments shall be necessary except through publication in the cause lists and on the Notice Board of the Court in accordance with the provisions of Chapter XV of these rules.

12. When notice issued to a party through Court is returned unserved, an intimation of that fact shall be given on the Notice Board of the Court. Such intimation shall be put upon the Notice Board on the first working day of every week and shall contain the following particulars:-

- (i) the number of the proceeding on the file of the High Court;
 - (ii) the name of the Advocate of the party at whose instance the notice was issued;
- and
- (iii) the name of the party not served and the reasons for non service.

Unless a different period is fixed by the Registrar which shall be noted in the said intimation, the party or his Advocate at whose instance the original notice was issued, shall, except when the notice has not been served because the respondent is dead deposit into Court further process fee for the service of fresh notice and shall give particulars necessary for serving it within 10 days from the date on which the intimation is put up on the Notice Board. If fresh notice is also returned unserved, the same procedure shall be repeated.

¹**[12(A)]** If notice is returned unserved for whatever reason the same shall be listed before the Registrar (Judicial) for compliance. The Registrar (Judicial) is entitled to grant to total period of six weeks for such compliance. In case where compliance is not made even after six weeks, the same shall be listed before the court for necessary orders.

1. Inserted by Notification No. HCLC No.84/2019, dated 15.06.2019 w.e.f. 02.04.2020

13. If a notice issued to a party through Court is not served in the ordinary way on three occasions, the matter shall be posted before the Registrar for further orders. If the Registrar is satisfied that the party intended to be served is keeping out of the way for purposes of evading notice, or that for any other reason the notice cannot be served in the ordinary way, the Registrar may order substituted service in the manner prescribed by the Code of Civil Procedure. The party or Advocate at whose instance the notice was issued shall be at liberty to make an application supported by affidavit for substituted service even if three attempts at service in the normal way have not been made and the Registrar may, if he is satisfied as aforesaid, order substituted service.

14. The provisions of this Chapter shall apply **mutatis mutandis** to notice issued in respect of references made to the High Court.

15. Where several minors are represented by a single guardian, a single process fee shall be charged for service on all such minors. Where a guardian of a minor party or parties is himself a party to the proceeding, a single process fee shall be charged for both the minor party or parties and the guardian in his personal capacity.

16. No process fee shall be charged for notices issued in respect of Criminal Appeals or references or revisions except in cases of appeals or revisions against acquittal at the instance of private complainants or parties.

17. No process fee shall be charged for notice issued in respect of references other than those mentioned in the last rule where the reference is made by a subordinate Court **suo motu** and if made on the application of a party, the said party shall pay the process fee for notices issued in respect of such references.

CHAPTER - XIV

Preparation of Records of Cases

1. After cases are admitted and notice directed to respondents, steps will be taken to prepare the records of cases for hearing.

2. Notices or requisitions to subordinate Courts for transmission of papers to the High Court under or in the manner prescribed by rule 13 of Order XLI of the Code of Civil Procedure shall be prepared and signed by the Registrar.

3. Unless the Court otherwise directs it shall not be necessary to call for records from subordinate Courts before a case is admitted.

4. In case of appeals or revision petitions preferred against interlocutory orders made by subordinate Courts prior to decree or prior to final disposal of the matter pending before the said subordinate Court, only the papers relating to the particular interlocutory matter need be called for, and unless stay of proceedings is ordered by the High Court, it shall not be necessary to call for any other papers relating to the main proceeding pending on the file of the subordinate Court; If reference to any such other paper is necessary the parties requiring the same shall produce certified copies thereof.

¹[5. (1) Printed or Typewritten or Cyclostyled copies shall be prepared for use of Court and the parties at the hearing of cases of all material papers as hereinafter provided. The copies so prepared are called the paper book of the case. The printing or typing or cyclostyling shall be made on substantial white-foolscap folio paper with an outer margin of about 1.5 inches and inner margin of about 1 inch and separate sheet shall be stitched together bookwise. The pages shall be consecutively numbered and printing or typing or cyclostyling shall be on both sides of the paper. Every 10th line on each page shall be numbered.]

(2) No paper book need be prepared in appeals and revisions against interlocutory orders. Parties desiring to refer to any paper shall file into Court two typed copies thereof and furnish one such copy to every Advocate preparing in the case.]¹

1. Substituted by Notification No. LCA-I 313 of 1991(1) dt. 12.4.1993 w.e.f. 13.5.1993

6. The paper book shall consist of two Parts. Part I comprising the principal pleadings of the case including judgments and orders of subordinate Courts and Part II comprising the evidence in the case both oral and documentary.

7. (1) In Civil cases the following paper shall be included in a paper book. These papers are hereinafter called compulsory papers:-

(a) In Regular ¹[First Appeals]¹:-

1. Substituted by Notification No. ROC 2 of 1962 dt. 27.1.1962 w.e.f. 1.2.1962

Plaint, written statement, reply or rejoinder, if any, issued unless they are fully set out in the judgment in the suit, judgment and decree in the suit and the memorandum of appeal to the High Court.

(b) In ¹[Regular Second Appeals]¹:-

1. Substituted by Notification No. ROC 2 of 1962 dt. 27.1.1962 w.e.f. 1.2.1962

Plaint, written statement, reply or rejoinder, if any, appeal to the lower appellate Court, judgment and decree of lower appellate Court and memorandum of Second Appeal.

(c) In Miscellaneous First Appeals ¹[* *]¹.

1. Substituted by Notification No. ROC 2 of 1962 dt. 27.1.1962 w.e.f. 1.2.1962

All papers corresponding to those set out in clause (a) with reference to the original proceedings in which the order is passed.

(d) In Miscellaneous Second Appeals ¹[* * *]¹

1. Substituted by Notification No. ROC 2 of 1962 dt. 27.1.1962 w.e.f. 1.2.1962

All papers mentioned in clause (c), memorandum of appeal to lower appellate Court, judgment and order of lower appellate Court and the memorandum of appeal preferred to the High Court.

(e) In Civil Revision Petitions:-

The judgments and orders set out in rule 3 of Chapter VII of these rules and the Memorandum of the Petition to this Court.

(f) In other Civil Petitions or References:-

Such papers selected by the Registrar by applying clauses (a), (b), (c) or (d), as the case may be, **mutatis mutandis**.

- (2) (i) Schedule to plaints, written statements or other similar pleadings may be omitted from compulsory papers unless they have a bearing on the matters in dispute in the appeal or petition, as the case may be, and are required by the parties to be included in part I.
- (ii) Schedule to decrees may be omitted unless the Registrar considers that they are necessary for the disposal of the appeal or petition, as the case may be, or the parties require the same to be included.
- (iii) In Partition Suits the Registrar shall decide whether the reports of Commissioners appointed for effecting partitions shall be included among the compulsory papers.
- (iv) Parties may require that the Judge's notes or order sheet or roznama or similar record showing the progress of proceedings in subordinate courts should be included in Part I.
- (v) Memorandum of Cross-Objections, if any, shall be annexed to Part I.

(3) (a) Papers to be included in Part II shall be such as the parties required to be so included.

(b) It shall be open to the parties to select only portions of a document to be included in Part II of the paper book and omit rest of the document, subject to clauses (c) and (d) of this sub-rule.

(c) Where a question of interpretation of any document or clause thereof is involved in an appeal or petition either the whole of that document or such portion thereof as has a bearing on the question of interpretation shall be included.

(d) When oral evidence of any witness is sought to be included the entire evidence of such witness shall be included, provided that where any portion of the oral evidence of any witness given in another case is marked as an exhibit it would be sufficient to include that portion only.

¹[(e) The party filing the list of papers to be included in Part II, shall serve a copy of the same to the other party/parties before such filing]¹

1. Inserted by Notification No. LCA-I 313 of 1991(1) dt. 12.4.1993 w.e.f. 13.5.1993

8. In Criminal Appeals and References for confirmation of a sentence of death, charge-sheet, judgment or orders to the Jury and memorandum of appeal or reference, as the case may be, shall be included in Part I and the entire evidence oral as well as documentary shall be included in Part II.

In Criminal Revisions, Judgments and Orders mentioned in rule 3 Chapter VII and the memorandum of petition to this Court shall be included in Part I, and Part II shall consist of such papers as the parties may require to be included therein.

In other criminal matters the Registrar shall decide what papers shall be included in Part I by applying the provisions of this rule **mutatis mutandis** and Part II shall consist of such papers as the parties may require to be included therein.

9. Every paper book shall be provided with an Index or list of contents. The documents included in Part II shall be arranged in chronological order mixing up the papers pointed out by several parties to the proceeding provided that where any correspondence relating to a particular matter or papers relating to any particular proceeding in subordinate Courts are included such correspondence or such papers may be clubbed together separately in chronological order.

¹[10. x x x]

¹[11. x x x]

1. Rule 10 and 11 Omitted by Notification No. LCA 1/313/91(1) dt. 12.4.1993 w.e.f. 13.5.1993

¹[12. In civil cases parties may apply to exclude any of the compulsory papers from the paper book and the Court may pass such order as it thinks fit on such applications on such terms and conditions as it may deem fit to impose. If such petitions are uncontested they may be disposed of by the Registrar]¹

1. Substituted by Notification No. LCA-I 313 of 1991(1) dt. 12.4.1993 w.e.f 13.5.1993

13. Printing and typing in all criminal matters shall be free of cost to the parties, except in appeals or revisions against acquittal by private complainants or parties in which the appellant or petitioner shall pay the charges.

