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The High Court of Chhattisgarh Rules, 2007

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The
***High Court of Chhattisgarh
Rules, 2007***
amended up-to-date
with various allied and relevant rules

The High Court of Chhattisgarh Rules, 2007

Legislative History of the Rules

Principal Notification

Notification No. 9197/07 dated 24th December, 2007. Published in the C.G. Rajpatra (Asadharan) dated 28-12-2007 Pages 756-756(150).

Amending Notifications

1. Notification No. 16419/R.G./2010 dated 5th August, 2010. Published in C.G. Rajpatra (Asadharan) dated 6-8-2010 Pages 437-438.
2. Notification No. 6663/R.G./2011 dated 23rd November, 2011. Published in C.G. Rajpatra (Asadharan) dated 24-12-2011 Page 615.
3. Notification No. 1208/R.G./2013 dated 19th February, 2013. Published in C.G. Rajpatra (Asadharan) dated 21-2-2013 Pages 123-124.
4. Notification No. 4497/R.G./2015 dated 22nd June, 2015. Published in the C.G. Rajpatra (Asadharan) dated 22-6-2015 Page 701.
5. Notification No. 4917/R.G./2015 dated 4th July, 2015 (corrected vide Corrigendum Notification No. 5184/R.(J.)/2015 dated 14th July, 2015). Published in C.G. Rajpatra (Asadharan) dated 4-7-2015 Pages 741-742(1-2).
6. Notification No. 6654/R.G./2015 dated 24th August, 2015. Published in the C.G. Rajpatra (Asadharan) dated 24-8-2015 Page 885.
7. Notification No. 7259/R.G./2015 dated 11th September, 2015. Published in Chhattisgarh Rajpatra (Asadharan) dated 11-9-2015 Page 931.
8. Notification No. 5157/Rules/2016 dated 28th June, 2016. Published in Chhattisgarh Rajpatra (Asadharan) dated 8-7-2016 Pages 545-546.
9. Notification No. 2306/R.G./2013 dated the 2nd February, 2013, w.e.f. 4-2-2013.
10. Notification No. 6543/Rules/2016 dated 8th August, 2016. Published in Chhattisgarh Rajpatra (Asadharan) dated 23-8-2016 Page 629.
11. Notification No. 9120/Rules/2016 dated 16th November, 2016. Published in Chhattisgarh Rajpatra (Asadharan) dated 29-11-2016 Page 883.
12. Notification No. 3250/Rules/2017 dated 4th April, 2017.
13. Notification No. 8587/Rules/2017 dated 7th October, 2017. Published in C.G. Rajpatra Part I dated 3-11-2017 Page 1739.
14. Notification No. 9410/Rules/2017 dated 9th November, 2017. Published in C.G. Rajpatra (Asadharan) dated 9-11-2017 Page 961.

The High Court of Chhattisgarh Rules, 2007

Notification No. 9197/07 dated the 24th December, 2007*.—In exercise of the powers conferred under Articles 225 and 227 of the Constitution of India, Section 25 of the Madhya Pradesh Reorganisation Act, 2000 (Act No. XXVIII of 2000), and all other powers enabling it in this behalf, and in supersession of the High Court of Chhattisgarh Rules, 2005, the High Court of Chhattisgarh, hereby makes the following rules in relation to the practice and procedure in the High Court of Chhattisgarh :—

CHAPTER I GENERAL

1. (1) These rules may be called as the **High Court of Chhattisgarh Rules, 2007.**

(2) These rules shall come into force on such date as the Chief Justice may, by notification in the Official Gazette, appoint :

Provided, however, different dates may be appointed for different rules.

2. (1) In these rules, unless the context otherwise requires—

- (a) 'Advocate' means a person whose name is entered on the roll of Advocates prepared and maintained by a State Bar Council under the Advocates Act, 1961 (25 of 1961); and includes a Senior Advocate;
- (b) 'Appointed day' means the date on which these rules shall come into force ;
- (c) 'Chief Justice' means the Chief Justice of the High Court of Chhattisgarh and includes a Judge appointed under Article 223 of the Constitution of India to perform the duties of the Chief Justice;
- (d) 'Code' means the Code of Civil Procedure, 1908 (V of 1908), as amended from time to time;
- (e) 'Constitution' means the Constitution of India;
- (f) 'Court' and 'this Court' means the High Court of Chhattisgarh;
- (g) 'Court appealed from' includes a Tribunal or any other judicial body from which an appeal is preferred to this Court;
- (h) 'Judge' means a Judge of the High Court of Chhattisgarh;
- (i) 'Judgment' includes decree, order, sentence, or determination by any Court, Tribunal, or any other Authority having jurisdiction to decide the matter;

* Published in the C.G. Rajpatra (Asadharan) dated 28-12-2007 Pages 756-756(150).

- (j) 'Judicial Officer' means an Officer belonging to the Judicial Service of the State;
 - (k) 'Larger Bench' means a Bench of two or more Judges, as the case may be;
 - (l) 'Prescribed' means prescribed by or under these Rules;
 - (m) 'Presentations' includes petitions, memo of appeals, applications and affidavits, etc., filed at the filing counter of the Court;
 - (n) 'Registrar' means the Registrar General of the High Court and includes the Additional Registrar, the Deputy Registrar, or any other Officer with respect to such functions and duties of the Registrar as assigned by the Chief Justice.
- Explanation.**—The above definition shall also be applicable to any reference to a Registrar carrying a specific designation/classification;
- (o) 'Registry' means the Registry of the High Court of Chhattisgarh;
 - (p) 'Respondent' includes an intervener;
 - (q) 'The Rules' and 'Rules of Court' means these Rules and include the Forms prescribed by or appended to these Rules;
 - (r) 'Senior Advocate' means an Advocate so designated under sub-section (2) of Section 16 of the Advocates Act, 1961 (25 of 1961);
 - (s) 'Standing Committee' means the Committee constituted under these rules;
 - (t) 'State' means the State of Chhattisgarh.

(2) Terms, words or expressions not defined herein shall have the meaning assigned to them in Acts or Rules from which they draw their origin.

3. The General Clauses Act, 1897 (10 of 1897), and the Chhattisgarh General Clauses Act, 1957 shall apply for the interpretation of these Rules.

4. Unless otherwise expressly provided in these rules, the provisions contained in the Madhya Pradesh High Court Rules and Orders shall apply.

I[CHAPTER I-A

Rules for the disposal of Non-Judicial Business

4-A. There shall be a Standing Committee composed of—

- (i) the Chief Justice;
- (ii) two Judges nominated by the Chief Justice, who shall have executive charge of the Administrative Department. They shall be generally the senior-most Judges to be designated as Judge, Administrative Department I, and Judge, Administrative Department II. In case any Judge is unwilling to work as an Administrative Judge, the Judge next in the order of seniority will be appointed in his place;
- (iii) two Judges nominated by the Chief Justice by rotation for a period of two years. One of them shall be a Judge appointed from Higher Judicial Service.

1. Chapter I-A inserted by Notification No. 4917/R.G./2015 dated 4th July, 2015 (corrected vide Corrigendum Notification No. 5184/R.(J.)/2015 dated the 14th July, 2015), published in C.G. Rajpatra (Asadharan) dated 4-7-2015 Pages 741-742(1-2).

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

4-C. The Standing Committee shall have power, without reference to the Judges generally—

- (i) to dispose of all correspondence within its own Department urgent in its nature and not of general importance;
- (ii) to make recommendations for promotion of Subordinate Judges to the rank of Additional District & Sessions Judges and of the Additional District & Sessions Judges to the rank of District & Sessions Judges, and their initial posting on promotion or appointment;
- (iii) to exercise the power exercisable by the Court under the Code of Criminal Procedure, 1973;
- (iv) to make recommendations to the Government for the vesting of special powers under any special Act;
- (v) to pass orders of transfer of District & Sessions Judges and Additional District & Sessions Judges;
- (vi) to pass orders of the transfer and posting of subordinate Judges with or without the powers of an Additional Sessions Judges and Civil Judges;
- (vii) to make recommendations for the deputation of Lower Judicial Service or Higher Judicial Service to posts under the Government of India, Government of Chhattisgarh or other State Government or to Foreign Service;
- (viii) to issue orders regarding the promotion of Civil Judges;
- (ix) to pass orders of suspension, initiation of departmental proceedings against members of the Higher Judicial Service and Subordinate Judicial Service, and consequential orders in the said proceedings other than that of dismissal from service;
- (x) to issue Circular Orders and General letters to the Subordinate Courts;
- (xi) to dispose of any matter which might have been dealt with by the Judge in charge of the Administrative Department, but which he has referred to the Committee for their opinion;
- (xii) to make recommendation to the State Government for compulsory retirement of any Judicial Officer of any rank :

Provided that notice of the decision of the Standing Committee shall be circulated to the Full Court within ten days from the date of the decision and if any member of Full Court desires, within three weeks of the decision, the matter to be discussed at a meeting of the Full Court then no action will be taken till the decision at such a meeting; and

- (xiii) to dispose of any matter referred to it by the Full Court which might have been dealt with by the Full Court.

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

4-E. The two Judges being members of the Standing Committee nominated under Rule 4-A (ii) shall have executive charge of the Administrative Department :

Provided that each of them shall discharge such business as may be allocated to him by the Chief Justice.

In case of difference of opinion, the matter shall be decided by the Chief Justice.

Powers of the Judge in the Administrative Department

4-F. Orders on all correspondence and on all returns and statements (not being returns to rules and judicial orders or explanations called for by particular Judges of Benches) shall ordinarily be passed under his powers, as hereinafter specified, by the Judges in the Administrative Department.

Sub-Committees

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

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

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

Contemplated Legislation

4-J. Bills of Parliament and of the State Government forwarded to the High Court for opinion, proposals for the amendment of the law, and generally all matters connected with the development of the law shall ordinarily be referred in the first instance to Sub-Committees appointed under Rule 4-G consisting of not less than three members.

General

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

4-L. In all cases in which the Standing Committee has acted under Rule 4-C or a Sub-Committee under Rule 4-I, the correspondence shall be laid on the table for the information of the Full Court, and a notice shall be circulated fortnightly to all the Judges of the matters which have, during the past fortnight, been laid before such Committees, showing whether they have been disposed of, and if so, in what manner.

4-M. It shall be competent to any Judge to require that any matter within the cognizance of any Committee shall be referred to the Full Court.

4-N. In respect of any other matter within the cognizance of the Court, a Judge may request for holding of a Full Court meeting. When such a request is made, the opinion of the other members of the Full Court should be ascertained, and in case, the majority of the Judges are of the opinion that for consideration of the matter suggested a meeting of the Full Court be convened, such meeting shall be called ordinarily within two weeks of the decision aforesaid.

4-O. (i) On the following matter decision shall be taken by the Judges at a meeting of the Full Court :—

- (a) All appointments which by law are to be made by the High Court and which are not otherwise expressly provided for by these rules in this Chapter.

- (b) All recommendations for the dismissal from office of Judicial Officer.
 - (c) Proposals for designating Advocates as Senior Advocates under section 16(2) of the Advocates Act, 1961.
 - (d) Matters relating to the service conditions, facilities and amenities of the Judges of the Courts.
 - (e) Constitution of Rule Committee under section 123 of the new Civil Procedure Code nominating Judges for the Rule Committee.
 - (f) Consideration of matters relating to the Chief Justices' Conference.
 - (g) High Court Calendar.
- (ii) The following matters on which Judges have to be consulted, may be disposed of by circulation of files, except in a case where a meeting is called in accordance with Rule 4-N :—
- (a) Proposed changes in the law where the proposition emanates from the Government or, in other cases, where a committee or any Judge of the Court considers that action is called for.
 - (b) The Administration Report yearly submitted to Government when passed by the Judges of the Standing Committee.
 - (c) Rules which when published will have the force of law.
 - (d) Subjects connected with the relation between the Supreme Court and the High Court.

4-P. Any individual Judge shall be at liberty to record a separate minute upon any matter that comes before the Full Court for discussion; but no such minute shall be submitted to the Government by the Registrar General, unless, or until, it has been circulated to the rest of the Judges.

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

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

CHAPTER II

OFFICERS OF THE REGISTRY AND THEIR FUNCTIONS

1[5. The following officers shall constitute the Registry of the Court :—

1. Registrar General
2. Registrar (Vigilance)
3. Registrar (Inspection & Enquiry)
4. Registrar (Judicial)
5. Registrar (OSD) Rules
6. Registrar (Administration)
7. Principal Private Secretary to Hon'ble the Chief Justice

1. Substituted by Notification No. 5157/Rules/2016 dated the 28th June, 2016. Notification published in Chhattisgarh Rajpatra (Asadharan) dated 8-7-2016 Pages 545-546.

8. Registrar (Classification)
9. Registrar (Establishment)
10. Additional Registrar (District Establishment)
11. Additional Registrars
12. Budget Officer
13. Deputy Registrars
14. Accounts Officers
15. Assistant Registrars
16. Section Officers
17. Private Secretaries
18. Librarian
19. Assistant Editor (ILR).]