14. In cases where the paper book is to be typed or is permitted to be printed privately parties themselves may prepare the paper book. In such a case they shall furnish for use of Court such number of copies as are required by these rules to be prepared for use of Court and also furnish free of cost one copy of the paper book prepared by them to every Advocate appearing in the case and file into Court their written acknowledgment for having received such copies.

15. Except in cases where the parties themselves undertake to file or are permitted by Court to file paper books typed and prepared by them, all printing shall be done by or under the supervision of the Registrar and all typing shall be done in the office of the Registrar.

16. (1) In every case where printing or typing is done through Court, the appellant or petitioner shall within 10 days of the date on which the admission of the case as put up on the notice board deposit into Court the amount mentioned below together with a memorandum that he proposes to point out the papers to be included in Part II of the paper book. Every respondent shall file into Court within 10 days of entering appearance a memo stating that he proposes to point out the papers to be included in Part II of the paper book.

(2) The amounts referred to in sub-rule (1) shall be the following:-

		Rs.
(a)	In ¹ [Regular First Appeals and Regular Second Appeals] ¹	25
	1. Substituted by Notification No. ROC 2 of 1962 dt. 27.1.1962 w.e.f. 1.2.1962	
(b)	In ¹ [Miscellaneous First Appeals ...	15
	1. Substituted by Notification No. ROC 2 of 1962 dt. 27.1.1962 w.e.f. 1.2.1962	
(c)	In Civil Revision Petitions ...	10
(d)	In Criminal matters where the papers are to be printed or typed at the expenses of the party. ...	25
(e)	In other cases ...	10

17. (1) As soon as may be practicable after the memorandum referred to in the last preceding rule has been filed into Court, the Registrar shall issue to the party filing the memo a notice to point out the papers which he requires to be included in Part II of the paper book fixing a time within which to do so.

¹[Every party so pointing out shall lodge in the office three copies of a list of papers pointed out by him; every other party shall be entitled to inspect the said list and take one copy out of these so lodged; when two of the copies lodged have been taken away every party coming into inspect thereafter will be entitled to make out and take a copy thereof.]¹

1. Inserted by Notification No. ROC 2868 of 1962 dt. 5.12.1963

(2) After the pointing out is completed the Registrar shall prepare and serve on the party pointing out or his Advocate an estimated bill for preparing the papers pointed out by him, fixing a time within which the amount shall be paid which time shall not be less than thirty days in the case of appeals and fifteen days in other matters.

18. Preparation of the papers pointed out by parties for inclusion in Part II of the paper book shall not be taken up unless the estimated bills therefor have been paid by the parties concerned.

19. (1) Wherever any paper to be included in the paper book is not in the language of the Court it shall be translated into the language of the Court at the expense of the appellant or petitioner if it is a compulsory paper or a paper pointed out by him for inclusion in the paper book and in other cases at the expense of the party who requires it to be included in the paper book:

¹[Provided that it shall not be necessary to translate into English documents and other papers which are in Kannada.]¹

1. Proviso Inserted by Notification No. LCA-I 444 of 1982 dt. 9.3.1983 KGD 17.3.1983

(2) The Court may on application made by any party in its discretion direct that any document required to be translated by this rule need not be translated.

20. (1) Wherever a paper has to be translated under the last preceding rule, the translation shall be done by any of the official translators of the Court.

(2) Notwithstanding what is stated in sub-rule (1), the Chief Justice may appoint any Advocate as an authorized translator and parties if they so desire may get any paper required to be translated by these rules translated by such authorized translator provided

that no authorized translator shall translate any document in a case in which he appears for any party.

21. (1) The Registrar shall in each case determine the minimum number of copies of the paper book to be prepared for use at hearing. Such number shall comprise sufficient number of copies for use of Court (which shall be atleast two more than the number of Judges constituting the Appropriate Bench in relation to the case) and copies which the parties are entitled to receive under sub-rule (2) of this rule. The number so determined is hereinafter referred to as the standard number.

(2) Every party to a case who has entered appearance within the time limited therefor shall be entitled to receive one copy of the paper book, provided that where several parties are represented by a single Advocate only one copy shall be supplied to such Advocate unless the Registrar in his discretion directs that he be supplied with more copies than one.

(3) Advocates requiring additional copies should state the number in the Memos filed under rule 16(1) of this Chapter.

22. Rates of charges for printing, typing and translating of papers and documents both under this Chapter and Chapter XIX shall be such as may be prescribed from time to time.

23. (1) Calculation of the cost of preparing the paper book and the levy of charges in respect of it shall be governed by the provisions of this rule.

(2) Cost of preparing each paper or document shall be first calculated separately. It shall comprise (a) cost of composing the text for printing the first copy, (b) cost of paper necessary to print standard number of copies thereof, and (c) charges of translation, if any.

(3) Cost of one additional copy of the entire paper book shall be calculated separately. It shall comprise only the cost of paper and printing and shall not include the cost of composing the text for printing and charges for translation.

(4) The appellant shall be required to pay the cost calculated under sub-rule (2) of preparing every paper or document included in Part I of the paper book (other than cross-objections) and of preparing every paper or document pointed out by him for inclusion in Part II of the paper book. On payment of the total cost so calculated he shall be entitled to receive one copy of the entire paper book.

(5) The respondent shall be required to pay the cost calculated under sub-rule (2) of preparing every paper or document pointed out by him for inclusion in Part II of the paper book and of preparing the memorandum of cross-objections if any filed by him. On payment of the total cost so calculated he shall be entitled to receive one copy of the entire paper book. If he has not pointed out any papers and has not filed any cross-objections he shall be entitled to one copy of the entire paper book free of cost.

(6) Parties requiring copies of the paper book in addition to the first copy shall pay for every such additional copy the cost thereof calculated under sub-rule (3).

(7) The provisions of this rule shall apply to typing of the paper book with the following modifications, namely that there will be no item corresponding to "composing the text for printing", and in calculating the cost of typing for additional copies the rate shall be one-fourth the rate for typing the first copy.

24. If the amounts paid under rule 16(2) and on estimated bills under rule 17(2) fall short of the actual cost of the copy or copies of the paper book required by a party, the copy or copies shall be issued only on the party paying the short fall for which a bill shall be issued to the party. If the amounts already paid are in excess of such actual cost, the excess shall be refunded to the party.

25. (1) An Advocate shall be personally responsible for payment of charges in respect of compulsory papers of Part I and of the other papers pointed out by him for inclusion in Part II of the other papers pointed out by him for inclusion in Part II of the paper book for his client.

(2) The Registrar may refuse to issue paper book in any case to an Advocate who has not paid any of the charges in respect of any case which he is personally responsible to pay under sub-rule (1).

¹[**26.** x x x x x]¹

1. Rule 26 Omitted by Notification No. SPL 213 of 1963 dt. 8.6.1967 w.e.f. 22.6.1967

27. In regard to cases transferred to this Court under the provisions of section 62 of the States Reorganisation Act:

(a) The rules, contained in this Chapter shall not apply if the paper book has already been prepared before they were so transferred.

(b) The application of all or any of the rules contained in this Chapter may be suspended or dispensed with by the Court or the Registrar if the preparation of the paper book had been commenced but not completed before they were so transferred.

(c) All the rules contained in this Chapter shall apply in cases not falling under clauses (a) and (b).

CHAPTER - XV

Postings and Adjournments of Cases

1. A list of all cases admitted either by the Registrar or by the Court shall be put up on the Notice Board of the Court and such list shall contain the following particulars:

- (a) Number of the case on the file of the Lower Court;
- (b) Number of the case on the file of the High Court;
- (c) And the name of the Advocate or the party presenting the same.

2. Cases shall ordinarily be posted for admission within a fortnight of presentation if the papers are in order. A list of such case shall be put on the Notice Board of the High Court giving the same particulars as are mentioned in the last preceding rule. Such cases shall not be posted for admission before the expiry of three clear days from the date on which the list referred to in this rule is put up on the Notice Board of the Court. This rule shall not apply to cases where emergent applications are filed and such applications and the main cases are to be posted emergently, or to writ petitions which shall ordinarily be posted within three days of their presentation, if the papers are in order.

3. Cases are said to be ready in notice when all the parties to whom notices directed have been served and the time limited by such notices for entering appearance has expired. Cases are said to be ready for hearing when they are ready in notice and records

called for from the Lower Court have been received and the paper book in accordance with the provisions of Chapter XIV has been prepared.

4. On the first working day of every month the Registrar shall cause to be put on the Notice Board of the Court a list of cases made ready for hearing, during the immediately preceding month. The cases in the list shall be arranged in the order of their denoting numbers. The list of ready cases so put up on the Notice Board every month shall be added at the bottom of such cases put up in the immediately preceding month. Such list is called "Ready List".

5. Cases selected out of the "Ready list" for being posted for disposal in accordance with the rules hereinafter contained shall be transferred to a list called the "Warning List" and the said list shall be put upon the Notice Board of the Court. The cases included in the "Warning List" shall not ordinarily be posted for disposal unless atleast one week has elapsed excluding the day on which the "Warning List" is put up on the Notice Board.

6. Cases transferred from the "Warning List" and posted for disposal shall be included in the "Daily List" which list shall be divided into as many parts as there are Benches and shall bear the date of the day on which the cases are posted for disposal, the name or names of the Judges constituting the Bench before whom they are posted for disposal and the number of the Court Hall in which the Bench would be sitting.