6. The Chief Justice may decide, from time to time, the composition of the Registry, the duties to be performed and the functions to be discharged by any Officer of the Court and the designation of the officials, and may amend any provision of this Chapter.

7. Appointment of Judicial Officers in the Registry of the Court shall be at the pleasure of the Chief Justice.

8. **Registrar General.**—The Registrar General shall be the Head of the Registry.

9. **Registrar (Judicial).**—The following powers shall ordinarily be exercised by the Registrar (Judicial)/Additional Registrar (Judicial) :—

- (1) (i) To determine sufficiency of service of notice or other process;
- (ii) To dispose of applications for correction of Presentations as regards the description of parties as majors or minors ;
- (iii) To dispose of applications to appoint or discharge a next friend or guardian *ad-litem* of a minor or a person of unsound mind, to amend the record accordingly and to direct the deposit and furnish accounts of funds for the conduct of the proceedings ;
- (iv) To call for a further deposit under Order XLV, Rule 10 of Code of Civil Procedure, when the deposit already made by the appellant in an appeal to the Supreme Court is not sufficient to defray the cost of preparing the record;
- (v) To order payment of the interest accruing to Government Promissory Notes deposited under Order XLV, Rule 7 of Code of Civil Procedure, and to order the refund of any unexpected balance under Order XLV Rule 12 of Code of Civil Procedure or for any other enactment for the time being in force;
- (vi) To determine in which newspaper the publication referred to in Order XLV, Rule 9-A of Code of Civil Procedure shall be made;
- (vii) To make reference to the Court for renewal of bank guarantees, FDRs, and other deposits/securities made under the orders of the Court, a month before the date of its/their expiration;
- (viii) To require Presentations to be amended in accordance with the procedure of the Court;

- (ix) To require any person and party to file an affidavit with respect to any application or matter in respect of which the Registrar has power to exercise any discretion or to make any order;
- (x) To stop at his discretion issue of certified copy to any person who has failed to pay the process fee, or charges, or has failed to take any other steps, which the Court has ordered while granting interim relief, or stay, or any other order of similar nature, which substantially affects the rights of the opposite parties;
- (xi) To call for records and documents from Subordinate Courts and any other authority;
- (xii) To dispose of requisitions by Subordinate Courts for records and documents;
- (xiii) To dispose of applications for copies of pending records or parts thereof;
- (xiv) To dispose of application and grant leave to search/inspect the record of the Court under the rules in that behalf ;
- (xv) To dispose of application for delivery of interrogatories;
- (xvi) To dispose of application for substituted service, or for dispensing with service of notice of the appeal on any of the respondents;
- (xvii) To dispose of application for leave to take documents out of the custody of the Court;
- (xviii) To decide questions arising in connection with the payment of Court fee;
- (xix) To dispose of applications by third parties for return of documents;
- (xx) To dispose of applications for grant of copies of records to third parties;
- (xxi) To dispose of applications for the issue of a certificate regarding any excess Court fee paid under a mistake;
- (xxii) To dispose of applications for approval of a translator or interpreter;
- (xxiii) To dispose of applications for production of documents outside Court premises;
- (xxiv) To dispose of applications for exemption from filing of certified copies of judgments, decrees, certificates or orders granting certificates;
- (xxv) To reconstitute the record in case the record is not traceable;
- (xxvi) To pass orders in all matters in writ, civil and criminal cases pertaining to default as process fee, publication charges, paper book costs, missing of address in respect of service, of notice, submission of service report on affidavit in case of Dasti service; non-compliance of Registrar's orders in respect of Office matters;
- (xxvii) To pass orders in default of identical copies; security amount; non-compliance of Court's orders;
- (xxviii) To pass orders on non-appearance of accused persons on bail;
- (xxix) To dispose of the application for condonation of delay up to seven days in filing of process fee :

Provided that the Registrar may refer any matter under this rule to the Court for orders.

(2) The Registrar (Judicial) may refuse to receive a presentation or any other pleadings on the ground that it discloses no reasonable cause or is frivolous or contains scandalous matters, but the petitioner may appeal by, way of motion, from such refusal to the Court.

(3) **Taxing Officer** (nominated by the Chief Justice under Section 5 of the Court Fees Act, 1870) :—

- (i) Whenever the Taxing Officer finds that any document filed in this Court is insufficiently stamped, he shall record his opinion with reasons therefor. The report shall be shown to the Counsel concerned who will note thereon whether he accepts, or disputes the accuracy thereof. If he raises a dispute, the Taxing Officer shall decide the dispute and the party aggrieved with the decision may request him to place the matter before the Court.
- (ii) Whenever the Taxing Officer finds that a document which ought to bear a stamp under the Court Fees Act has, by mistake or inadvertence, been received in a lower Court without being properly stamped, he shall prepare a reasoned report to that effect and in case the correctness of the report is disputed, the same shall be laid before the appropriate Bench for orders.
- (iii) Whenever the Court fees payable on any document in respect of which the question of limitation arises is found deficit, the Taxing Officer shall pass an order either certifying the under stamping bona fide or may place the matter before the Bench. If the deficit fees are paid before the limitation expires, the document will be treated as properly stamped. If the deficit Court fees are not paid before the expiry of limitation the case will be placed before the Court. The hearing will not be less than 20 days after the date of Taxing Officer's order. If within that time the party files an application under Section 149 of the Code of Civil Procedure, the Court shall, in case when the Taxing Officer certifies the under stamping to be bona fide, ordinarily extend the time.
- (iv) Whenever a case is placed before the Court in accordance with the above clause, a statement in the following form shall be endorsed on the order sheet.
 - (a) Court fees paid Rs. _____
 - (b) Court fees payable Rs. _____
 - (c) Difference of Court fees of Rs. _____
 - (d) Time expired _____
 - (e) The Taxing Officer _____
 - (i) certifies the deficiency as bona fide _____
 - (ii) certifies the deficiency as not bona fide _____
 - (iii) was unable to arrive at a definite conclusion _____
 - (f) Application under Section 149 of Code of Civil Procedure filed within _____ days from Taxing Officer's certificate.

(4) The Registrar (Judicial) may permit clerical errors in the Presentations produced in any civil proceedings or in any other proceedings in the Court. Such correction shall be made in the case of affidavits by the declarant by filing a fresh affidavit and in other cases by the person making the presentation or his Advocate.

(5) Every correction in any Presentations shall be initiated by the party making the correction and by a Judge or the Registrar (Judicial).

10. Registrar (OSD) Rules.—The Registrar (OSD) Rules shall be overall in-charge of framing, recasting, or amendment of rules of High Court and Subordinate Courts and shall also perform such other duties or discharge such other function as the Chief Justice may assign to him.

11. Registrar (Vigilance).—The Registrar (Vigilance) shall investigate into all complaints and allegations against Judicial Officers and the staff of the Subordinate Judiciary and shall deal with the intimation regarding acquisition/disposal of movable properties and immovable properties by Judicial Officers.

12. Registrar (Inspection and Enquiry).—The Registrar (Inspection and Enquiry) shall inspect all Subordinate Courts and shall be in-charge of all disciplinary proceedings and enquiry against all Judicial Officers, all litigations concerning the Subordinate Courts and the High Court and all appeals, representations and petitions in disciplinary matters.

13. Registrar (Classification).—The Registrar (Classification) shall be overall in-charge of classification and categorization of all judicial matters.

14. Registrar (Administration).—The Registrar (Administration) shall have powers :

- (1) To sanction payment of Temporary Advance (including Tour Advances) and bills in respect of purchase of movables including articles for use of Court/Registry up to Rs. 2000/-.
- (2) To sanction tour advances to himself and/or the staff working under him up to Rs. 2000/-.
- (3) To pass medical reimbursement bills and T.A. bills of the Registry up to Rs. 2000/-.
- (4) To sanction repairs and purchase of accessories to staff cars up to Rs. 2000/-.
- (5) To look after matters relating to Work Section and Protocol.
- (6) To supervise major/minor works relating to residential quarters, new Court building, repair/maintenance of High Court building, garden, etc..
- (7) To purchase furniture including almirahs, coolers, electrical appliances, purchase of liveries, typewriters, additional/extraneous telephones/cellphones, motor vehicles, air conditioners, computers, peripherals and like accessories etc..
- (8) To allot residential quarters to establishment-Class-II, III & IV staff.
- (9) To look after the library, binding section, correspondence of various sections and to purchase law books, journals including purchase of binding materials up to Rs. 2,000/-.
- (10) To annually verify the dead stock, and
- (11) Any other work that may be assigned to him by the Chief Justice, other Judges and/or Registrar General.

15. Registrar (Establishment).—The Registrar (Establishment) shall have powers :

- (1) To record the Confidential Reports of Class-II, III & IV staff attached to the Chief Justice and other Judges which shall be submitted to the Registrar General.

- (2) To make proposals of Budget and Accounts Section.
- (3) To appoint, transfer, punish and grant retiral benefits to all contingent employees.
- (4) To work out GPF and DPF of Registry Officers, Judicial Officers, Class I & II staff of the High Court and Subordinate Courts or that of any other staff, as directed.
- (5) To generally look after the matters relating to Establishment Section of the High Court including such work as may be entrusted to him by the Chief Justice, other Judges and/or the Registrar General in establishment/ judicial side.

16. Additional Registrar (Districts Establishment).—The Additional Registrar (Districts Establishment) shall have powers in regard to the following matters :

- (1) Reports about disposal by Judges and Magistrates (other than Executive Magistrate).
- (2) Promotion, confirmation, transfer, etc. of Deputy Clerk of Courts and Clerk of Courts.
- (3) Inter Districts transfer of Class-III and Class-IV staff of the Subordinate Courts.
- (4) Permission, if necessary, or filling up vacant posts of District Establishment.
- (5) Grant of leave and making local arrangement for the post of Deputy Clerks of Court and Clerk of Court in long-term vacancies for a period exceeding two months.
- (6) Sanctioning appointments for a term not exceeding six months of unqualified persons as Sale Amin.
- (7) Creation of Class-III and Class-IV posts including contingency paid posts of Subordinate Courts and their continuance.
- (8) Appointment of Oath Commissioners and renewal of their certificates and complaints against them.
- (9) Copying Section of Subordinate Courts and theft or loss of records of Subordinate Courts and of High Court.
- (10) Continuance of temporary posts and conversion of temporary posts into permanent posts of Class-III and Class-IV staff of Subordinate Court.
- (11) Quarterly/half yearly statement in respect of Scheduled Castes and Tribes employees.
- (12) All other matters relating to the District Establishment.

17. Additional Registrar/Deputy Registrar.—The Additional Registrar/ Deputy Registrar shall perform such duties and discharge such functions as the Registrar General, with the approval of the Chief Justice, may assign to them.

CHAPTER III COURT HOURS AND OFFICES OF THE COURT

A : Court Hours :

18. The Court shall open daily, except on holidays/vacation, for the transaction of judicial business. The Judges shall sit in Court between the hours of 10.15 A.M. to 4.30 P.M. with a recess between 1.30 P.M. to 2.15 P.M.

B : Offices of the Court; Sittings and Vacation, etc.

19. Except closed Saturdays and holidays, the Offices of the Court shall, subject to any order of the Chief Justice, remain open daily from 10.00 AM to 5.00 PM.

20. Except on the days which are holidays, both for the Court and the Offices of the Court, the Offices shall remain open during Summer Vacation, Puja, Christmas and New Year Holidays of the Court at such time as the Chief Justice may direct.

21. The Chief Justice may, during any vacation, appoint one or more Judge(s) as Vacation Judge(s) to hear matters of urgent nature. The Vacation Judge(s) may hold Court either in Single Bench or in Division Bench as the situation may warrant during the Vacation.

**CHAPTER IV
CONSTITUTION AND POWERS OF BENCHES**

A : Civil Matters—Single Bench

22. The following matters shall ordinarily be heard and disposed of by a Judge sitting alone.

- (1) An appeal from an appellate decree of a District Court.
- (2) An appeal of a civil nature under any Act of the Central or State Legislature or First Appeals under the Code of Civil Procedure, the value of which does not exceed the sum of ¹[Rs. 5,00,000/- (Rs. Five Lacs only)] and any application or reference made under such Acts, unless otherwise expressly provided for under such Acts.

Explanation.—The value of a cross objection filed in any such appeal shall not be included in the value of the appeal. However, if the value of the cross objection exceeds ¹[Rs. 5,00,000/- (Rs. Five Lacs only)] the appeal as well as the cross objection shall both be heard by a Division Bench.

- (3) An appeal from an appealable order under the Code of Civil Procedure or under any other enactment unless otherwise provided in the said enactment.
- ¹(4) An appeal under Section 173 of the M.V. Act, 1988.]
- (5) An appeal under Section 47 of the Guardian and Wards Act, 1890.
- (6) An appeal relating to costs only.
- (7) An application under Section 22, 23 or 24 of the Code of Civil Procedure.
- (8) Any application under the provisions of Code of Civil Procedure or any other enactment for the time being in force made in an appeal, revision or any other proceedings in a matter within the jurisdiction of a Judge sitting alone and which is not otherwise expressly provided for.
- (9) An application for revision under the Code of Civil Procedure or under any Central or State Act, unless otherwise expressly provided in the said Central or State Act.
- (10) A suit coming before the Court in the exercise of its extraordinary original civil jurisdiction.