7. (1) Subject to the rule as to priority set out in sub-rule (2) of this rule and subject to special directions, if any, given by the Chief Justice or the Appropriate Bench, cases shall be transferred to the "Warning List" in the order in which they appear in the "Ready List" and to the "Daily List" in the order in which they appear in the "Warning List".

(2) The following cases shall be deemed to be urgent cases and shall be given priority in the matter of posting for disposal-

- (a) Cases in which hearing has been directed to be expedited or advanced.
- (b) Cases in which there is stay of proceeding or of execution of a decree or order.
- (c) Cases the pendency of which causes delay in the disposal of cases pending in Subordinate Court.
- (d) Appeals or matters arising out of proceeding in execution of decrees or orders.
- (e) Appeals in probate and succession cases.
- (f) Appeals in Land Acquisition Cases.
- (g) Of quasi criminal nature such as Contempt of Court.
- (h) Writ Petition.
- (i) Among Criminal Cases – Appeals against sentence of death or reference for confirmation of such sentence.
- (j) Matrimonial cases.

(3) Unless the Bench directs otherwise or adjourns any case, cases posted in the "Daily List" will be called in the order in which they appear in the list, and the undisposed of cases will continue on the list day-to-day unless an appropriate Bench is not sitting on any day. All cases added to the "Daily List" shall, subject to directions of Court, if any, be added at the bottom of the undisposed of cases on the list.

8. (1) All cases which remain part-heard at the end of any day shall be posted before the Bench which heard it on the day when the Bench is sitting next after the said day at the top of the list subject to miscellaneous matters posted before the same Bench.

(2) When a part-heard case cannot be taken up for some reason or other for a period of one month or more the Bench which originally heard it may direct that the same be not treated as part-heard case.

(3) When a part-heard case cannot be taken up for a period of one month or more consequent upon the absence, retirement or death of one or more of the Judge, who originally heard it the Chief Justice may direct that the same be not treated as a part-heard case.

9. When any case is directed by a Bench to be posted at the expiry of a particular period or on a particular day, as the case may be, such case shall be posted immediately after the expiry of the said period or on the said date, as the case may be, at the top of the list subject to miscellaneous matters and part-heard cases whether or not the hearing of the case can be taken up that day and then the same shall be dealt with as directed by the Bench before which it is so posted.

10. (1) Interlocutory Applications shall be posted for preliminary or interim orders ordinarily within a week of their presentation.

(2) Interlocutory Applications shall be posted for disposal ordinarily within a week from the day fixed for hearing or for appearance, provided notice has been served.

(3) Applications which are ripe for posting under sub-rule (2) shall be exhibited on the Notice Board on the last working day of every week and such applications may be posted before Court during the following week.

(4) When an Interlocutory Application is posted before Court, the pleadings bundle in the main case shall also be taken to Court.

11. Cases posted in the "Daily List" for hearing and disposal can be adjourned only by a Bench before which they are posted and any request for such adjournment shall be made in open Court before the said Bench.

12. When findings called for from Subordinate Courts are received, intimation of such fact shall be given on the Notice Board of the Court. The time for filing objections to findings shall be calculated from the date on which such intimation is put on the Notice Board. Unless the Court has fixed a time for filing objections such time shall be 15 days.

CHAPTER - XVI

Judgments, Decrees and Orders

1. In connection with each appeal, petition or other matter in the High Court, there shall be maintained an order sheet in the prescribed form in the manner provided in this Chapter.

¹[2 (1) The order sheet in every case shall contain two parts.

1. Substituted by Notification No. SPL 213 of 1963 dtd 8.6.1967 w.e.f. 22.6.1967

(2) In the top portion of Part I in every case the names of the parties and the names of the Advocates appearing for the parties shall be specified. Immediately below the top portion of Part I, each page shall be divided into two vertical columns. The left hand column shall be used for office notes and orders of the Registrar, in all matters connected with the case (including Interlocutory Applications), other than matters falling under Part II.

(3) Part II of the order sheet shall consist of two separate divisions,-

A. Process matters; and

B. Preparation of records of the case.

Part II shall contain the office notes, orders of the Registrar in all matters in relation to the service of processes and the preparation of records of the case.

Note: Wherever an order is made by the Registrar on any Interlocutory Application there shall be a note made to that effect, in the left hand column of Part I of the order sheet.

3. The order sheet be maintained as a separate file and shall be sent to the Court every time the case is posted before Court for any purpose. Each part of the order sheet shall be maintained in chronological order and the page thereof shall be serially numbered. At the top of the front page of every sheet of the order sheet, the name of the High Court and the nature and number of the case shall be entered. It shall also be necessary to enter in the left hand column of the order sheet the names of the Advocates and parties appearing in person at every hearing. At the top of the first page of Part I of the order sheet in every Miscellaneous Appeal and every Criminal Appeal which under the provisions of the Karnataka High Court Act, 1961, may be heard by a single Judge, there shall be written or printed the words "Single Judge".

4. In addition to the order sheet, there shall be maintained in every case a progress sheet in which the following particulars shall be entered:-

- (i) the name of the High Court;
- (ii) the nature and number of the case;
- (iii) the names of the parties and their Advocates arranged according to their rank in the cause title of the case;
- (iv) the date of presentation;
- (v) the date on which the case was registered and numbered;
- (vi) the date of admission of the case;
- (vii) the date on which the case was put up on the 'Ready List'.
- (viii) the date on which it was put up on the 'Warning List';
- (ix) the date on which it was first posted on the 'Daily List';
- (x) the dates on which the case was heard; and
- (xi) the date of pronouncement of judgement or order']'

5. After a case has been heard, judgment may be pronounced either at once or on some future date after notice to the parties or their Advocates which notice shall ordinarily be given by putting up the case on the Daily Cause List for judgment.

6. (1) Where a case is heard by two or more Judges and judgment is reserved, the judgment or judgments prepared by them may be pronounced by any of the Judges who heard the case.

(2) If no such Judge be present such judgment or judgments may be pronounced, by such other Judge as the Chief Justice may nominate for the purpose. This sub-rule shall also apply to the judgment of a Judge sitting alone.

7. After the judgment so pronounced has been signed as required by the Code, the seal of the Court shall be affixed to it and the Registrar shall cause to be prepared and attached to the judgment a sheet entitled "In the High Court of Karnataka at Bangalore" giving the nature and number of the case, the name or names of the Judge or Judges who pronounced the judgment, the cause title of the case, a statement of the date or dates on which the case was heard by the Bench with the names of the Advocates and parties appearing in person at the hearing of the case.

8. When the record of the judgment is completed as provided in the last preceding rule it shall be deemed to be a final judgment of the Court of which copies could be supplied to the parties or their Advocates, but copies shall not be supplied until the decree or formal order thereon is drawn up or completed, as hereinafter provided.

¹ [Exception.- The Registrar may direct issue of copies of judgments or orders to recognized Reporters or representatives of Law Reporters even before the decree or formal order is drawn up.] ¹

1. Inserted by Notification No. ROC 2006 of 1969 dt. 29.6.1970 w.e.f. 9.7.1970

9. A decree or formal order shall be prepared or caused to be prepared by the Registrar in accordance with the judgment as early as may be practicable after the date on which the judgment is deemed to have become final.

10. (1) The decree shall bear the same date as the judgment and shall be drawn up in accordance with the judgment. It shall also contain all the particulars required to be entered in the sheet attached to the judgment under rule ¹ [7] ¹.

1. Substituted by Notification No. ROC 2006 of 1969 dt. 29.6.1970 w.e.f. 9.7.1970.

(2) The decree shall also contain a memorandum of costs awarded by the Court.
¹ [x x x x x] ¹

1. Omitted by Notification No. SPL 213 of 1963 dt. 8.6.1967 w.e.f. 22.6.1967

11. (1) As soon as the draft of the decree is completed a notice shall be exhibited on the Notice Board of the Court stating that the decree or formal order is ready for signature and the same may be inspected by the Advocates or parties.

(2) Any of the Advocates appearing in the case may within three days of the date on which the notice is exhibited under the last preceding sub-rule inspect the draft of the decree or formal order in the office of the Registrar. If they approve of the draft they shall endorse their approval thereon in writing. If they have any objections to make to the draft they shall attach a memo in writing setting out their objections.

(3) If any objections are taken to the draft prepared by the office, the draft together with the memoranda of objections of the Advocates shall be placed before the Registrar who after hearing them may make such corrections or alterations in the draft as may in his opinion be necessary in the light of the objections made.

(4) At a hearing referred to in the last preceding sub-rule the Registrar may either on his own motion or at the request of any party direct that the papers may be placed before the appropriate Bench for a consideration of the objections; the orders of the Bench made after hearing the objections as to the draft of the decree shall be final and the draft shall if necessary, be amended in accordance with such order.

12. If no objections are taken to the draft of the decree or formal order within the period prescribed and if objections are taken after they have been heard and disposed of in the manner provided therein, the decree or formal order shall be signed by the Registrar and sealed with the seal of the Court. The decree or formal order shall then be deemed to be ready for copies thereof being supplied to the parties.

13. In the case of Interlocutory Applications formal orders for communication to the Subordinate Courts or for furnishing copies to the parties shall be drawn up expeditiously. The rules of this Chapter regarding the formal parts of judgments and decree shall apply as far as may be to the orders in the nature of judgments and formal orders in the nature of decrees pronounced or made on Interlocutory Applications.