1. Substituted by Notification No. 2306/R.G./2013 dated the 2nd February, 2013, w.e.f. 4-2-2013.

- (11) A proceeding of a civil nature under an Act of the Central or State Legislature, coming before the Court in the exercise of its original jurisdiction.
- (12) An Election petition under the Representation of People Act, 1951.
- (13) Company matters, Probate and Letters of Administration matters of original jurisdiction (on nomination by the Chief Justice).
- (14) All writ petitions under Article 226/227 of the Constitution of India except those falling within the jurisdiction of a Division Bench.
- (15) All Taxation matters unless otherwise provided in the Central or State Act, from which the proceedings are arising.
- ¹[(16) All appeals under Section 37 of the Arbitration and Conciliation Act, 1996.]
- (17) Revision under Section 19 of the Chhattisgarh Madhyastham Adhikaran Adhiniyam, 1983.]
- ²[(18) An appeal under Section 30 of the Employees' Compensation Act.]

Division Bench

23. The following matters shall be heard by a Division Bench.

- (1) **Writ Petitions :**
 - (i) Relating to Public Interest Litigation.
 - ³[(ii) where vires or validity of an Act of Parliament or Act of Legislature of the State or Ordinance promulgated under the Constitution of India or Rules framed in exercise of power under Constitution of India or under any enactment is under challenge.]
 - (iii) Against the orders of Tribunal constituted under Articles 323-A and 323-B of the Constitution of India.
 - ⁴[(iv) Relating to award or termination of contract/tender concerning Government/Public Undertaking/Local Bodies/ Statutory Bodies.]
 - (v) Relating to admission in medical/technical colleges.
 - (vi) Relating to Excise Contract.
- (2) **Other Matters :**
 - (i) Tax references and statutory appeals and applications for references in such cases;
 - (ii) Reference under Section 113/Order XLVI of the Code of Civil Procedure, 1908.
 - (iii) Appeal under Section 22(A)/reference under Section 21(5) of the Chartered Accountants Act, 1949.
 - (iv) Appeal under Section 19 of the Family Courts Act, 1984.
 - (v) ⁵[* * *]

1. Added by Notification No. 2306/R.G./2013 dated the 2nd February, 2013, w.e.f. 4-2-2013.
2. Inserted by Notification No. 6543/Rules/2016 dated the 8th August, 2016. Notification published in Chhattisgarh Rajpatra (Asadharan) dated 23-8-2016 Page 629.
3. Substituted by Notification No. 9120/Rules/2016 dated the 16th November, 2016. Notification published in Chhattisgarh Rajpatra (Asadharan) dated 29-11-2016 Page 883.
4. Substituted by Notification No. 3250/Rules/2017 dated 4th April, 2017.
5. Omitted by Notification No. 2306/R.G./2013 dated the 2nd February, 2013, w.e.f. 4-2-2013.

- (vi) All matters which, by any law or any judgment having force of law are required to be heard by a Division Bench.
- ¹[(vii) All the appeals of civil nature valued above Rs. 5.00 lacs (Rupees Five Lacs only) excluding the appeals under Section 173 of the M.V. Act, 1988 ²[and appeals under Section 30 of the Employees' Compensation Act].]

B : Criminal Matters—Single Bench

24. The following matters shall be heard by a Single Judge.

- (1) Applications for grant of bail under Sections 438 and 439 of the Code of Criminal Procedure and applications under Section 482 of the Code of Criminal Procedure.
- (2) Applications for transfer of Criminal Cases.
- (3) Applications for cancellation of bail.
- (4) Criminal Revisions except those which are to be heard by a Division Bench.
- (5) Criminal Appeals against substantive sentence of not more than 10 years.
- (6) A case coming before the Court in the exercise of its ordinary or extraordinary original criminal jurisdiction except the cases under Section 15 of the Contempt of Courts Act, 1971.
- (7) Appeals, applications, or references under the Code of Criminal Procedure, other than the cases falling within the jurisdiction of Division Bench.

Division Bench

25. The following matters shall be heard and disposed of by a Division Bench.

- (1) An appeal or reference in a case in which a sentence of death or imprisonment for life or a sentence of more than 10 years has been passed.
- (2) An application for leave filed under sub-section (3) of Section 378 of the Code of Criminal Procedure in respect of offences punishable with sentence of death or imprisonment for life or in cases where the maximum sentence provided is of more than 10 years and are triable by the Court of Sessions.
- (3) An appeal by the State Government under Section 378 of the Code of Criminal Procedure, from an order of acquittal in Sessions Trial, in respect of offences punishable with sentence of death or imprisonment for life or where the maximum sentence is more than 10 years.
- (4) A revision filed by a private party under Section 397 of the Code of Criminal Procedure or *suo moto* revision entertained under Section 401 of the Code of Criminal Procedure against acquittal in respect of offences punishable with sentence of death or imprisonment for life or imprisonment for more than 10 years and triable by the Court of Sessions.

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- 1. Substituted by Notification No. 2306/R.G./2013 dated the 2nd February, 2013, w.e.f. 4-2-2013.
 - 2. Added by Notification No. 6543/Rules/2016 dated the 8th August, 2016. Notification published in Chhattisgarh Rajpatra (Asadharan) dated 23-8-2016 Page 629.

- (5) A proceeding in which notice has been issued to an accused who has been sentenced to imprisonment for a term of five years or more, to show cause why the sentence should not be enhanced.
- (6) A proceeding in which notice is issued to a convicted person requiring him to show cause why his conviction should not be altered to one of an offence punishable only with death or imprisonment for life.
- (7) An appeal under Section 377 of the Code of Criminal Procedure with regard to an accused who has been sentenced to undergo imprisonment for a period of 5 years or more.
- (8) Appeals from conviction of offences punishable with imprisonment for life.
- (9) A petition for a writ in the nature of Habeas Corpus.
- (10) Cases under the Contempt of Courts Act, 1971 where a case for criminal contempt is made out.
- (11) Any proceedings coming before the Court in the exercise of its ordinary and extraordinary original criminal jurisdiction.

C : Full Bench

26. A Full Bench shall ordinarily be constituted of three Judges but may be constituted of more than three Judges in pursuance of an order in writing by the Chief Justice.

27. The Chief Justice shall nominate the Judges constituting a Full Bench.

28. The following matters shall be heard by a Full Bench.

- (1) References under Section 57 & 60 of the Indian Stamp Act, 1899.
- (2) Matters which are required by a Statute to be heard and decided by a Full Bench.
- (3) Such other matters as may be referred to the Full Bench.

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

D : Reference to a Larger Bench

30. A Larger Bench shall be constituted of two or more Judges in pursuance of an order in writing by the Chief Justice.

31. The Chief Justice shall nominate the Judges constituting the Larger Bench which shall hear the matters referred by the Chief Justice.

32. (1) A Judge sitting alone may refer any proceeding pending before him to the Chief Justice with a recommendation that it be placed before a Bench of two Judges when it involves a question of law of public importance.

(2) A Judge sitting alone shall refer any proceeding pending before him to the Chief Justice with a recommendation that it be placed before a Bench of two Judges, if :—

- (i) it involves a substantial question of law as to the interpretation of the Constitution or any statutory enactment

OR

- (ii) it is considered that the decision in the proceeding involves reconsideration of a decision of a Judge sitting alone.

(3) In a proceeding of the nature referred to in sub-rule (1) of this rule, the referring Judge may refer a stated question(s) or may recommend that the proceeding itself be heard and decided by the Bench to which it is referred.

(4) In cases of the nature referred to in clause (i) of sub-rule (2) of this rule, the proceedings shall be heard and decided by the Bench to which it is referred.

(5) In proceedings of the nature referred to in clause (ii) of sub-rule (2) of this rule, the referring judge shall refer a stated question(s) and shall dispose of the proceedings in accordance with the decision of the Bench on the question(s) referred to it.

33. If a Judge sitting alone considers that the decision of the proceeding pending before him involves reconsideration of a decision of two or more Judges, he may refer it to the Chief Justice with a recommendation that it be placed before an appropriate Bench for a decision on a stated question(s). The referring Judge shall then dispose of the proceedings in accordance with the decision of the Bench on the question(s) referred to it.

34. When in any matter the Judges comprising the Division Bench differ on a point of law and state the point on which they differ, the proceedings shall be placed before the Chief Justice for the purpose of nominating one or more of the other Judges to deal with the matter.

35. If a Bench of two Judges considers that the decision of the proceeding pending before them involves reconsideration of a decision of two or more Judges, they may refer the matter to the Chief Justice with a recommendation that it be placed before a Full Bench. The referring Judges may refer a stated question(s) or may recommend that the proceeding itself be heard and decided by the Bench to which it is referred. If the referring Judges refer a stated question(s), they shall dispose of the proceeding in accordance with the decision of the Full Bench on the question(s) referred to it.

E: General

36. When in an appeal in any civil matter heard by a Bench of two Judges, a difference of opinion arises between them on a point of law, and if either of the Judges desires that the appeal be referred, it shall be referred to, heard and disposed of by such Judge(s) as the Chief Justice may nominate. The appeal shall be heard afresh by the Judge(s) to whom it is so referred either sitting apart from or with the referring Bench as the Chief Justice directs.

37. Save as provided by law or by these rules or by an order of the Chief Justice, every other case shall be heard by a Single Bench.

38. Subject to the jurisdiction of the Bench(es), the Chief Justice may direct which case or class of cases shall be placed before each Bench.

39. **Part heard matter.**—A matter shall be treated part heard only if it has been specifically so ordered by the Bench, and it shall be listed before the same Bench. In case the matter is not disposed of within three months from the date of being marked as part heard, the same shall be deemed to have been released from part heard and be placed before the Chief Justice for further orders.

40. An application for modification, clarification, restoration or review of an order, or a subsequent bail application under Section 438/439 of the Code of Criminal Procedure, shall be listed before the same Coram :

Provided that if the same Coram is not available on account of retirement or for any other reason for a period of three months, and

- (1) if the matter relates to a Larger Bench then the same shall be listed before an equivalent Larger Bench of which one of the members was a member of the earlier Bench;
- (2) if none of the members of the earlier Bench is available then the application shall be listed before an equivalent regular Bench;
- (3) ¹[in case of a Single Bench, the matter shall be listed before regular Single Bench;]
- (4) in case of a Single Bench where the matter relates to a subsequent bail application under Section 438/439 of the Code of Criminal Procedure, the same shall be listed before the regular Single Bench.

41. Powers of Vacation Judge.—A Vacation Judge sitting alone shall also be entitled to take up the urgent matters of a Division Bench for the purpose of interim relief where circumstances require urgent hearing in the interest of justice.

²[41-A. A case, wherein the vacation judge has passed interim order shall be listed before the appropriate bench immediately after the vacation.]

F : Business Relating to Supreme Court

42. The business relating to the Supreme Court shall be laid before the Bench presided over by the Chief Justice unless otherwise directed.

CHAPTER V

WRIT PETITIONS, HABEAS CORPUS AND PUBLIC INTEREST LITIGATIONS (PIL)

A : Writ Petitions :

43. An application for writ, order or direction under Article 226/227 of the Constitution shall be moved in the format prescribed in three sets duly supported by an affidavit by the petitioner or by one of the petitioners or by some other person, proved to the satisfaction of the Court to be acquainted with the facts of the case, as specified in sub-rule (1) of Rule 15 of Order VI of the Code. It shall also state whether an application on the same cause of action had been previously filed before this Court, and if so, the result thereof.

44. (1) Every writ petition under Article 226/227 of the Constitution of India shall on the first page contain the index and immediately thereafter the petitioner shall provide a synopsis indicating dates and events in chronological order, the relevant provisions of law and the authorities/judgments relied upon.

(2) The petitioner shall mention the grounds specifically and each ground should be distinctly stated.

(3) Any petition not found to be in the prescribed format, including omission to state grounds distinctly as provided in the format, shall be summarily dismissed.

45. The averments made in the application shall generally be supported by proof, or evidence(s), enclosed as Annexure(s) to the writ petition.

46. Where any interim relief/order such as stay, injunction, etc., is sought, such prayer shall be made by a separate application.

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- 1. Substituted by Notification No. 4497/R.G./2015 dated 22nd June, 2015, published in the C.G. Rajpatra (Asadharan) dated 22-6-2015 Page 701.
 - 2. Inserted by Notification No. 6654/R.G./2015 dated 24th August, 2015, published in the C.G. Rajpatra (Asadharan) dated 24-8-2015 Page 885.

47. (1) If any writ, order or direction is sought against the Union of India, a State Government, a Public Officer or Authority, as is covered by Article 12 of the Constitution, notice of the application with all annexure(s) shall be served, before filing ¹[in two sets], on the Assistant Solicitor General/Advocate General/Standing Counsel as the case may be.

(2) The Court shall not consider a prayer for any interim relief or stay if the mandatory requirement of sub-rule (1) above is not complied with :

Provided however, that in emergent cases where the Court is satisfied that the purpose of filing of the petition may be frustrated or that the matter does not warrant any delay or that there are sufficient grounds, for reasons to be recorded, to grant interim relief, the Court, on such terms as it thinks fit, may dispense with the requirement of such advance notice under this rule on a Counsel who is not available/traceable.

(3) Even if a notice of the writ application is accepted in the Court or prior to filing, a formal and regular notice shall be issued to the opposite parties through the Registry of the Court.

48. The Court may either summarily dismiss the petition or order a *rule nisi* to be issued against the opposite party as it thinks fit. Any rule so issued shall be made returnable on such date as the Court may direct, but it shall ordinarily not be made returnable within less than fourteen days after service thereof on the opposite party.

49. The petitioner shall deposit the necessary process fees within three days of the order directing notice, or such time as the Court may order, along with as many copies of the petition together with annexures and affidavit as there are opposite parties.

50. Notice shall be served on all opposite parties and on such other persons as the Court may direct :

Provided that any person who desires, and appears to the Court to be a proper person, to be heard in opposition to the petition, may be heard, notwithstanding that he has not been served with the notice and shall be liable to costs in the discretion of the Court.

51. If at the hearing of the petition the Court is of the opinion that any person who ought to have been served with the notice of the petition has not been served, the Court may order that notice may also be served on such person and adjourn the hearing upon such terms, if any, as the Court may direct.

52. An answer to the *rule nisi* or the notice to show cause shall be made supported by an affidavit, and by serving a copy thereof along with the copy of annexure(s), if any, upon the petitioner or his Advocate, as the case may be, not later than the date fixed for showing cause.

53. No further return, affidavit or document shall be filed by any party except with the leave of the Court.

54. If the Court at any time finds that the facts furnished are insufficient or further and better particulars of any matter should be furnished, the Court may, of its own motion or on the application of any party, order any party to furnish such facts or particulars supported by an affidavit. If the petitioner or any other party fails to furnish the facts or particulars as ordered, the Court may either dismiss the petition or make such order in relation to the case as it thinks fit.

1. Inserted by Notification No. 4497/R.G./2015 dated 22nd June, 2015, published in the C.G. Rajpatra (Asadharan) dated 22-6-2015 Page 701.

55. (1) All questions of fact arising for determination under this Part shall be decided ordinarily upon affidavits but the Court may direct that such other evidence be taken as it may deem fit.

(2) Where the Court orders that certain matters in controversy between the parties shall be decided on oral evidence, it may either itself record the evidence or may direct any Court or Tribunal or a Commissioner appointed for the purpose to record it in accordance with the procedure prescribed in the Code of Civil Procedure, 1908 for the trial of suits.

56. Where any party against whom an interim order of any kind has been made files an application to the High Court for vacating the same, that application shall be listed immediately before the appropriate Bench for orders.

57. (1) No record of a case or proceeding in possession of any Court or public servant, relevant to the disposal of an application, shall be sent for, unless ordered by the Court either of its own motion or upon an application made by any of the parties to the petition.

(2) Every application made under Sub-rule (1) of this Rule shall, unless the Court otherwise directs, be supported by an affidavit showing how the record is material, and that the applicant cannot, without unreasonable delay or expense, obtain a duly authenticated copy of the record or of such portion thereof as the applicant requires or that the production of the original is necessary.

58. (1) In all cases where the pleadings are complete and the case is to be listed for final disposal, the Court may require the petitioner or the respondent, as the case may be, to submit a complete paper book, or paper books of their respective pleadings :

Provided that if additional pleadings are filed during the course of hearing the parties shall be required to submit an index giving serial page numbers in continuation of the pages mentioned in the original table of contents of the paper book, as the case may be.

(2) Pleading(s)/Paper Book(s) related to writ petition(s) listed for final disposal shall be arranged in two separate files, namely File 'A' and File 'B'.

(3) File 'A' should be arranged in the following manner :

Part-I

- (i) This part shall consist of the writ petition with annexure(s) and if the writ petition has been amended in between, the amended writ petition should be placed on top and the annexure(s) with the amended petition, if any, shall be placed just below the original annexures in continuation.
- (ii) The rejoinder together with annexure(s) in continuation to the annexures of the writ petition shall be placed just below the writ petition or the amended writ petition, as the case may be.
- (iii) The return together with annexure(s) and the amended/additional return, if any, together with annexure(s) shall be arranged in the like manner.

Part-II

This part shall consist of the application(s) for grant of interim relief and the application(s) for vacating stay, if any, and other interlocutory application(s).

(4) All other papers shall be part of File 'B'.

59. The Court may in such proceedings impose such terms as to costs as it thinks fit.

60. Any party to a proceeding under Article 226/227 of the Constitution of India desiring to obtain execution of the order relating to costs awarded in such proceedings shall apply to the Court by a stamped petition.

61. The Court thereupon shall direct the party against whom the costs are awarded to deposit the amount in Court within such time as it deems fit, and upon his failure to deposit the amount within the prescribed period the Court shall order issue of a certificate for the recovery of costs and may also include the costs of the proceedings before it.

62. The certificate shall be issued under the signature of the Deputy Registrar and the seal of the Court and shall be executable as decree of a civil Court. All other writ, order, direction may be executable in the manner as may be directed by the Court.

63. The certificate shall be executable by the District Judge of the Civil District in which the party from whom the costs are to be recovered actually resides or carries on business or works for gain or has some property.

64. The Court to which the certificate is issued shall execute it as a decree received on transfer for execution from another Court.

65. The form of the certificate shall be as prescribed in these rules.

B : Habeas Corpus

66. (1) Any person desiring to apply to the High Court under Article 226 of the Constitution of India for issuance of any writ, order, command or direction in the nature of *Habeas Corpus* shall file his application, as far as possible, in the format prescribed for filing writ petitions.

(2) The application shall be accompanied by an affidavit of the person restrained or any other person acquainted with the facts and has approached the Court for taking cognizance of the matter. The application shall mention the nature and the circumstances of the restraint and stating if any previous application had been filed or not on behalf of the person restrained and in case such previous application had been filed, the result thereof :

Provided that a person detained in jail may submit his petition through the Superintendent Jail.

(3) When an application is made by a person other than the detenu or the person restrained, sub-rule (1) and (2) above shall apply *mutatis mutandis*.

(4) The Rule relating to filing of affidavits in writ petition shall also apply to an application for a writ in the nature of *Habeas Corpus*.

67. Applications in the nature of *Habeas Corpus* filed under Article 226 of the Constitution of India shall be registered as "Writ Petitions (*Habeas Corpus*)" and shall be laid before the Division Bench forthwith.

68. If the Bench is of opinion that a *prima facie* case for granting the application is made out, a *rule nisi* shall be issued calling upon the person or persons against whom the order is sought, to appear on a day to be mentioned therein not later than two weeks to show cause why such order should not be made and at the same time, if so ordered, to produce in Court the body of the person alleged to be illegally detained then and there to be dealt with in accordance with law.

69. If a return is filed in answer to the *rule nisi*, it shall be filed in four copies accompanied by an affidavit and such other documents as may be produced.

70. (1) The High Court may order any fact to be proved by affidavit or by oral evidence if it considers it necessary.

(2) The High Court may, if necessary, direct a Court of Session or a Magistrate to take evidence as provided in Section 391 of the Code of Criminal Procedure.

71. On the return day of such rule or on any day to which the hearing thereof may be adjourned, if no cause is shown or if cause is shown and disallowed, the Court shall pass an order that the person or persons illegally detained be set at liberty. If the cause is allowed, the rule shall be discharged, and the person or persons detained, if present in Court, shall be delivered to the person entitled to their custody.

72. In any case in which the High Court orders a person in custody to be brought before it or before a Court-martial, or before any Commissioner, or to be removed from one custody to another or to be set at liberty a warrant to that effect shall be prepared and signed by the Deputy Registrar and sealed with the seal of the High Court.

73. Such warrant shall be forwarded by the Deputy Registrar when the person is under detention in a Jail, to the officer-in-charge of that jail or the public officer or other person holding the person in custody or restraint. In every other case, the warrant shall be served as the High Court may direct.

74. In disposing of any such rule, the High Court may, in its discretion make such order for costs as it may consider just.

75. In all cases mentioned in this Part of the Rules, where the matter is to be placed for final disposal the Court may order four copies of paper books to be prepared. The cost of the paper book shall be borne by the person who is responsible for illegal detention and in other cases the preparation of paper book shall be free of cost. Out of these, two will be for the use of the Bench and one each for the Advocate General and the applicant.

76. The paper book shall consist of the application for the writ, the affidavit and such other documents as may be filed by the parties to the case or as the High Court may order to be included.

C : Public Interest Litigation

77. ¹[(1) The expression 'Public Interest Litigation' connotes litigations undertaken for redressal of genuine public harm or public injury, enforcing public duty, or vindicating substantial public interest.]

¹[(2) A matter involving individual or personal grievance or a litigation undertaken for personal gain or private, ulterior, oblique motives or for extraneous considerations shall not be treated as public interest litigation.]

(3) Under the orders of the Chief Justice, the Registrar General may, from time to time, notify guidelines indicating the nature of matters which would fall within the ambit of Public Interest Litigation.

78. (1) A proceeding in the nature of Public Interest Litigation shall be initiated by a social action group or a public spirited individual having an interest in the cause by filing a petition. However, in appropriate cases a written communication (other than by telegram, telex or by fax) addressed to the Court or the Chief Justice may be treated as Public Interest Litigation subject to the other provisions of these Rules.

(2) Such a written communication if relates to a matter falling within the guidelines referred to hereinabove shall be treated as a petition.

1. Substituted by Notification No. 16419/R.G./2010 dated the 5th August, 2010, published in C.G. Rajpatra (Asadharan) dated 6-8-2010 Pages 437-438.

79. (1) Every petition, in the format prescribed, shall state succinctly the relevant facts in order to enable the Court to determine whether a proceeding in the nature of Public Interest Litigation shall be initiated/entertained. The petition shall contain a concise statement indicating the nature of the interest of the petitioner in the case and about his competence to be placed in charge of the carriage of the proceeding. The petition shall also contain a statement whether any petition has earlier been moved in this Court relating to the same cause and the result thereof.

(2) The petitioner shall make a statement that he has no individual/personal interest in the subject matter except in cases where the petitioner is one amongst the members/group/ society/community for whose benefit the P.I.L. has been filed. If he has any individual/personal interest, he shall disclose the same.

(3) Where the petitioner relies upon a document(s) in his possession or power, he shall file such document(s) or true copies thereof with the petition.

¹[(4) Apart from the affidavit required to be filed in support of the writ petition, the petitioner shall also be required to file an additional affidavit making a declaration that the petitioner has not filed the petition for any personal gain or raising any personal grievance or for a private, ulterior, oblique motives or for extraneous considerations.]

¹[(5) After filing of the writ petition the Registry shall verify the contents of the petition and affidavit in order to ascertain as to whether the public interest litigation has been presented in accordance with rules. Before admission of the matter, the petitioner(s) shall be required to satisfy the Court about his/their credentials and the genuineness of the public cause brought before the Court.]

80. (1) If a proceeding in the nature of Public Interest Litigation has already been entertained and is pending no other petition or communication relating to the same matter shall be entertained. Any person wishing to place any other facet of the same matter before the Court, may accordingly apply for directions in the pending matter.

(2) After the Public Interest Litigation has been entertained and in case an *amicus curiae* has been appointed the Court shall be approached for all further actions through the *amicus curiae* only.

81. Unless otherwise directed, a petitioner in a Public Interest Litigation shall submit proof of deposit of security amount of Rs. 5,000/- at the time of presentation of a Public Interest Litigation.

82. (1) Every written communication treated as a petition shall be placed for directions regarding registration before the Chief Justice or the Judge nominated by the Chief Justice for the purpose in Chambers. The Chief Justice/Judge in Chambers, may, if he considers it necessary, direct the person or persons sending the written communication to file an affidavit in support of the statements contained in the communication within the period prescribed in such direction. In the event of failure on the part of the person or persons sending the written communication to file an affidavit within the period so prescribed no further action would be taken on the said communication and it shall be filed.

(2) Every written communication treated as a petition in which the petitioner is not represented by a Counsel shall, after registration, be placed before the Court for directions regarding preliminary hearing. The Court shall in every such

1: Substituted by Notification No. 16419/R.G./2010 dated the 5th August, 2010, published in C.G. Rajpatra (Asadharan) dated 6-8-2010 Pages 437-438.

matter nominate an advocate to present the matter at the stage of preliminary hearing.