¹ [CHAPTER - XVI-A

COSTS

1. In this Chapter, 'Pleadings' shall include Memorandum of Appeal, Cross-Objection, Original Petition, Application, Counter Statement, Reply, Rejoinder and every statement setting out the case of a party.

2. If in any judgment or order of the High Court there is no direction regarding costs, it shall be deemed that the Court has directed the parties to bear their own costs. In such cases and in the cases in which the Court directs the parties to bear their own costs, it shall not be necessary to append to the decree or order a Memorandum of Costs.

3. Costs shall, unless the court otherwise directs, be calculated according to the rules contained in this Chapter and there shall be a memorandum appended to the decree or order setting out the particulars of the costs and indicating the party by whom and the party to whom the same should be paid.

4. Taxation of Costs.- In all Civil Cases costs awarded to a party include-

(i) Court-fee paid on -

- (a) the pleadings of the party;
- (b) the documents (including certified copies) required to be produced with the pleadings and produced by him;
- (c) the vakalath filed by him;
- (d) the processes issued on his behalf or at his instance; and
- (e) the documents (including certified copies) subsequently filed by him and exhibited in the case.

- (ii) Batta to witnesses summoned on his behalf, if any, who have appeared and given evidence;
- (iii) Cost incurred in obtaining certified copies of judgment and decree or order appealed from or against which the revision is preferred as the case may be;
- (iv) Costs incurred in interlocutory matters which are made costs in the cause;
- (v) Expenses and charges paid or incurred by a party in respect of the paper book of a case excluding the cost of additional copies purchased by him; and
- (vi) Fee actually paid by him to his Advocate or Advocates not exceeding the amount calculated according to the next succeeding rule;

Provided that such fee shall not be included in the costs, if he has not filed within 8 days of the date of judgment or order or such further period as may be allowed by the Court, a certificate by the Advocate or Advocates, as the case may be, certifying that the fee has been received by him or them:

¹ [Provided further that in the case of a pleader appearing for the Government or other public body or authority or any corporation, a certificate by him that he is assured of the receipt of such fee shall be sufficient.] ¹

1. Inserted by Notification No. ROC 468 of 1967 dt. 1.2.1968 w.e.f. 8.2.1968

5. Advocates' fee to be included in the costs awarded to a party in any Civil Appeal or other Civil Proceedings in the High Court shall be computed in the manner prescribed in these rules:

(i) In Regular First Appeals and in Regular Second Appeals the fee shall, subject to a minimum of Rs.100 in Regular First Appeals and Rs.50 in Regular Second Appeals, be calculated on the value of the subject matter in dispute in the appeal, according to the following scales :-

On the first sum of Rs. 5,000 at 5 per cent.

On the next sum of Rs.10,000 at 3 per cent.

On the next sum of Rs.10,000 at 2 per cent.

On the next sum of Rs.20,000 at 1 per cent.

On the balance remaining thereafter, at ½ per cent.

(ii) In execution Appeals, the fee payable shall be one third of the fee which would have been payable, if the appeal had been a regular appeal, subject to a minimum of Rs.50 in First Appeals and Rs.25 in Second Appeals.

(iii) In Revision Petitions against decrees of Courts of Small Causes, the fee shall be 3 per cent of the amount in dispute in the revision petition subject to a minimum of Rs.25.

(iv) In appeals against interlocutory orders the fee shall be Rs.50 and in Revision Petitions against interlocutory orders Rs.25.

(v) In other proceedings the fee shall be such as may be fixed by the Court, regard being had to the time occupied in the preparation and hearing of the case and the nature of the questions raised therein, but subject to the minima and maxima prescribed hereunder:-

Nature of the proceedings, whether	Minimum	Maximum
------------------------------------	---------	---------

	Original, appellate or revisional		Rs.	Rs.
(a)	Matrimonial Cases	...	50	200
(b)	Guardian and Ward Cases	...	50	200
(c)	Election Cases	...	100	1,000
(d)	Tax Matters	...	100	1,000
(e)	Land Acquisition Cases	...	100	1,000
(f)	Probate or succession matters if uncontested	...	50	250
	Probate or succession matters if contested	...	100	1,000
(g)	Insolvency Cases	...	100	1,000
(h)	Arbitration Cases	...	50	1,000
(i)	Other Miscellaneous Matters ...		50	250
(j)	Interlocutory Matters	...	25	50

If, in any case coming under this sub-rule, the Court orders costs without fixing the same, the Court shall be deemed to have awarded the minimum prescribed.

(vi) If in any case before the High Court, the Court while awarding costs, certifies for two Advocates, the costs, shall include one Advocate's fee calculated according to this rule and 1/3rd thereof as fee for the Second Advocate.

(vii) If several respondents who have joint or common interest succeed upon a joint defence or upon a separate defence substantially the same, not more than one fee shall be allowed unless the Court otherwise orders. If only one fee be allowed, the Court may direct to which of the respondents it shall be paid and in what proportion. In the absence of such a direction, it shall be apportioned equally between the several respondents.

(viii) If several respondents who have separate interests set up separate and distinct defences and succeed thereon, one fee, for each of such respondents appearing by a separate Advocate, may be allowed in respect of his separate interest. Such fee, if allowed, shall be calculated on the value of the separate interest of such respondents in the manner herein before prescribed.

(ix) Fractions of a rupee in the amount or value of the claim shall be ignored in calculating the fee payable thereon.

6. In Writ Petitions and matters under Articles 227 and 228 of the Constitution, costs shall be exclusively within the discretion of the Court and when the Court makes no direction regarding costs, the same shall be deemed to have been refused.

7. Nothing in this Chapter shall apply to Company matters governed by the Company (Court) Rules, 1959.]¹

1. Chapter XVI-A Inserted by Notification No. SPL 213 of 1963 dt. 8.6.1967 w.e.f. 22.6.1967

CHAPTER - XVII

Copies

1. (1) Parties to a proceeding in the High Court shall be entitled as of right to apply for and receive certified copies of all pleadings, judgments, decrees or orders and all documents and depositions of witnesses made or exhibited in the said proceeding.

(2) Persons who are not parties to the proceeding may be granted such copies only if the Registrar on being satisfied about the sufficiency and **bona fides** of the grounds or reasons on which the applicant requires copies, directs that such copies be furnished:

¹[Provided that such verification by the Registrar is not necessary when the application is for certified copies of Judgements and orders in any proceedings before the High Court and the applicant seeking certified copy furnished his full address]¹

1. Inserted by Notification No. HCE 1042/99/HCLC of 1999 dated 23.4.2001

¹[(3) Certified copies may be prepared either:-

(i) by copying on copying sheet; or any other paper as provided in rules 2A to 2E of this Chapter; or

(ii) by photocopying, including Photostat, xerox or Repragraph or any other process by which the original is mechanically or electronically copied representing faithfully the original]¹

1. Inserted by Notification No. ROC 2067 of 1967 dated 8.2.1968

2. Applications for certified copies shall be made in prescribed form giving the nature and number of the proceeding, the date and full description of the judgment or order or the document, as the case may be, and shall be signed by the party or his Advocate.

¹[Copy application No.....of 200

No.....

(to be filled up by the office)

Application for certified copies

IN THE HIGH COURT OF KARNATAKA, AT BANGALORE

No..... of 200

*Pending:

*Date of disposal:

Between:

.....
.....
.....

Petitioners/
Appellant.

And:

.....
.....
.....

Respondent

Name and full address of the applicant:

Position of the applicant in the Proceedings

Urgent/ Ordinary Copy Application

It is prayed that the certified copies of the documents hereunder mentioned may be furnished to applicant.

Sl. No.	Description	Date
1.		
2.		
3.		

Produced * Copying sheets/ * court Fee Stamps.

Number:

Denomination:

Place:

Date:

* Signature of the applicant
with the name of the signatory
in block letters

* Signature of Advocate for applicant
with name of the signatory in block
letters and his address.

Signature of the Person (Known to the Examiner identifying the applicant with his name in block letters and his address) (Such identification is required in all cases where the application is not signed by an Advocate. If no such person is available, the left thumb impression of the applicant should be taken by the Examiner for identification).

INSTRUCTIONS

(1) The application for certified copies should contain the Full description of the documents of which copies are sought and the date of documents.

(2) Application for certified copies, made by persons who are not parties to the proceeding should be accompanied by affidavits specifying grounds or reasons on which the copies are required and stating how the applicants are interested in obtaining the copies.

(3) If the copy is required urgently, the application should set out the reasons for the urgency and the date by which copy is required.

(4) The copy of application is liable for rejection for indefiniteness, incompleteness and incorrectness.

(5) * Strike off whichever is in-applicable.]¹

1. Substituted by Notification No. HCE 395 of 1991 dated 27.10.1992 w.e.f. 5.11.1992

¹**[2A.** When an application for certified of copy any document included in the records called for by the High Court in connection with an Appeal, Revision or other matter before it, arising out of any proceeding in a Subordinate Court is made to that Court as provided in rule 235 of the Karnataka Civil Rules of Practice, 1967, and forwarded by that Court to the High Court under rule 237 of the said rules, the number of copying sheets or the amount of copying charges required for preparing and furnishing the copy shall be intimated to that Court by the Registrar. When the copying sheets or copying charges called for are received in the High Court, the copy shall be made without delay and shall be sent by post to that Court for delivery to the applicant. The expense on postage shall be collected under rule 235 mentioned above by the said Subordinate Court

1. Rules 2A to 2E Inserted by Notification No. ROC 2810 of 1968 dt. 5.4.1969 w.e.f. 17.4.1969.

2B. Charges for preparation of certified copies ¹[otherwise than by photocopying]¹ shall be calculated at the rate of 35 paise for a folio. A 'folio' means a group of 175 words.