(3) The petition, or the written communication, shall thereafter be posted before the Court for preliminary hearing and for orders as to issue of notice. In case, a P.I.L., to be treated so on the basis of a written communication, if the Court feels it necessary to ascertain the veracity of the allegations made in the communication, it may call for the report from the concerned authority before proceeding further in the matter. Upon hearing, the Court, if satisfied that the person initiating the proceedings has sufficient interest in the cause and that a *prima facie* case is made out for initiating the proceeding, may grant leave for waiver of the *locus standi* rule and issue notice to the concerned Government and/or authority as well as to any other person or persons who may be adversely affected by any order passed in the proceeding. If the Court is not so satisfied it shall drop the proceeding.

(4) Every proceeding in the nature of Public Interest Litigation, except on registration on written information shall have, as its cause title, the cause which is the subject matter of the proceeding in the following form—

W.P. (PIL) No.....of.....

In re : (Mention the nature of the cause)

83. After service of notice the matter shall be placed for hearing before Division Bench headed by the Chief Justice unless otherwise directed.

84. The Court may, if it considers necessary, appoint an advocate as *amicus curiae* for the purpose of assisting it in the disposal of the proceeding.

¹[85. If it is found that the proceeding has been initiated *mala fide* for advancing personal gain or with a private, ulterior, oblique motives or is otherwise frivolous or vexatious, the Court may, while dismissing the petition, impose costs, including exemplary costs in appropriate cases, on the person or persons responsible for misuse or abuse of the process of the Court.]

86 Save as otherwise provided by the Rules contained in this chapter, the other provisions of the High Court Rules shall *mutatis mutandis* apply to this proceeding.

FORMAT OF WRIT PETITION IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (.....) No..... of.....

Petitioner(s)

Versus

Respondent(s)

Writ Petition under Article 226/227 of the Constitution of India

1. Particulars of the petitioner(s).
2. Particulars of the respondent(s).
3. Particulars of the cause/order against which the petition is made.
Subject matter in brief.
4. Whether Caveat filed, if yes, whether copy of the petition supplied to the caveator.

1. Substituted by Notification No. 16419/R.G./2010 dated the 5th August, 2010, published in C.G. Rajpatra (Asadharan) dated 6-8-2010 Pages 437-438.

5. Details of remedies exhausted.
6. Matter not previously filed or pending with any other court of law.
7. Delay, if any, in filing the petition.
8. Facts of the case
 - 8.1
 - 8.2
9. Grounds (Distinct grounds to be raised separately)
 - 9.1
 - 9.2
10. Relief(s) sought

Counsel for the Petitioner(s)

Place :

Dated :

**FORMAT FOR FILING OF PUBLIC INTEREST LITIGATION PETITION
IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR**

Writ Petition (PIL) No.....of.....

In Re :.....(cause for which PIL is submitted)

Petitioner(s)

Versus

Respondent (s).

1. Particulars of the petitioner(s) (same as format of writ petition).
2. Particulars of the respondent(s) (same as format of writ petition).
3. (A) Particulars of the cause/order against which the petition is being preferred.
(B) Subject matter in brief.
(C) (I) The present petition under Article 226 of the Constitution of India is being filed by way of public interest litigation and the petitioner has no personal interest (if he has any personal interest such interest must be disclosed). The petition is being filed in the interest of.....(give particulars of the class of persons for whose benefit the petition is filed).
(II) That the petitioner is.....(give short background of the petitioner; if the petitioner is an organization, the names of the office-bearers must be furnished). The petitioner has earlier filed/not filed any other public interest petition (if filed, details of such PIL filed including the case number and the court, status and brief description of the order passed must be given. It must also be stated whether in any of such cases any cost has been awarded for or imposed against the petitioner; and whether any appreciation or stricture has been passed).
(III) That the petitioner is filing the present petition on his own and not at the instance of someone else. The litigation cost, including the advocate's fee and the traveling expenses of the lawyer, if any, are being borne by the petitioner himself (if not, the petitioner must disclose the source of funds).

- (IV) The source of information of the facts pleaded in this Public Interest Litigation, is based on.....(if news report, whether the applicant has verified the facts by personally visiting the place, talking to other people or from the reporter/editor of the newspaper concerned. If the petitioner does not wish to disclose the source, he may say so with reasons).
- (V) That the petitioner has/not sent representation in this regard. (if yes, details of such representation and reply, if any, from the authority concerned along with copies thereof must be filed. If not, reason for not sending such representation).
- (VI) That to the best of knowledge of the petitioner, no public interest petition (whether filed by the petitioner himself or by someone else) raising the same issue is filed before this Hon'ble Court or before any other Court. (if filed, details thereof).
4. Whether Caveat filed, if yes, whether copy of the petition supplied to the caveator.
 5. Details of remedies exhausted.
 6. Matter not previously filed or pending with any other court of law.
 7. Delay, if any, in filing the petition.
 8. Facts of the case
 - 8.1
 - 8.2
 9. Grounds
State separate grounds with specific mention of violation of particular constitutional or statutory provision or any administrative instruction. The relevant provision of the Constitution and statute must be quoted and administrative instruction must be filed.
 - 9.1
 - 9.2
 10. Relief(s) sought

Place :

Counsel for the Petitioner(s)

Dated :

FORMS
IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

NOTICE

General Form

Writ Petition (Habeas Corpus) No.of 20...
.....Applicant.

To,

.....Non-Applicant

Whereas an application has been made in the above case by the applicant for a writ in the nature of Habeas Corpus for direction under Article 226 of the Constitution (copy of application enclosed).

Take notice that theday of.....20... has been fixed for hearing and the case will be laid before the Court on that day or as soon thereafter as may be practicable. If no appearance is made on your behalf either in person or through counsel or someone legally authorized to act for you, it will be heard and decided ex parte.

If you desire to file return in answer to the application, your attention is drawn to Rule 69 of the High Court Rules to regulate proceedings for directions, orders or writs in the nature of Habeas Corpus, printed overleaf.

Given under my hand and the seal of the High Court of Chhattisgarh at Bilaspur, this.....day of.....20...

By Order of the High Court

(Seal of the Court)

Registrar (Judicial).

Forwarded to the.....for favour of service and immediate return of the original duly endorsed. The necessary process fee has been levied.

Registrar (Judicial)

(Overleaf)

Rule 69.— If a return is filed in answer to the *rule nisi*, it shall be filed in four copies accompanied by an affidavit and such other documents as may be produced.

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

No.

From

.....
Registrar (Judicial),
High Court of Chhattisgarh at Bilaspur
Bilaspur the.....20.....

Subject :— Notice to Non-applicant No.in Writ Petition (Habeas Corpus) No. of 20

Sir,

I am directed to inform you that one.....has filed an application under Article 226 of the Constitution of India (copy enclosed) in this Court, and the same has been registered as Writ Petition (Habeas Corpus) No.of 20...

Take notice that the said Writ Petition has been fixed for hearing of the..... day of.....20... and that the case will be laid before the Court on that day or as soon thereafter as may be practicable. If no appearance is made on your behalf either in person or through Counsel or someone legally authorized to act for you, it will be heard and decided ex parte.

If you desire to file a return in answer to the application, your attention is drawn to Rule 69 of the High Court Rules to regulate proceedings for directions, orders or writs in the nature of Habeas Corpus, printed overleaf.

I am to request you for an immediate acknowledgment of this letter.

Yours faithfully,

(Seal of the Court)

Registrar (Judicial)

Enclosure : Copy of the application.

(Overleaf)

Rule 69.— If a return is filed in answer to the *rule nisi*, it shall be filed in four copies accompanied by an affidavit and such other documents as may be produced.

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

NOTICE

General Form

Writ Petition () No.....of 20...

.....Petitioner.

.....Opposite Party.

To,

Whereas a petition has been made in the above case by the petitioner for a direction/ order/ writ of Mandamus/ Prohibition/ Certiorari/ Quo Warranto under Article 226/227 of the Constitution of India (copy of petition enclosed).

Take notice that theday of.....20...has been fixed for hearing, and the said petition will be laid before the Court on that day or as soon thereafter as may be practicable. If no appearance is made on your behalf, either in person or through Counsel or someone legally authorized to act for you, it will be heard and decided ex parte.

If you desire to file a return in answer to the petition, your attention is drawn to Rules 52 and 53 of the High Court Rules regulating proceedings for directions, orders and writes in the nature of Mandamus, Prohibition, Certiorari and Quo Warranto etc., printed over leaf.

Given under my hand and the seal of the High Court of Chhattisgarh, Bilaspur, this.....day of.....20...

By Order of the High Court
Registrar (Judicial)

Forwarded to thefor favour of service and immediate return of the original duly endorsed. The necessary process-fee has been levied.

Registrar (Judicial)

(Overleaf)

Rule 52.— An answer to the *rule nisi* or the notice to show cause shall be made supported by an affidavit, and by serving a copy thereof along with the copy of annexure(s), if any, upon the petitioner or his Advocate, as the case may be, not later than the date fixed for showing cause.

Rule 53 :— No further return, affidavit or document shall be filed by any party except with the leave of the Court.

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

No.

From

.....
Registrar (Judicial),
High Court of Chhattisgarh at Bilaspur

To,

.....
.....

Bilaspur the.....20.....
Subject :— Notice to Non-applicant/Respondent No..... in Writ Petition ()
No..... of 20

Sir,

I am directed to inform you that one.....has filed a petition under Article 226/227 of the Constitution of India (copy enclosed) in this Court, and the same has been registered as Writ Petition () No.of 20....

Take notice that the said petition has been fixed for hearing on the..... day of.....20... and that the case will be laid before the Court on that day or as soon thereafter as may be practicable. If no appearance is made on your behalf either in person or through counsel or someone legally authorized to act for you, it will be heard and decided ex parte.

If you desire to file a return in answer to the petition, your attention is drawn to Rules 52 and 53 of the High Court Rules to regulating proceedings for directions, orders and writs in the nature of Mandamus, Prohibition, Certiorari and Quo Warranto etc., printed overleaf.

I am to request you for an immediate acknowledgment of this letter.

Yours faithfully,

(Seal of the Court)

Registrar (Judicial)

Enclosure : Copy of the application.

(Overleaf)

Rule 52.— An answer to the *rule nisi* or the notice to show cause shall be made supported by an affidavit, and by serving a copy thereof along with the copy of annexure(s), if any, upon the petitioner or his Advocate, as the case may be, not later than the date fixed for showing cause.

Rule 53 :— No further return, affidavit or document shall be filed by any party except with the leave of the Court.

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition () No.of 20...

.....— Versus — The State of Chhattisgarh (and others)

To,

The State of Chhattisgarh,
Through the Chief Secretary to Government,
DKS Bhavan, Mantralaya, Raipur,
Chhattisgarh.

Whereas a petition has been made to this Court under Article 226/227 of the Constitution of India on behalf of the petitioner, the Division/Single Bench of the High Court, presided by in presence of.....Counsel for the petitioner, and Advocate General/Government Advocate, Counsel for the opposite party, ordered that—

.....
.....
The costs of the petition will be borne by

Given under my hand and the seal of the High Court of Chhattisgarh Bilaspur, this.....day of.....20...

By Order to the High Court

(Seal of the Court)

Registrar (Judicial)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

(Warrant for release of a person in custody)

Writ Petition (Habeas Corpus) Noof20...
.....son of

Versus

The State

Decided on the.....day of.....20.....

To,

The

Whereas an application has been made to this Court under Article 226 of the Constitution of India on behalf of.....who is said to have been restrained, arrested or detained under an order issued by.....under Sectionof theActon the.....20.....

And whereas on hearing the Writ Petition (Habeas Corpus) No.20.....this Court has ordered this day that said.....be set at liberty.

This is to authorize and require you forthwith to discharge the said.....from your custody unless he is liable to be detained for some other matter.

The warrant after execution may be returned to this Court under your signature.

Given under my hand and the seal of this Court, thisday of.....20.....

By Order of the High Court

(Seal of Court)

Registrar (Judicial)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

(Warrant to produce a person in custody)

To,

The Superintendent of Jail

at.....

(Name of Jail or Lunatic Asylum or Juvenile Home or any other place, where the person is detained in custody) or to (name of person).

You are hereby required to have the body of.....now a prisoner in your custody (or now in your custody) produce under safe and sure conduct before the High Court of Chhattisgarh at Bilaspur on theday ofat..... o'clock of the same day to be dealt with according to law and you shall then and there abide by such order as shall in that behalf be made by the Court (if the prisoner is detained in public custody) and unless the saidshall then and there, by the Court, be ordered to be released, you shall, after the Court shall have dispensed with his further attendance, cause him to be conveyed, under safe and sure conduct back to the said Jail or Lunatic Asylum or Juvenile Home or other place of custody.

Given under my hand and the seal of this Court, thisday of..... 20.....

By Order of the High Court

(Seal of Court)

Registrar (Judicial)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Certificate of non-satisfaction of costs

Writ Petition () No.of 20...

Whereas the petitioner/respondent in the above case has applied to this Court for recovery of cost amounting to Rs. from respondent/ petitioner and the latter has failed to deposit the amount Rs.payable to the petitioner/respondent.

And whereas a Bench of this Court consisting of the Hon'ble Shri Justice..... and the Hon'ble Shri Justice.....has ordered issue of a certificate.

It is hereby certified that the petitioner/respondent is entitled to recover the amount of Rs. from respondent/petitioner.

Given under my hand and the seal of the High Court of Chhattisgarh at Bilaspur thisday of..... 20.....

By Order of the High Court

(Seal of Court)

Registrar (Judicial)

Forwarded to the District Court atfor necessary action.

Registrar (Judicial)

CHAPTER VI

CIVIL APPEALS, REVIEWS AND REVISIONS

87. Every memorandum of appeal and every application for review or revision shall immediately below the title have endorsed on it "First Appeal", "Second Appeal", "Miscellaneous Appeal", "Review" or "Revision" as the case may be, stating the provision of law under which made, and shall state :—

- (1) the name and address of each appellant/applicant;
- (2) the name and address of each respondent/non-applicant.

Note.—Address in (1) and (2) includes name of police station and post office;

- (3) the description of the parties to the appeal or application as to whether such parties were plaintiff(s), defendant(s) or applicant(s) or non-applicant(s) in the Court of first instance;
- (4) the value of the appeal, including valuation in Courts below and in the case of an application for revision, the value in suit :

Provided that if there is variation in valuation the appellant shall explain it in a short note appended with the memorandum of appeal;

- (5) The amount of Court-fees affixed to the memorandum of appeal/ application;
- (6) the Court(s) by which and the name of the Judicial Officer by whom the decree or order under challenge was made ;

- (7) the date of the judgment decree/order and the number of the case in which such decree or order was made;
- (8) the brief statement of facts;
- (9) the ground or grounds, numbered *seriatim*, of objection to the decree, order or judgment, except that in second appeals substantial question(s) of law shall be stated ;
- (10) the relief prayed for.

88. If the Presentation relates to a cause, appeal or other proceeding already before the Court, the class and number of such cause, appeal or proceeding shall be set out immediately below the title; otherwise the class or proceeding to which the presentation belongs shall be indicated.

89. The provisions for filling appeals/applications shall apply, as far as may be to a memorandum of objection under Order XLI Rules 22 and 26 of the Code of Civil Procedure.

90. (1) Every application for review made upon the ground of the discovery of new and important matter or evidence within the meaning of Order XLVII, Rule 1 of the Code of Civil Procedure shall be accompanied by an affidavit of the applicant stating together with documents, if any, relied upon, and stating in clear terms what such new and important matter or evidence is, the effect or purport thereof and that the same, after the exercise of due diligence was not within the knowledge of the applicant or could not be produced by him at the time when the decree/order was passed.

(2) The Registry shall list the review petition within ten days of filing in the Chamber of the Judge(s) for consideration and if the Judge(s) reaches to the conclusion after consideration of the material placed that there is no sufficient ground for a review, then the same shall be rejected :

Provided that, if the Judge(s) is of the opinion that there is sufficient ground for review, the matter shall be listed for hearing.

91. (1) If a memorandum of appeal is within time, sufficiently and properly stamped and complies with the provisions of these Rules and the law relating to the maintainability and filing of such an appeal;

- (a) In the case of a First Appeal from a judgment and decree, the Registrar (Judicial) shall admit the appeal and direct issuance of notices to the respondents;
- (b) All other appeals shall be posted before the appropriate Bench for consideration of admission and passing of appropriate orders.

(2) Any party seeking stay of the execution/effect/operation of the decree/judgment/ order or for praying any other interim relief shall do so by making an appropriate application which shall be placed before the Court and the Court may pass orders on such application.

92. Every memorandum of appeal or application for which the Court Fee cannot be ascertained until the receipt of the record shall, as soon as possible after the receipt of the record, be examined by the Stamp Reporter and who shall then endorse on as to the sufficiency of the stamp and shall send it to the Registrar (Judicial) for orders.

93. (1) In an appeal arising out of an original or an appellate decree, the Registrar (Judicial) shall requisition the record of the Court (s) below.

(2) If the appellant/applicant fails to take requisite steps in the appeal/application or any other proceedings and it appears that he is not prosecuting the

appleal/application with due diligence, the Registrar (Judicial) shall call upon him to make good/explain his default and if no explanation is offered/default is not made good, or the explanation offered appears to be insufficient, the matter shall be placed before the Court for dismissal in default of compliance or such appropriate directions as it may deem fit.

CHAPTER VII

PROCEDURE IN CRIMINAL CASES

(A) General

94. (1) Every memorandum of appeal and every application or revision shall immediately below the title have endorsed on it "Criminal Appeal", "M. Cr. C.", "Criminal Revision" or "Criminal Miscellaneous Petition", as the case may be, stating the provisions of law under which made, and shall state—

- (i) the name and address of each appellant/applicant;
- (ii) the name and address of each respondent/non-applicant;
- (iii) every memo of appeal under Section 374 of the Code of Criminal Procedure and every petition praying for the exercise of the High Court's power under Section 397/401 of Code of Criminal Procedure shall state the details of the sentence and/or fine imposed and the enactment under which any conviction is held in the proceedings in connection with which the appeal/revision is made.
- (iv) the case number, date of judgment/order appealed/applied against, and all other particulars of the case including the name of the Presiding Officer of the Court below :
- (v) facts of the case in brief;
- (vi) ground(s) numbered serially;
- (vii) relief prayed for;

(2) Every such appeal, application or revision shall be accompanied by certified copy of the impugned judgment order :

Provided that the provisions of this Rule, shall not apply to a memo of appeal revision or an application made by an accused in duress.

95. Every application for Revision under Section 397/401 of the Code of Criminal Procedure shall state the details of application, if any, filed before the Court of Sessions or the High Court by any party to the original case.

96. In all Criminal Appeals and Criminal Revisions arising out of conviction and sentence imposed by a Judicial Magistrate or a Sessions Court, the Registrar (Judicial) shall send for the record of the Court(s) below. In other cases the record of the Court below shall not be requisitioned unless otherwise directed by the Court.

97. In an appeal or revision against conviction no application or motion for suspension of sentence shall be heard unless the accused has surrendered except in case where the accused has been released on bail by the court below.

98. No application for suspension of sentence or any application for interim relief shall be made without service of notice to the Public Prosecutor/Advocate General.

(B) Reference in Capital Cases

99. When a proceeding is submitted to the High Court under Section 366 of the Code of Criminal Procedure, the Registrar (Judicial) shall cause the record to be examined and have it entered in the prescribed register.

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

101. The paper-book shall contain the following papers :

- (1) Police Challan ;
- (2) First Information Report, if any ;
- (3) Magistrate's charge with list of witnesses, if any ;
- (4) Statement under Section 164 of the Code of Criminal Procedure, if any ;
- (5) Examination under Section 281 and 313 of the Code of Criminal Procedure, if any ;
- (6) Ground for commitment, if any ;
- (7) Record of evidence in the Court of Sessions with any further examination under Section 281 of the Code of Criminal Procedure and altered charge, if any ;
- (8) Judgment of Sessions Court;
- (9) Material documentary evidence, if any;
- (10) Petition of appeal, if any;
- (11) Order-sheet and the list of exhibits.

102. Six copies of paper-book shall be prepared and immediately on receipt of the paper-book the Registrar (Judicial) shall cause one copy each to be sent to the Public Prosecutor/Advocate General and the defence counsel, the remaining four copies shall be retained for the use of the Court.

103. Any order passed by the Court under Sections 368, 415 or 416 of the Code of Criminal Procedure shall be forwarded forthwith to the Subordinate Court and the Superintendent of Jail.

(C) Jail Appeal

104. On receipt of a Jail Appeal the Registry shall examine it and if found in order place it before the appropriate Bench. If defective, the Registry shall coordinate with the Chief Judicial Magistrate and/or the Jail authorities to enable the appellant to take appropriate steps.

(D) Appeal against acquittal

105. The Prosecution may present appeal against any original or appellate order of acquittal upon the Court granting leave, if required.

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

107. All acquittal Appeals when the sentence prescribed is of more than ten years shall be listed before the Division Bench for admission along with record.

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

109. On receipt of the records from the Lower Court, the Registrar (Judicial) shall cause six copies of paper-books at the cost of the Court to be prepared in Division Bench cases only. Such paper-books shall be prepared in accordance with the procedure prescribed.

110. Notwithstanding anything contained in these Rules, in all cases in the High Court, paper-book shall be typed, or cyclostyled, or printed except where otherwise ordered by the Court/Registrar (Judicial).

(E) Other Appeals provided in Code of Criminal Procedure

111. The provisions contained in this Chapter shall apply as far as possible in cases of appeal under Sections 86, 341, 351, 449 and 454 of the Code of Criminal Procedure.

(F) Criminal Revision

112. Cases in revision may be taken up in one or more of the following ways:—

- (1) upon a petition presented in the Court in normal course.
- (2) upon a petition received from jail.
- (3) upon an order by a Judge on perusal of a Sessions statement;
- (4) upon an order by a Judge on examination of periodical return; or
- (5) during the course of Inspection of a Subordinate Court.

113. Revisions arising out of conviction and sentence of imprisonment shall be posted for admission only after the applicant has surrendered.

114. When a Revision has been admitted the Registrar (Judicial) shall fix a date of hearing and cause notice to be issued in the prescribed form.

115. In the case of Revision, when notice has been issued to the accused proposing a death sentence, the Registrar (Judicial) shall take steps to ascertain whether the accused has funds to employ his own counsel and if necessary shall, at the earliest, obtain orders of the Chief Justice for appointment of counsel for the accused.

(G) Criminal Reference

116. (1) As soon as a Reference under Section 395 of Code of Criminal Procedure is received the Registrar (Judicial) shall register and place it before the Court for admission. The Court shall thereafter dispose of the Reference in such manner as it deems appropriate.

(2) If the Court is of opinion that the point referred to in the case is of substantial importance, it may refer the case for hearing by a Larger Bench.

(H) Bail Matters

117. Every bail application under Sections 438 and 439 of the Code of Criminal Procedure shall, as far as possible, be moved in the format prescribed.

118. No application for grant of anticipatory bail or regular bail under any provision of law shall lie unless a notice has been served upon the Public Prosecutor/Advocate General.

119. In all Criminal Appeals and Criminal Revisions arising out of conviction and sentence imposed by a Judicial Magistrate or a Court of Sessions, the Registrar (Judicial) shall send for the records of the Court(s) below. In other cases the records of the Court(s) below shall not be sent for or requisitioned unless the Court directs.

120. (1) All applications for grant of anticipatory bail shall be supported with an affidavit of the applicant clearly stating the name of the advocate he has engaged and whether any such bail application has been previously filed or not. In exceptional cases a relative of the applicant or the persons engaging the lawyer in the High Court may submit an affidavit in support of the application.

2. In a case where the number of accused are more than one, the affidavit shall state, as far as possible, as to whether or not bail application of a co-accused is pending or has been disposed of in the High Court. the Registry shall thereafter generate a report from the CIS about filling of any previous application (pending/disposed of) by the same accused or of any co-accused in connection with the subject crime number and police station. depending upon the report, the matter shall be listed before the regular Bench or before the appropriate Bench, as the case may be.

(3) All applications under Section 439 of the Code of Criminal Procedure shall be supported with an affidavit of the relative of the applicant or a person acquainted with the facts. If the number of the accused are more than one, the affidavit shall state as to whether or not bail application of co-accused is pending or has been disposed of in the High Court.

FORMAT OF ANTICIPATORY BAIL APPLICATION U/s. 438 Cr. P.C.

**IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR
(CHHATTISGARH)**

M.Cr.C. (A) No...../Year

Application under Section 438 of the Code of Criminal Procedure

Applicant :

A

Versus

Non-applicant

B

Case No./B.A No.

Crime No.

Police Station.

Offence u/s.

The applicant named above respectfully begs to submit as under :—

1. That the applicant had preferred an application under Section 438 Cr. P.C. for anticipatory bail before the learned lower Court, which has been rejected by the lower Court vide order dated.....in bail application No.....A copy of the same is being annexed herewith as Annexure—
2. That this is the First/Second/Subsequent (No.) bail application before this Hon'ble Court. No other application of the nature is pending before this Hon'ble Court or before the Court below.
3. That the applicant is apprehending his arrest in connection with Crime No. registered at Police Station.for an alleged offence punishable under Section. of I.P.C.
4. The applicant has following pending/decided criminal case(s) against him..... (if non-say nil).
5. That as per prosecution story.....
6. Grounds
7. That the applicant is ready to abide by all the directions and conditions which may be imposed by this Hon'ble Court while granting bail.
8. That the applicant is permanent resident of.....

Prayer

It is therefore, prayed that this Hon'ble Court may kindly be pleased to order release of the applicant on bail in the event of arrest for the above mentioned offence.