If, however, the entire text to be copied is less than 175 words, the said text shall be treated as one folio. If the total number of words to be copied, divided by 175, leaves a remainder of less than 175 words, the said remainder shall also be treated as one folio.

1. Inserted by Notification No. LCA-1.444 of 1982, dt. 9.3.1983. KGD 17.3.1983

Illustrations.-

1. The text to be copied has a total number of 50 words or 100 words or 174 words. In each case, it is to be treated as one folio.

2. The text to be copied has 360 words. It is equal to three folios made up of two units of 175 words each, and a remainder of ten words, each one of them being treated as a folio.

2C. Initials prefixed to names of persons shall not be counted as a separate word or words, but the entire name together with the initials shall be counted as one word. Where, however, the name or village or place, surname, father's name or family name is fully spelt out, each of such names shall be counted as one word. Where abbreviations are used for giving the description or number of proceedings or citation of cases or sections of statutes, five letters shall be counted as one word and any excess over complete group or groups of five letters included in the abbreviation, shall be counted as one word although the number of letters in excess is less than five. For this purpose, each figure shall be deemed to be a letter. Figures used for indicating ranks of parties in cause title or for a numbering paragraphs, shall not be counted. In other cases, a group of five figures shall be counted as one word.

Illustrations.-

1. "Section 206 C.P.C." counts as three words i.e., the word 'Section' is one word, '206 C.P.' is one word and 'C' is one word.

2. "I.L.R. 3 Bom. 260" counts as two words, i.e., 'I.L.R. 3B' is one word and 'om. 260' is one word.

3. "M.O. Partharsathi lyengar" will count as two words.

2D. In the case of maps and plans, etc., a reasonable fee (having regard to the skill labour and time required for preparing the copy) shall, in each case, be fixed by the Registrar and deposited cash by the party applying, in the same manner as for a Commission under the Civil Procedure Code. The whole of such fee shall be paid to the person employed for preparing the copy who shall use his own material for that purpose.

2E. (1) Unless otherwise provided by these rules or any other law for the time being in force, copying charges shall be paid in the shape of impressed copying sheets of the value of 35 paise each ¹[prepared under the orders of the State Government or] ¹ in the shape of Court-fee labels on the aforesaid basis. The Registrar may, in any case, and shall if so directed by the Court, permit payment of such charges in Court-fee labels.] ¹

1. Substituted by Notification No. LCA-I, 444 of 1982 dt. 9.3.1983 KGD 17.3.1983

(2) Where copying charges are paid in Court-fee labels; copies ¹[shall be prepared either by photocopying or on substantial foolscap paper] ¹ and the payment of the charges and the mode of payment shall be certified at the top of the first sheet by the Examiner over his signature. The Court-fee labels representing the copying charges shall be affixed to the

certified copy and cancelled in the manner prescribed by law before the copy is delivered or posted for delivery to the applicant.]]¹

1. Rules 2A to 2E Inserted by Notification No. ROC 2810 of 1968 dt. 5.4.1969 w.e.f. 17.4.1969

1. Substituted by Notification No. LCA-I, 444 of 1982 dt. 9.3.1983

¹[(3) Charges for certified copies by photocopying shall be two rupees per foolscap page or any part thereof or such other rate as the High Court may fix from time to time.]]¹

1. Inserted by Notification No. LCA-I, 444 of 1982 dt. 9.3.1983

¹[3(1) Applications should be scrutinised and the requisite fee/stamp papers should be determined and made known to the party/Advocate by notifying on the Notice Board of the copying section within three days of the receipt of the application.

1. Substituted by Notification No. LCA-I 313 of 1991(1) dt. 12.4.1993 w.e.f. 13.5.1993

(2) ¹[The exact amount of fees or number of stamp papers shall be supplied by the party/Advocate (if not already paid or supplied) within fifteen days of its being notified as aforesaid, failing which the application shall be rejected by the Registrar]]¹

1. Inserted by Notification No. HCLC 32 of 2001 dt. 1.6.2002 w.e.f. 11.7.2002

4. If any party requires copies to be furnished to him emergently he shall affix to his copy application an additional court-fee of one rupee, state in his application the reasons for the urgency and obtain the orders of the Registrar thereon. If the Registrar so directs, copies shall be furnished to the applicant urgently.

5. On every certified copy issued following dates shall be entered:-

- (a) the date on which the application was made.
- (b) the date on which charges and additional charges, if any, are called for,
- (c) the date on which charges and additional charges, if any, are deposited,
- (d) the date on which the copy is ready, and
- (e) the date on which the copy is delivered to the applicant.

¹[(f) the date on which the applicant is required to appear and the receive the certified copy]]¹

1. Inserted by Notification No. HCE 297 of 1992 dt. 1.7.1989 w.e.f. 22.7.1999

6. Every certified copy issued by the High Court ¹[shall be certified by the Examiners to be a true and accurate copy of the original and shall be sealed]]¹ with the seal of the High Court.

1. Inserted by Notification No. LCA-I, 444 of 1982 dt. 9.3.1983 w.e.f. 17.3.1983

7. A list of applications in which copies applied for are ready for delivery shall be put up on the Notice Board of the court and copies in any application shall be deemed to be ready on the date on which such list containing the said application is put on the Notice Board.

8. Notwithstanding anything contained in this Chapter no party or person shall be entitled as of right ¹to apply for and receive copies of or extracts from any minute, letter or

document of any confidential file or of any paper produced before the Court for use in Writ Petitions which the Court considers to be of a confidential nature or the publication of which the Court considers to be not in the interest of the public, except under and in accordance with an order specially made by the Chief Justice or by the Court.

¹[9. Notwithstanding anything contained in this Chapter where the State Government or an Officer of the State Government or the Registrar General of High Court of Karnataka is a party in Writ Petition or in Criminal matters before the High Court of Karnataka, the Addl. Government Advocate/State Public Prosecutor/Registrar General, as the case may be shall on an application, be entitled to a free certified copy of the orders passed in such proceedings which may be used for filing appeal, revision or review.]¹

1. Substituted by Notification No. HCLC No.159/2019 dt.24.02.2020 w.e.f. 26.11.2020.

CHAPTER - XVIII

Searches and Inspection of Records

1. The parties or their Advocates may be permitted to inspect the records of cases which are in the nature of pleadings on permission granted by the Registrar on oral request made by the party or Advocate, without payment of any charges for such inspection.

2. A party desiring to search or inspect any of the records of a case other than of the nature described in the last preceding rule shall make an application in writing to the Registrar either verified or supported by an affidavit stating reasons for the prayer. Inspection or search shall be allowed under and in accordance with the orders of the Registrar passed on the application.

3. When inspection or search is ordered under the last preceding rule no fee in addition to the court-fee paid on the application shall be required for the first hour of search. For every subsequent hour of the search or part thereof a search fee of one rupee shall be paid by affixing a court-fee label or labels to the application.

4. Original records in the High Court shall not be permitted to be taken out of the premises of the Court for purpose of search or inspection. All such search and inspection shall be conducted in the presence of the Record Keeper or an Assistant of his nominated by him for the purpose.

5. The Registrar may permit any Advocate or his registered clerk upon oral request without payment of any charge to inspect any of the Registers maintained in the Court for recording the progress of cases.

6. When inspection or search is allowed or permitted the party or his Advocate to whom such permission is granted may read the document or part of the document in respect of which inspection or search is allowed or may have it read to him and may make a short memorandum of the date and nature of the document but he shall not be entitled to make a full copy of the document or verbatim extract therefrom. If he requires copies he must apply for them as provided for in Chapter XVII.

7. No party or person shall be entitled to inspect or search any document or paper of which certified copies cannot be granted under chapter XVII.

¹[CHAPTER – XIX

I. Appeals to the Supreme Court

1. Chapter XIX Substituted by Notification No. HCE 1 of 1973 dated 10.11.1975 w.e.f. 20.11.1975

1. Civil appeals on the certificate of the High Court. Rules contained in this Chapter shall be read as supplemental to Order XLV of the Code of Civil Procedure, 1908, and to the Supreme Court Rules and shall not be read in derogation of either of them.

¹[2. XXXX]¹

1. Omitted by Notification No. RPS 121 dt. 27.7.1979 w.e.f. 1.8.1979

¹[3. A party desiring to appeal to the Supreme Court under Article 132 or Article 133 of the Constitution may apply orally for grant of certificate immediately after the pronouncement of the judgment by the Court and the Court may grant or refuse the same.]¹

1. Substituted by Notification No. RPS 121 dt. 27.7.1979 w.e.f. 1.8.1979

¹[4. x x x

5. x x x

6. X X X]¹

1. Rule 4, 5, 6 Omitted by Notification No. RPS 121 of 27.7.1979 w.e.f. 1.8.1979

7. Upon the Court making an order for the grant of Certificate the office shall issue a Certificate in Form NO. III of Schedule A appended to this Chapter.

8. No application for consideration of appeals will be entertained by this Court. The parties desiring consolidation of appeals shall be required to move the Supreme Court for an order in that behalf under rule 5 of Order XLVII of the Supreme Court Rules, 1966.

9. An application for amendment of the record of the appeal by adding or substituting parties will not be entertained by this Court after the date of the order granting the certificate. The parties desiring such amendment shall be required to move the Supreme Court in that behalf.