Counsel for the applicant

Place :

Dated :

1. Subs. by Notification No. 2255/Rules/2020 Sec. 1, dated 14th February 2020, [w.e.f. 14.02.2020].

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR
(CHHATTISGARH)
M.Cr.C. (A) No...../Year

Applicant :

A

Versus

Non-applicant

B

Affidavit

I.....S/o.....aged.....years
R/o..... District.....do hereby state on oath as
under :—

1. That, this is the First/Second/Subsequent (No.) bail application of the applicant before this Hon'ble Court. No other application of the nature is pending either before this Hon'ble Court or Court below.
2. That, I am the applicant in the instant petition and as such I am fully conversant with the facts of the case.
3. That, I have engaged Mr.....Advocate as my counsel to move and argue the bail application before this Hon'ble Court on my behalf.
4. That the statement of facts in bail application are true to my personal knowledge.

Deponent

Verification

I.....the deponent, do hereby verify that the contents of the affidavit from paras 1 to 4 are true to my personal knowledge.

Verified and signed on this.....day of.....at.....

Deponent

Identified by me:

FORMAT OF APPLICATION FOR REGULAR BAIL U/s. 439 Cr. P.C.

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR
(CHHATTISGARH)

M.Cr.C. No...../Year

Application under Section 439 of the Code of Criminal Procedure

Applicant :

A

Versus

Non-applicant

B

Case No./B.A No.

Crime No.

Police Station.

Offence u/s.

The applicant named above respectfully begs to submit as under :—

1. That this is the First/Second/Subsequent (No.) bail application before this Hon'ble Court. No other application of the nature is pending before this Hon'ble Court or before the Court below.
2. That the applicant had preferred an application under Section 439 Cr. P.C. for his release on bail before the learned Sessions Court, which has been rejected by the lower Court vide order dated.....in bail

application No.....A copy of the same is being annexed herewith as Annexure.

3. That the applicant has been arrested by Police of Police Station.....on.....for an alleged offence punishable under Section.....of I.P.C./ any other Act.
4. That the deponent of the attached affidavit is a relative (relation to be disclosed) of the applicant and is fully conversant with the facts of the case and authorized by the applicant to move an application for his release on bail.
5. That as per prosecution story
6. Grounds
7. That the applicant is permanent resident of.....
8. That the applicant is ready to furnish adequate surety and shall abide by all the directions and conditions which may be imposed by this Hon'ble Court.

Prayer

It is therefore, prayed that this Hon'ble Court may kindly be pleased to grant bail to the applicant.

Counsel for the applicant

Place :

Dated :

**IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR
(CHHATTISGARH)
M.Cr.C. No...../Year**

Applicant :

A

Versus

Non-applicant

B

Affidavit

I.....S/o.....aged.....years R/o.....
District.....do hereby state on oath as under :—

- (a) That, I am applicant's Relative (relation to be disclosed) and conversant with the facts of the case. I am authorized by the applicant to move an application for his release on bail.
- (b) That, I am authorized by the applicant to swear this affidavit on his behalf in support of the bail application.
- (c) That, this is the First/Second/Subsequent (No.) bail application of the applicant before this Hon'ble Court. No other application of the nature is pending either before this Hon'ble Court or Court below.
- (d) That, I have engaged Mr.....Advocate as applicant's counsel to move and argue the bail application before this Hon'ble Court on his behalf.
- (e) That the contents of the bail application are true to my personal knowledge.

Deponent

Verification

I.....the deponent, do hereby verify that the contents of the affidavit from paras 1 to 5 are true to my personal knowledge.

Verified and signed on this.....day of.....at.....

Deponent

Identified by me:

CHAPTER VIII
FILING, REGISTRATION AND CLASSIFICATION

A: Filing and Registration

121. All Presentations including documents etc. shall be headed "IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR" and shall be filed in [two sets] at the centralized filing counter or the filing counter earmarked for a particular group of cases before the designated Officer and shall be accompanied by a prescribed listing proforma duly filled in primarily meant for entering in the Computer Data. The filing shall be received from 10 AM to 1.30 PM and from 2.15 PM to 4.30 PM.

122. All Presentations shall be processed only after a satisfactory stamp report, and after the defects, if any, have been removed and all other mandatory requirements are duly met with.

123. All Presentations shall be submitted, by a petition in the prescribed proforma wherever provided :—

- (1) written in English/Hindi ;
- (2) neatly typed on thick green paper of foolscap size with a margin of two inches, only one side of the paper being used;
- (3) signed and dated by the petitioner or by his counsel, or if the petitioner is illiterate bearing the petitioner's thumb mark and attested by one literate person;
- (4) signed by the typist who shall state his capacity;
- (5) presented in the filing section by the petitioner or his recognized agent or his counsel.

124. In the cause title of every civil and criminal case, the name of the District from where the matter has arisen shall be mentioned in capital letters/bold/ underline.

125. (1) Where at any time between the conclusion of hearing and the pronouncing of the judgments or after the judgment but before the filing of the appeal, any party to the proceeding in the court below dies, the appeal may be filed by or against the legal representatives, as the case may be, of the deceased party :

Provided that the appeal is accompanied by a separate application, duly supported by an affidavit, praying for bringing on record such person as the legal representative of the deceased party and setting out the facts showing him to be the proper person to be entered on the record as such legal representative.

(2) The Registrar, after satisfying himself that the appeal is in order, shall endorse the date of presentation on the Memorandum of appeal and register the same as an appeal in the Court.

126. The following petitions shall be accompanied by an affidavit made by the petitioner or his duly authorised Agent :—

- (1) For review made upon the ground of the discovery of new and important matter of evidence;

1. Substituted by Notification No. 4497/R.G./2015 dated 22nd June, 2015, published in the C.G. Rajpatra (Asadharan) dated 22-6-2015 Page 701.

- (2) For stay of execution;
- (3) For vacating an order staying execution;
- (4) For security under Order XLI, Rules 6 and 10 of the Code of Civil Procedure;
- (5) For re-admission or restoration of an appeal or application dismissed for default of appearance or for non-payment of process fee or paper-book costs;
- (6) For action for contempt of Court;
- (7) For substitution of parties;
- (8) For the appointment or discharge of guardians ad-litem or next friends;
- (9) For transfer of any civil or criminal case;
- (10) For action under Section 87 of the Code of Criminal Procedure:

Provided that the Court may direct a party to file an affidavit in any other matter.

127. On receipt of the document, the Officer In-charge of the filing counter shall endorse on the document the date and time of receipt and enter the particulars of the said document in the computer system as well as the register of daily filing and cause it to be sent to the department concerned for examination. If, on scrutiny the document is found in order, it shall be duly registered and given a serial number of registration. It shall also be entered in the Computer as a Data. The Chief Justice may issue instructions from time to time, with regard to the procedure for filing, especially having regard to computerization requirements and once issued, those instructions shall be applicable and enforceable as being part of this Chapter.

128. (1) Where a document is found to be defective, it shall, after notice to the party filing the same, be placed before the Registrar (Judicial).

(2) The Registrar (Judicial) may, by an order in writing, decline to receive the document if, in his opinion, the mandatory requirements of the rules are not satisfied. Where, however, the defect noticed is formal and/or curable, the Registrar (Judicial) may allow the party to rectify the same in his presence, but in other cases he may require the party to obtain an order from the Court permitting the party to rectify the same and for this purpose may allow such time as may be necessary but not exceeding twenty eight days in aggregate.

129. As soon as the matter is found in order, the same shall be duly registered and given a serial number of registration through Computer, the particulars and the data of the same shall be entered in the Computer and while preparing the cause list, the Listing Branch shall include the fresh matters in the list from the data available in the Computer. For the purpose of listing fresh matters, matters for orders on interlocutory applications, after notice matters, and final disposal matters shall be taken from the computer only.

130. (1) The Presentations shall be in paper-book form with index typed on green coloured foolscap size water marked plain paper or bond paper capable of being used in the printer of the computer, with a margin of two inches containing approximately 24 lines, paginated and with annexure numbers and shall be accompanied by a synopsis of the case giving the relevant dates of events in chronological order.

(2) Hand written document used as annexures if not easily readable in Photostat, shall be accompanied by true typed copies.

131. After entries are made, the Registrar (Judicial), either himself or through office staff under his supervision, shall get the matter examined as per the check list and in the following manner :—

- (1) Format of cause title, including full and complete address of all the parties including the details of the Police Station, Post Office and Postal Index Number.
- (2) Receipt showing service of copy on the Advocate General/other side as required under these Rules or any other statute or Rules ;
- (3) Sufficiency of Court fee Stamp :
Provided that deficiency of Court Fee Stamps will not be considered to be a defect for the purpose of filing if it is accompanied by an application seeking leave to pay deficit stamps within a specified period or to contest the stamp report;
- (4) Provision of law under which the filing is made ;
- (5) Certified copy of the order under challenge and/or of any order required under these Rules, or under any other statute or Rules ;
- (6) Relief sought for ;
- (7) Sufficient number of copies as required under these Rules.
- (8) Other requirements under these Rules or statutory requirement, if any :

132. Where the Registrar (Judicial) is of the opinion that there is bonafide arguable point pertaining to any defect, he shall place the matter before the Bench for orders or admission.

133. Defect free Presentations shall immediately be sent to the concerned Section for being listed before the Bench. Similarly, the particulars/data of all the cases, which are to be listed for orders, after notice cases and final disposal cases shall be updated on each day and those particulars/data shall be updated day-to-day as per the daily development in the matter.

134. The affidavit accompanying a petition for the re-admission or restoration of an appeal or application dismissed for default of appearance or for non-payment of process fees or paper-book costs shall state the circumstances under which such default was made, and whether or not the party whose appeal or application was dismissed had, before such dismissal, engaged an advocate to conduct the appeal or application.

135. (1) In the matter of any pending case no interlocutory application, written statement, affidavit, or list of documents shall be filed unless a copy thereof has been previously served on the counsel for the opposite party. The counsel served with such copy shall acknowledge receipt by endorsement. When the counsel for the opposite party refuses to accept the copy or is not available or such party is not represented, the fact shall be endorsed by the applicant on the application or document presented :

Provided that where the counsel for the opposite party refuses to accept the copy, he may record his reasons for refusal on the original application or document.

(2) In the matter of any pending case the interlocutory applications or any other pleadings or affidavits or documents filed shall clearly state the case number and the date of hearing, if any.

(3) When the case is listed in the Court and any filing is done on the same day, it shall be the duty of the concerned Advocate to apprise the Court, about such filing of pleadings, at the beginning of the hearing.

136. Unless otherwise directed, all criminal appeals/criminal revisions in which a prayer for suspension of sentence has been made or all applications for grant of bail or all Misc. Criminal Case for staying any pending matters filed before 1.30 PM shall ordinarily be posted for admission or orders, as the case may be, as far as possible within three days.

137. Where any interlocutory application is filed in a case which is listed before the Bench and on urgency being shown, the same shall be laid on the records of the case without any delay.

138. (1) All cases shall be listed for admission alongwith interlocutory applications seeking interim relief(s), if any, chronologically in accordance with the date of filing. No matter shall be listed for admission out of turn unless so directed by the concerned Court or the Chief Justice in this regard, notwithstanding the filing of an interlocutory application for interim relief(s).

(2) All applications filed in the main case will be registered as interlocutory applications and shall be given a separate number.

139. The provisions as contained in this Chapter, so far as may be, shall be applicable to filing of Process Fee, Vakalatnama, documents, slips and any other papers relating to any case.

B : Classification

140. Classification, group-wise, of all the matters for its registration to be filed in the Court, in supersession of all the previous nomenclatures relating to matters, shall be as shown hereunder :—

- (1) Writ Petitions classified as
 - (i) WP (Habeas Corpus) : Habeas Corpus Petitions
 - (ii) WP (PIL) : Public Interest Litigations
 - (iii) WP (S) : Service Matters
 - (iv) WP (L) : Labour & Industrial Matters
 - (v) WP (T) : Tax Matters
 - (vi) WP (Art. 227) : Under Article 227 of the Constitution of India
 - (vii) WP (C) : All other civil writs, i.e. those not falling in any of the above mentioned sub-groups
 - (viii) WP (Cr.) : Petitions relating to criminal matters
- (2) Writ Appeal : Appeals against the order of Single Bench in a writ petition under Article 226 of the Constitution of India
- (3) F.A. : First Appeals under Section 96 of the Code of Civil Procedure
- (4) F.A. (Misc.) : First Appeals under any other law
- (5) S.A. : Second Appeal
- (6) M.A. : All other Miscellaneous Appeals e.g. under Order XLIII Rule 1 of Code Of Civil Procedure and appeals provided against interim/final orders/judgments in any other Central or State law
- (7) M.A. (C) : Misc. Appeal (Compensation) e.g. Appeal under Section 173 of Motor Vehicle Act,

		Section 30 of Workmen Compensation Act etc.
(8)	C.R.	: Civil Revision
(9)	Review Petition	: Review petitions in all Civil Cases, including in Writ Petitions
(10)	Tr. Pet. (Civil)	: Petition for transfer of Civil Cases
(11)	M.C.C.	: All Miscellaneous Civil Cases not specifically categorized or mentioned in this Chapter such as those relating to Restoration, modification or clarification etc. in a decided case
(12)	Cr. A.	: Criminal Appeal
(13)	Acq. App.	: Appeal under Section 378 of the Code of Criminal Procedure or under any other provisions of law against an order of acquittal
(14)	Cr. Rev.	: Criminal Revision.
(15)	Bail Applications	
	(i) M.Cr.C.	: Bail applications for grant of regular bail
	(ii) M.Cr.C. (A)	: Bail applications for grant of anticipatory bail
(16)	Cr.M.P.	: The petitions of criminal nature including applications under Section 482 of the Code of Criminal Procedure (quashing) and all applications under any other provision of the Code of Criminal Procedure or under any law dealing with crimes or criminal matters, but will not include the applications filed under any provisions of the Constitution of India or a petition for bail or anticipatory bail
(17)	Tr. Pet. (Criminal)	: Petition for transfer of Criminal Cases
(18)	Cr. Ref.	: Criminal Reference under Section 366/395 of the Code of Criminal Procedure
(19)	Cont. Case	: The petitions for initiating proceeding for committing contempt of Court
(20)	E.P.	: Election Petition—Petitions filed under the Representation of the People Act, 1951.
(21)	Tax Case	: (TC)/ITR/ITA/C.Ex.R./C.Ex.A./Comm. Tax/or any other Tax matters
(22)	Comp. Pet.	: Company Petition—Petitions/Applications filed under the Companies Act, 1956
1[(23)]	(i) Arbitration Application 2[<u>Arb.Apn.</u>]	: All arbitration applications under Arbitration Act, 1940 or under the Arbitration and Conciliation Act, 1996 excluding requests for appointment of arbitrator under Section 11 (4), (5) or (6) of the 1996 Act.