10. When a party has been represented at the hearing of the appeal by an Advocate, unless the Vakalathnama of such Advocate has been cancelled with the leave of the Court, such Advocate shall accept service of the notice in the following cases, and the service of notice in such cases on the Advocate shall be deemed sufficient notice: -

¹[(a) x x x]¹

1. Omitted by Notification No. RPS 121 dt. 27.7.1979 w.e.f. 1.8.1979.

(b) Notice of lodgment of petition of appeal under rule 11;

(c) Notice for inspecting the record and filing the list of documents under rule 13;

(d) Notice for making deposit for the costs of transmission of the original record, or the preparation of the transcript, of the record in English and its transmission, or for preparation and transmission of the printed or cyclostyled transcript of the record;

(e) Notice of the transmission of the transcript of the record to the Supreme Court:

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

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

(1) cause notice of the lodgment of petition of appeal to be served on the respondent personally or in the manner provided under rule 10 above;

(2) unless otherwise ordered by the Supreme Court transmit or cause to be transmitted to that Court at the expense of the appellant the original record of the case including the record of the Courts below; and

(3) as soon as notice as aforesaid is served, send a certificate- to the Supreme Court as to the date or dates on which the said notice was served on the respondent or respondents in Form NO. IV of Schedule A appended to this Chapter.

12. (1) Where proceedings from which the appeal arises are in English, the Registrar shall, as soon as a copy of the petition of appeal is received from the Supreme Court, call upon the appellant (Vide Form No. V of Schedule A) to deposit in this Court the necessary amount to cover the costs of the transmission of the original record of the case including the record of the Courts below to the Supreme Court. Upon the appellant depositing the amount if the record of the Courts below is in the High Court, the Registrar shall forward to the Supreme Court the same along with record of the case in the High Court. If the record of the Courts below is not in the High Court the Registrar shall direct the Courts below to submit the records of the case to the High Court for transmission to the Supreme Court and inform this court of the expenses incurred in such transmission. The Registrar shall also forward to the Supreme Court the record of the case so far as it pertains to the appeal in the High Court.

(2) The balance of the deposit, after meeting the costs of the transmission of the record by the Courts below as well as this Court, shall be refunded to the appellant.

(3) Any default on the part of the appellant to deposit the amount to cover the costs of the transmission of the record as above, shall be reported to the Supreme Court for orders.

13. (1) Where the proceedings from which the appeal arises were had in Courts below in a language other than English, the Registrar shall, as soon as a copy of the petition of appeal is received from the Supreme Court, secure the record and proceedings of the case from the Courts below, if the same are not already in the High Court, and as soon as the same are received in the High Court, shall issue notices to the parties calling upon them to inspect the records and proceedings of the case, if they so desire.

(2) The notice to the appellant under sub-rule (1) shall also call upon the appellant to file, within four weeks of the service upon him of the said notice, a list of documents which he proposes to include in the paper book, after serving a copy thereof on each of the respondents. The appellant shall also produce an acknowledgement in writing from each of the respondents that a copy of the list has been served on him.

(3) The notice to the respondent under sub-rule (1) above shall also intimate to him the fact that a notice has already been issued to the appellant for filing the list of documents, and requiring him (the respondent) to file, within three weeks from the service of a copy of

the list on him by the appellant, a list of such additional documents as he desires to be included in the paper book.

(4) Any default by the appellant to file the list as required and within the time prescribed shall be reported to the Supreme Court for orders.

(5) Notices to the appellant and the respondent under this rule shall respectively be in Forms No. VI and VII of Schedule A appended to this Chapter.

14. After the expiry of the time fixed for the filing of the list of additional documents by the respondent, the Registrar shall fix a day for the settlement of the list (hereinafter referred to as the Index) of documents to be included in the transcript of the record of the appeal and shall notify the same on the notice board of the Court and to the counsel, if any, appearing for the parties. No separate notices will be issued to the parties. In settling the index, 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 records as far as practicable.

15. 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 transcript of the record as finally prepared shall, with a view to subsequent adjustment of costs of or incidental to the printing of the said document, indicate in the index of the paper book or otherwise the fact that the respondent has objected to the inclusion of the document and that it has been included at the expense of the appellant.

16. 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 the opinion that the document is not relevant, may direct that the said document be included separately at the expense of the respondent and require the respondent to deposit within such time as he may require the respondent to deposit within such time as he may prescribe the necessary charges therefor. If the amount so deposited is found insufficient, the Registrar may call upon the respondent to deposit the additional amount or amounts within such further time as he may deem necessary. The question of the costs thereof will be dealt with by the Supreme Court at the time of the determination of the appeal.

17. As soon as the index of the record is settled the Registrar shall cause an estimate of the costs of the preparation of the transcript of the record (and of the printing or cyclostyling the record where it is required to be printed or cyclostyled) to be prepared and served on the appellant and shall require him to deposit within 30 days of such service the said amount. Such costs shall include the costs of translation, if any. The appellant may deposit the said amount in lump sum or in such instalments as the Registrar may prescribe.

18. Where the record has been printed for the purpose of the appeal before the High Court and sufficient number of copies of the said record is available, no fresh transcript of the record shall be necessary except of such additional papers as may be required.

19. If at any time during the preparation of the transcript of the record (or of printing or cyclostyling the record, where it is required to be printed or cyclostyled) 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.

20. Where the appellant fails to make the required deposit, the preparation of the transcript of the record (and the printing or the cyclostyling of the record, where the same is required to the printed or cyclostyled) shall be suspended and the Registrar shall not proceed therewith without an order in this behalf of this court; the Court may give such time for making the deposit as it deems proper and if the appellant continues the default in spite of the orders of this Court, the Registrar shall obtain an order from the Court for reporting the default to the Supreme Court and report accordingly.

21. (1) The Registrar shall, within six months from the date of the service on the respondent of the notice of the petition of appeal, transmit to the Supreme Court in triplicate a transcript in English of the record of the appeal to be laid before the Supreme Court, one copy of which shall be duly authenticated by appending a certificate to the same under the seal of this Court and his signature. If for any reason the same cannot be transmitted within the period of six months mentioned above, the Registrar shall report the facts to the Supreme Court and obtain necessary extension of time for transmitting the same.

(2) The Registrar shall also append to the transcript of the record or separately forward a certificate showing the amount of expenses incurred by the parties concerned for the preparation and the transmission of the transcript of the record.

22. When the record has been made ready, the Registrar shall certify the same and give notice to the parties of the certification and transmission of the transcript of the record (or of the printed or cyclostyled) record, where it is required to be printed or cyclostyled in Form No. VIII of Schedule A appended to this Chapter, and thereafter shall send a certificate to the Supreme Court as to the date or dates on which the notice has been served on the parties in Form NO. IX of Schedule A appended to this Chapter.

23. (1) Unless the Supreme Court so directs the record shall not be printed or cyclostyled in this Court.

(2) Where the Supreme Court directs that the record be printed or cyclostyled in this Court the same shall be printed or cyclostyled in accordance with the rules in Schedule B appended to this Chapter.

(3) Where the record is printed or cyclostyled in this Court the provisions contained in Rules Nos. 10 to 22 above (both inclusive) shall apply **mutatis mutandis** to the printing and cyclostyling of the record.

(4) Unless otherwise directed by the Supreme Court at least 20 copies of the record shall be prepared for the use of the Supreme Court.

24. Translations required for the transcript of the record shall be made by the official translator of the Court. Any part of the record which may have been officially translated for the purpose of hearing in the High Court shall not be translated over again. The Registrar shall as soon as the translation is ready give notice in Form No. X of Schedule A appended to this Chapter to all parties to inspect in his office the translation prepared by the translator fixing time not exceeding 7 days from the receipt of the notice within which the inspection should be completed. If the parties or any of them make any objections to the translation, the translation shall be placed before the Registrar who shall hear the parties appearing before him and also the Chief Official translator of the Court and settle the final text of the translation.

II. Civil Appeals by Special Leave of the Supreme Court :

25. The provisions of Rules 8 to 24 above (both inclusive) shall apply **mutatis mutandis** to Civil Appeals by Special Leave of the Supreme Court.

III. Criminal Appeals on the Certificate of the High Court :

26. ¹[A party desiring to appeal to the Supreme Court under Article 132 or 134 of the Constitution may apply orally for grant of Certificate immediately after the pronouncement of the judgement by the Court, and the Court may grant or refuse the same.]¹

1. Substituted by Notification No. RPS-121 dt 27.7.1979 w.e.f. 1.8.1979

¹[27. X X X]

1. Omitted by Notification No. RPS-121 dt 27.7.1979 w.e.f. 1.8.1979

28. Upon the Court making an order for grant of certificate the office shall issue a certificate in Form No. III of Schedule 'A' appended to this Chapter.

29. Except as otherwise ordered by the Supreme Court, the preparation of the transcript of the record (and of the printed or the cyclostyled record, where the same is required to be printed or cyclostyled) and the transmission thereof shall be at the expense of the appellant.

30. In all case where the record has been printed for the purpose of the appeal before the High Court or of other proceedings and where at least six such printed copies of the record are available, all available copies of the printed record except one shall be despatched to the Supreme Court along with the original record including the record of the Courts below. One of such copies shall be duly authenticated by the Registrar.

Explanation: For the purpose of this rule the original record shall not include Judgments of the High Court and the Courts below but only duly authenticated copies thereof, and printed record shall include cyclostyled or typed record.

31. Two copies of the High Court paper book if available for despatch to the Supreme Court shall be treated as the transcript of the record. In that event only such of the additional documents as the parties choose to include for hearing of the appeal in the Supreme Court shall be typed in duplicate and transmitted to the Supreme Court along with the High Court Paper Book, one copy of each of which shall be duly authenticated.

32. For the purpose of the transcript of the record such of the documents in a language other than English as have already been translated for the purposes of the High Court Appeal and which are included in the High Court Appeal Paper Book need not be translated again.

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

34. In the event of the Supreme Court directing this Court to print or cyclostyle the record under the supervision of the Registrar of this Court, he shall despatch to the Registrar of the Supreme Court, unless otherwise directed by the Supreme Court, not less than 15 copies where the appeal raises a question as to the interpretation of the Constitution, and not less than 10 copies in other cases.

35. (1) In all cases involving a sentence of death, the printed, or the cyclostyled record shall be made ready and despatched to the Supreme Court within a period of 60 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) In cases where such record cannot be despatched within 60 days as stated in sub-rule (1), the Registrar shall explain the circumstances in which it cannot be so despatched and obtain extension of time from the Supreme Court.

36. Except as otherwise provided in ¹[rules 26 and 28 to 35]¹ above (both inclusive) the provisions of rules 8 to 24 shall apply **mutatis mutandis** to criminal appeals on the certificate issued by the High Court.

¹. Substituted by Notification No. RPS-121 dt 27.7.1979 w.e.f. 1.8.1979

IV. Criminal Appeals by Special Leave of the Supreme Court :

37. On application by the petitioner intending to apply for special leave of the Supreme Court in Criminal proceedings and appeals, a certified copy of the judgment or order sought to be appealed from shall be supplied to him free of cost.

38. On receipt of the order granting leave of the Supreme Court the Registrar shall require the office to take necessary steps to have the record of the case transmitted to the Supreme Court in accordance with the directions contained in the order granting special leave.

39. Except as otherwise provided in rules 37 and 38 above, the provisions of rules 29 to 36 (both inclusive) shall apply **mutatis mutandis** to criminal appeals by Special leave of the Supreme Court.

V. Miscellaneous.

40. In criminal appeals no payment of process fee shall be required to be made by the accused person or by the State.

41. A list shall be maintained by the office showing the numbers and dates of all pending Supreme Court Appeals, Civil as well as Criminal, in various stages of preparation of the transcript of the record and the Registrar shall examine every fortnight the progress made in such appeals and, if necessary, call upon the appellant or the party who may be responsible for the delay to show cause why a report shall not be made to the Supreme Court regarding the default of which he has been responsible for the delay.]¹

¹. Chapter XIX Substituted by Notification No. HCE 1 of 1973 dated 10.11.1975 w.e.f. 20.11.1975

¹[Chapter - XX

Destruction of Records

¹. Chapter XX Inserted by Notification No.HCE 395 of 1991 dated 27.10.1992 w.e.f. 05.11.1992

1. Unless otherwise ordered by the Court, all original documents including translations and copies of Judgments, decrees, orders and other papers which are not required to be preserved, shall be returned to the party producing the same after the expiry of the period, for filing appeal or if an appeal is filed, after the disposal of the appeal. The rest of papers shall be marked, classified and arranged in the form of files for the purpose of despatch to the Record Room for preservation as prescribed hereunder.

2. (i) The papers which are required to be preserved permanently shall be marked as 'A' and kept in file 'A'.

(ii) The papers which are to be preserved for 30 years shall be marked as 'B' and kept in file 'B'.

(iii) The papers which are required to be preserved for 5 years shall be marked as 'C' and kept in file 'C'.

3. (1) The following documents and papers shall be preserved permanently:

- (i) All Judgements, final orders (autographs) and decrees of all the cases except orders summarily dismissing appeals or applications;
- (ii) All Registers of appeals, petitions including writ petitions and applications; and
- (iii) Such papers in cases of Historical, Sociological or Scientific value which in the opinion of the Court shall be permanently preserved.

Note.- Autographs referred to in item (i) of 'A' file shall be bound neatly and preserved separately.

(2) The following documents and papers shall be preserved for 30 years.

- (i) Judgements, Orders and Order sheets of the High Court summarily dismissing appeals, petitions including writ petitions and applications;
- (ii) Original Order Sheets and the attested Copies of the Judgements, orders and decrees including writ communicating final orders of the High Court in respect of all the cases.

(3) The following documents and papers shall be preserved for five years;

- (i) Paper Books and prints including those in case in which a sentence of death or imprisonment for life is passed in matters heard by the High Court;
- (ii) Applications for interlocutory orders, applications necessary for the progress of the proceedings, application for certificate for leave to appeal to the Supreme Court, etc.;
- (iii) Applications for transfer, bail or stay proceedings;
- (iv) All the documents, Registers, Papers, etc., other than those mentioned in sub-rules (1) and (2) of Rule 3 of these rules and Orders made by the High Court in interlocutory applications mentioned in items (ii) and (iii) above;
- (v) Reports called for from the Lower Courts;
- (vi) Original memorandum of appeals, cross-objections, original revision applications, references and applications for review;
- (vii) Copies of Judgments, Decrees and final orders of the Supreme Court in respect of cases decided by the Karnataka High Court;
- (viii) Original applications under Articles 226 and 227 of the Constitution;
- (ix) Printed copies of the transcript record of the Supreme Court;
- (x) Ferists and Receipts of records and proceedings by the Lower Courts;

- (xi) Copies of Judgments of Lower Courts or Tribunals, against which appeals or applications have been made to the High Court;
- (xii) Objections to findings on issues called for by High Court;
- (xiii) Examination Memos;
- (xiv) Vakalatnamas;
- (xv) Orders appointing Advocates in Criminal matters;
- (xvi) Notice and Returns thereto;
- (xvii) Requisitions for printing;
- (xviii) Notice of receipt of findings;
- (xix) Correspondence relating to Jail Petitions;
- (xx) Writs for bail, arrest, stay, production of accused in Courts and other interlocutory orders;
- (xxi) All other papers, documents etc., which are not herein before referred to under any of the categories of files.

4. Every Record, Book or Papers, as the case may be shall after completion, be sent to the record room and immediately after their receipt, they shall be divided into files and shall be kept in the appropriate files, in accordance with Rules 2 and 3 of these rules.

5. The files, books and papers shall be retained in the record room for such periods as are prescribed for each category of files in Rule 3 of these rules, taking into account, the date of completion and on the expiry of such periods, they shall be destroyed.

6. All the documents and papers produced by the parties shall be reclaimed within six months from the date of disposal of the case and they shall be returned under the orders of the Registrar General or any other officer duly authorised. If the parties do not reclaim within the stipulated time, it shall be presumed that they have no interest in them and they shall accordingly be destroyed at the risk of the parties in accordance with these rules.

7. A Register, in the form set-out below, shall be maintained showing the numbers and years of all cases received in the Record Room of which the records are to be destroyed; and the entries made therein, for each year shall be signed by the Officer-in-charge of Record Room and the Assistant Registrar/Deputy Registrar.

Register showing the Particulars of Record to be destroyed

Sl.No.	No. of the case	Date of decision	Date when due for destruction	Date when actually destroyed
(1)	(2)	(3)	(4)	(5)

8. All the files, papers and books, shall after the completion of stipulated periods, be destroyed, under the orders of the Registrar General or any other Officer authorised by him in this behalf.

Explanation: The Destructions of Records shall be carried out by Public Auction and the amount so realised shall be credited to the Government.

9. The period prescribed in Rule 3 of these rules for the preservation of records shall be computed from the date of the final decision of the case and in case of appeal to the Supreme Court, from the date of the final decision of the Supreme Court.

10. The destruction of records shall be carried out in the Summer Vacation in each year.]¹

1. Chapter XX inserted by Notification No. HCE 395 of 1991 dt 27.10.1992 w.e.f. 5.11.1992

SCHEDULE 'A'

1. Substituted by Notification No. HCE 1 of 1973 dt. 10.11.1975

¹[Form No. I xxx]¹

1. Omitted by Notification No. RPS 121 of 1979 dt. 27.7.1979 w.e.f. 1.8.1979

¹[Form No. II xxx]¹

1. Omitted by Notification No. RPS 121 of 1979 dt. 27.7.1979 w.e.f. 1.8.1979

¹[Form No. III

1. Substituted by Notification No. RPS 121 of 1979 dt. 27.7.1979 w.e.f. 1.8.1979

(Rules 7 and 28)

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Certificate of Fitness for appeal to the Supreme Court

No.....

Present

Petitioner/Appellant/Complainant

Respondent/Accused.

THIS COURT DOTH CERTIFY (if the certificate is issued under Article 133 (1) of the Constitution) that this case involves a substantial question of law of general importance which needs to be decided by the Supreme Court ; (if the certificate is issued under Article 132 (1) of the Constitution) that this case involves a substantial question of law as to the interpretation of the Constitution; (if the certificate is issued under Article 134 (1) (c) of the Constitution) that this case is a fit one for appeal to the Supreme Court.

Dated this day of 20.....

Seal

Registrar.] ¹

FORM No. IV

(Rules 11 and 36)

Certificate regarding service of Notice on the Respondent (s) under Rule 11/15, Order XV/XXI of the Supreme Court Rules, 1966.

IN THE HIGH COURT OF KARNATAKA, BANGALORE.

Supreme Court Civil/Criminal Appeal No. ... of 20 (From the judgment and /decree/order of this High Court dated in of 20 ...)

Versus

Petitioner(s)

Respondent(s)

I do hereby certify that the Notice under Rule 11/15 Order, XV/XVI/XXI of the Supreme Court Rules, 1966, in the above case under appeal to the Supreme Court of India, has been served on

Dated this day of 20

Seal

Registrar.

FORM No. V

(Rules 12, 16, 17, 19 and 36)

Notice to appellant for depositing the cost of the preparation, transmission etc., of the transcript of the record.

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Supreme Court Civil/Criminal Appeal No. of 20.. (From the judgment and/ decree/ order of this High Court dated in of 20).

Appellant.

Versus

Respondent.

To,

Take notice that you are required to make a/an additional deposit of Rs. within eight/thirty days from the service hereof on you to meet the costs of the transmission/preparation of the English, Transcript of the Original/record of the case in question and the printing/cyclostyling/and the transmission thereof to the Supreme Court.

Take further notice that if you fail to make the said additional deposit within the time mentioned above the default will be reported to the Supreme Court.

Dated this day of 20

Seal

Registrar.

FORM No. VI

(Rules 13 and 36)

Notice to the Appellant for Inspection of the Record and for filing the list of documents to be included in the transcript of the record.

IN THE HIGH COURT OF KARNATAKA AT BANGALORE.

Supreme Court Civil/Criminal Appeal No. of 20
(From the judgment and /decree/ order of this High Court dated
in..... of 20).

Appellant.

Versus

Respondent.

To

Notice is hereby given to you, that the Records and proceedings of the Case from which the said Supreme Court appeal arises are available in this court and that you may take inspection of the same, if you so desire.

Take further notice that you are required to file in triplicate within four weeks from the date of receipt of this notice a list of documents which you desire to include in the appeal paper book, after serving on each of the respondents a copy of the said list, and also to produce an acknowledgment from each of the respondents that a copy of the said list has been served on him.

Take further notice also that you are required to take all necessary steps with due diligence to arrange to transmit in triplicate with all convenient despatch a transcript in English of the Record of the case/the printed/cyclostyled record of the case so far as is material to the question in dispute in the said appeal for being placed before the Supreme Court for hearing of the said appeal.

Dated this day of 20

Seal

Registrar

FORM No. VII

(Rules 13 and 36)

Notice to the Respondent for inspection of the records and for filing the list of additional documents to be included in the transcript of the Record.

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Supreme Court Civil/Criminal Appeal No. of 20.. (From the judgment and/decree/order of this High Court datedin of 20..)

Appellant.

Versus

Respondent.

To,

Notice is hereby given to you that the Records and Proceedings of the case from which the said Supreme Court appeal arises are available in this Court and that you may take inspection of the same, if you so desire.

Take further notice that you are required, upon the 'Appellants' serving on you a copy of the list of documents which the Appellant intends to include in the paper book, to file in triplicate within 3 weeks of the service on you of the said list by the Appellant, a list of such additional documents as you consider necessary for the determination of the appeal.

Take further notice also that you are required to take all necessary steps with due diligence so far as you may be concerned in the matter of arranging to transmit in triplicate with all convenient despatch a transcript in English of the Record of the case/the printed/cyclostyled record of the case so far as in material to the question in dispute in the said appeal for being placed before the Supreme Court for the hearing of the said appeal.

Dated this day of 20

Seal

Registrar

FORM No. VIII

(Rules 22 and 36)

Notice of the Certification and transmission of the transcript of the record.

IN THE HIGH COURT OF KARNATAKA AT BANGALORE.

Supreme Court Civil/Criminal Appeal No. of 19.. (From the judgment and/decree/order of this High Court dated in of 19....)

Appellant (s)
(Original)

Versus

Respondent (s)
(Original)

To,

Take notice that/the English Transcript of the Record the printed/cyclostyled record of the above mentioned appeal has been authenticated and transmitted to the Supreme Court on the

Take notice also that you are required to take necessary steps in the prosecution of the Appeal in accordance with the provisions of Supreme Court Rules, 1966.

Dated this day of 20

Seal

Registrar

FORM No. IX

(Rules 22 and 36)

Certificate of the Registrar under Rules 11/15 Order

XV/XXI of the Supreme Court Rules, 1966.

IN THE HIGH COURT OF KARNATAKA AT BANGALORE.

Supreme Court Civil/Criminal Appeal No. of 20.. (From the judgment and/decree/order of this High Court dated inof 20...)

Petitioner (s)

Versus

Respondent (s)

I do hereby certify that the notices regarding the authentication and the despatch of the transcript in English of the record/printed/cyclostyled record in the above case to the Supreme Court have been duly served on the appellants and respondents as follows:-

Dated this day of 20.....

Seal

Registrar

FORM No. X

(Rule 24)

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

S.C.L.A.P. No. _____ of 20

S.L.P. No. _____ of 20

(Against the Judgment/Order and Decree dated in on the file of this Court)

Petitioner (s)

Versus

Respondent (s)

To,

Please take notice that the official translation of the papers and documents required to be included in the appeal record to be laid before the Supreme Court is ready for inspection.

You are, hereby, required to take inspection of the said translation and signify your approval thereof within seven days from the date of the receipt of this notice failing which the matter will be proceeded with.

Dated this day of 20.....

Seal

Registrar.

¹[Form No. XI x x x]¹

1. Omitted by Notification No. RPS 121 of 1979 dt. 27.7.1979 w.e.f. 1.8.1979

SCHEDULE 'B'

1. Substituted by Notification No. HCE 1 of 1973 dt. 10.11.1975 w.e.f. 20.11.1975

Rules as to Printing of Record

1. The record in appeals to the 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 ½ inches in width or 29.7 cms. in height and 21cms. 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 the use of the Court, as the circumstances of the case require. The documents shall be printed as far as suitable in chronological order, mixing plaintiff's and defendant's documents together when necessary.

Each document shall show its exhibit mark, and whether it is a plaintiff's 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 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 II 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 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 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 witnesses'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 etc., shall not be printed in full unless counsel advises, but the parties against it. A long series of documents, such as accounts, rent rolls, inventories, etc., shall not be printed in full unless counsel 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.

Notification No. HCE/524/2009, Dt 10.10.2012

In supersession of the earlier Notification issued in this behalf and in exercise of the powers conferred under rule 6 of Chapter I read with rule 22 of Chapter 14 of the High Court of Karnataka Rules, 1959, the Hon'ble the Chief Justice is pleased to enhance the rates for typing matters in English and Kannada for preparing paper books in the High Court Office, to Rs.10/- for each page (Re.1/- for each additional copy) and Rs.30/- as binding charges, with immediate effect.

NOTIFICATION

BOC. No. 2623/69, Bangalore, dated 22nd September 1969

In exercise of the powers conferred under rule 3 of Chapter IV of the High Court of Karnataka Rules, 1959, the powers conferred on the Registrar by the following rules are, with the previous approval of the Acting Chief Justice, hereby delegated to the Assistant Registrar of the High Court: -

1. Sub-rules 1 to 4, 9 and 13 of rule 1 of Chapter IV with regard to copy applications.
2. Sub-rule 9 of rule 2 of Chapter IV.
3. Rules 5 and 14 of Chapter XII with regard to copy applications.
4. Rules 7, 9 and 12 of Chapter XVI.
5. Sub-rule 2 of rule 1 and rule 4 of Chapter XVII.
6. Rules 1 and 5 of Chapter XVIII.

HIGH COURT OF KARNATAKA BANGALORE

NOTIFICATION

C.M.B. No. 148/1974, dated 5th August 1974

In exercise of the powers conferred by rule 6 of Chapter I of the High Court of Karnataka Rules, 1959, the Hon'ble the Chief Justice is pleased to settle with effect from 1st day of September 1974, the following revised form of the petition for a certificate to appeal to the Supreme Court: -

Petition for a Certificate to Appeal to the Supreme Court

Filed under.....

.....(Provision of law to be stated)

In the High Court of Karnataka at Bangalore

S.C.L.A.P. No OF 1974

IN

No..... OF 19

Petitioner/s

Respondent/s

Petition of for the grant of a Certificate under Article to file appeal in the Supreme Court.

The petition of states as follows: -

(1) That this suit/Writ Petition was filed by the plaintiff in the Court of the Judge, and prayed (here set out a concise statement of the plaint in Suit/Writ Petition.

(2) That the said suit came on for hearing before the Judge of on the ... day of 20 . and the said Judge on the day of passed the decree (or order).

(3) That (here insert name of appellant) feeling himself aggrieved by said decree (or order) filed a Memorandum of Appeal against the same on the ... day of of 20.....

(4) That the said appeal came on for argument before this Court consisting of the Hon'ble and the Court on the ... day of ... 20.. passed the decree (or order).

(5) That the petitioner feeling himself aggrieved by the said decree (or order) is desirous of appealing to the Supreme Court from the same on the grounds following (here state the grounds and number them consecutively as (i, ii, iii, iv, etc.).

(6) This case involves a substantial question of law as to interpretation of the Constitution (as contemplated in Article 132 (1) of the Constitution) which is as follows: (Formulate the question).

Or

This case involves a substantial question of law of general importance (as contemplated in Article 133 (1) as follows: - (formulate the question).

(7) That the petitioner is ready and willing to comply with the rules regulating appeals to the Supreme Court.

The petitioner, therefore, prays that this Hon'ble Court will be pleased to grant him a Certificate (here state the nature of Certificate required).

Dated at Bangalore, this day 20...

Signature of the Petitioner

Advocate for Petitioner