1. Substituted by Notification No. 8587/Rules/2017 dated the 7th October, 2017, published in C.G. Rajpatra Part I dated 3-11-2017 Page 1739.

2. Subs. by Notification No. 2255/Rules/2020 Sec. 3, dated 14th February 2020, [w.e.f. 14.02.2020].

- (ii) Arbitration Request¹ [Arb.R.] : All arbitration requests under Section 11 (4), (5) or (6) of the Arbitration and Conciliation Act, 1996.
- (iii) Arbitration Appeal¹ [Arb.A] : Appeals under the Arbitration Act, 1940 or the Arbitration and Conciliation Act, 1996.]
- (24) I.A. : Interlocutory Applications in pending civil cases
- (25) M.(W).P./M.(Cr.) P/M.(C).P : This head denotes applications for grant of interim relief/stay or for vacating any such order in a case relating to its original head
- (26) Cvt. : Caveat.

141. Any other case which does not fall in any of the above categories shall be registered with same classification as was being done immediately before coming into force of these Rules.

CHAPTER IX

CAVEAT

142. (1) Any person claiming a right to be heard by the Court in any matter, before any stay or any interim relief of any nature is granted by the Court, may at any time file a Caveat giving full and complete particulars, in the prescribed format, as far as possible, including particulars relating to the cause title, case number, date of judgment etc.

(2) Every caveat shall be presented by the party in person or by his Advocate in the concerned Filing Section. Where the caveator is represented by an Advocate his Vakalatnama shall accompany the caveat. Where the caveat has been lodged under these rules, the person by whom the caveat has been lodged shall serve a notice of caveat by Registered Post or by approved Courier Service, acknowledgment due, on the person by whom the presentation has been, or is expected to be made. If the caveat is filed in person, the caveator's his full address, telephone number(s), mobile number, Fax number with S.T.D. Code and E-mail address shall be furnished. In case the caveator is an outsider, he should give his or his authorized agent's local address.

143. (1) The caveat Section of the Registry shall maintain a list of all caveats and immediately on receipt of a Caveat enter the same in the Computer or make a record of the same. Whenever a matter is filed where Caveat-clearance is required, the Caveat Section shall endorse thereupon by way of Caveat-clearance through Computer Section either that no Caveat has been filed or if a Caveat has been filed, the particulars of the Caveat and the Caveator.

(2) Every application for any interim relief or stay in a proceeding shall be supported by a statement of the applicant stating that no notice of lodging a caveat by the opposite party is received by him or if notice of caveat is received whether the applicant has furnished the copies of the application, together with copies of the annexure which have been filed or may be filed in support of the application, to the caveator.

144. (1) At the time the matter is listed in the Court and if the Caveat has been filed, the name of the counsel for the Caveator or of the caveator, if the caveat has been filed in person, shall be shown in the cause list.

1. Subs. by Notification No. 2255/Rules/2020 Sec. 1, dated 14th February 2020, [w.e.f. 14.02.2020].

(2) Where a caveat has been lodged under these rules, such caveat shall remain in force for a period of 90 days.

145. (1) Save as otherwise provided application for interim relief or stay in any Presentation of any kind whatsoever, shall not be considered by the Court unless the same is accompanied by a Caveat-clearance certificate issued by the Registry of the Court or, if a Caveat has been filed by a party, without notice upon the Caveator supplied with a copy of the Presentation.

(2) Where it appears to the Court that the object of granting ad-interim relief on the application would be defeated by delay, it may record reasons for such opinion and grant ad-interim relief on the application till the next date of hearing, which may be made absolute after giving the caveator an opportunity of being heard.

CHAPTER X ROSTER AND LISTING

A : Roster

146. The Judges shall sit singly or in Benches of two or more and dispose of the matters in accordance with a roster approved by the Chief Justice. The roster shall be prepared by the Registrar (Judicial) in accordance with instructions given by the Chief Justice. On approval a copy of the roster shall be supplied to all Judges, Advocate General and to the Bar Association.

B : Cause list and Misc. Instructions

147. List of Ready Matters for Final Hearing.—(1) List of final hearing matters as well as the daily list of matters shall be prepared, category-wise, as per the roster and orders/directions given by the Chief Justice from time to time.

(2) Two weeks before re-opening of the Court after summer vacation, the Registry shall prepare and publish a category-wise **quarterly list** of ready matters (civil and criminal) for final hearing in chronological order i.e. in order of date and year of registration, and a separate register for all these ready matters shall be prepared, and the same shall be entered in the Computer. Out of this quarterly list of ready matters ; the Registry shall prepare and publish a **weekly list** of matters on Saturday in chronological order which are to be listed before, different Benches during the commencing week and the same shall be distributed amongst the Bar and Advocate General's office, and shall also be displayed on the Notice Board of the Court. If any matter is disposed out of this weekly list in a particular week, then other matters shall be included in place of the disposed of matters from the quarterly list, maintaining the chronology.

148. Two weeks before the end of every quarter i.e. by 15th September/15th December/15th March, subsequent quarterly list of regular hearing matters shall be prepared and published by the Registry by deleting the disposed of matters and adjourned matters of the existing quarterly list, and in the next quarterly list such number of matters shall be added as directed by the Chief Justice or the other matters which are adjourned for that quarter.

149. Criminal appeals in which accused persons are in Jail.—A separate list of ready matters of Division Bench criminal appeals as well as Single Bench criminal appeals shall be prepared in descending order of period of the detention of accused persons i.e. the appeal of those accused persons shall be listed on higher side who are in jail for longer period under the heading 'Appeals in which accused persons are in jail.'

150. Daily list.—The daily list shall be prepared in the following manner :—

Two days in advance of the date of hearing, daily list of motion hearing matters, category-wise, as per the category list annexed with these Rules shall be prepared by the Registry out of the fresh registered matters up to that date, and those matters shall be listed according to the roster.

- Note.—**(1) A matter shall be treated as fresh matter till the matter is admitted or notice is directed.
 (2) If a matter is admitted and the pleadings are complete then the same shall be treated as final hearing matter.

151. The daily list shall be issued in the following order :—

- (1) Fresh cases.
- (2) Cases for orders on Interlocutory applications.
- (3) Overnight part heard cases.
- (4) After notice cases.
- (5) Final disposal cases.
- (6) Final hearing cases.

Provided that, as and when cases are left over from the previous day's list, it shall be deemed to be on the top of the list, unless otherwise directed by the Court.

152. Supplementary List.—If after issuance of daily list two days in advance, any matter requires hearing and directed to be listed on urgent basis as per the directions of the Chief Justice or the concerned Bench, as the case may be, a supplementary list of such matters shall be prepared and issued on the previous day of hearing.

153. Part heard matters shall be included in the daily list just after the matters for orders on interlocutory applications, unless otherwise directed by the Court.

154. Early hearing of Regular matters.—If any party desires for early hearing of a regular matter, then he shall be required to file an application for early hearing and that application shall be listed before the Chief Justice in Chamber for direction. The Chief Justice may assign the work of disposal of early hearing application to the concerned Bench as per the Roster.

155. (1) At the conclusion of a motion hearing the Court Reader shall send the case to the Registry :

Provided that in a case where the Court has ordered stay of execution or has granted an order for bail or any other like order, the Court Reader shall, immediately after the hearing of the case in which such order is passed and before sending the case to the Registry, prepare a copy of the said order and shall send the same to the concerned section for compliance.

(2) The Court Reader shall record result of the day in two cause lists to be maintained by him; one for the Court's Record and other to be made over to the listing Branch. Further, at the end of the day, the Court Reader shall send the file to the concerned Branch for their compliance and in turn the Section Officer of the concerned Branch shall send, by the next day, the files in which there is a fixed date or where the rule is made returnable, to the cause list branch for noting the same for the purpose of future listing and the listing branch shall update the Computer system accordingly.

(3) A copy of an order granting stay of execution or bail shall be issued to the concerned Subordinate Court by the Registry and the envelope in which it is contained shall be marked "Immediate-Order for Bail or Immediate Order of stay of Execution," as the case may be, in red ink.

156. Same pattern shall also be followed in the matters of Division Bench.

157. The Registrar (Judicial) may postpone a matter

- (1) if two days before the date of hearing the record has not been received or the matter is otherwise incomplete. However, as soon as the record is received and the matter becomes ready for hearing then same shall be included in the list at its original number. On such adjournment the Registrar (Judicial) shall take necessary steps to get the matter ready for listing, and if within a period of one month the Registry is not able to get the matter ready for listing then the matter shall be listed before the Court with an office report for direction.
- (2) If before the date of hearing, death of a party is announced and thereby adjournment is necessitated; on such adjournment the Registry shall initiate appropriate action in the matter in order to get the matter ready for listing.
- (3) If before two days of hearing counsel for the parties agree for adjustment on account of some difficulty, then the adjustment be made and next date of hearing shall be given by the Registrar (Judicial) according to the convenience of the parties.
However, at the time of adjournment if the Registrar (Judicial) finds that the matter is being adjourned time and again, or the adjournment is unnecessary then he will be entitled to refuse the same.

158. Case Flow Management Rules in the High Court :—

Division of Cases into different tracks :

(1) Writ Petitions.—

- (i) The High Court shall, at the stage of admission or issuing notice before admission categorize the Writ Petitions other than Writ of Habeas Corpus, into three categories depending on the urgency with which the matter should be dealt with, the Fast Track, the Normal Track and the Slow Track. The petitions in the Fast Track shall invariably be disposed of within a period not exceeding six months while the petitions in the Normal Track should not take longer than a year. The petitions in the Slow Track, subject to the pendency of other cases in the Court, should ordinarily be disposed of within a period of two years.
 - (ii) Where an interim order of stay or injunction is granted in respect of a liability to tax or demolition or eviction from public premises etc. then such a case shall be put on the Fast Track. Similarly all matters involving tenders would also be put on the Fast Track.
- (2) The Registrar (Judicial) or any other officer nominated by the Chief Justice, shall at monthly intervals, of every month monitor the stage of each case likely to come up for hearing before each Bench (Division Bench or Single Judge) during that month which have been allocated to the different tracks. The details shall be placed before the Chief Justice or Committee nominated for that purpose as well as the concerned Judge dealing with cases.
 - (3) The Chief Justice or the Committee may shift the case from one track to another, depending upon the complexity, urgency and other circumstances of the case.

- (4) Data will be fed into the computer in such a manner that the court or judge or judges, referred to in sub-rule (2) above will be able to ascertain the position and stage of every case in every track from the computer screen.
- (5) Whenever the roster changes, the judge concerned who is dealing with final matters shall keep himself informed about the stage of the cases in various tracks listed before him during every week, with a view to see that the cases are taken up early.
- (6) **Writ of Habeas Corpus.**—Notices in respect of Writ of Habeas Corpus, where the person is in custody under orders of a State Government or Central Government, shall invariably be issued by the Court at the first listing and shall be made returnable within 48 hours. The State Government or Central Government may file a brief return enclosing the relevant documents to justify the detention. The matter shall be listed after notice on the fourth working day after issuance of notice, and the Court shall consider whether a more detailed return to the Writ is necessary, and, if so required, shall give further time of a week for filing the return, and further three day's time for filing a rejoinder. A Writ of Habeas Corpus shall invariably be disposed of within a period of fifteen days. It shall have preference over and above fast-track cases.
- (7) **Other matters.**—Civil Appeals and other matters in the High Court shall also be divided into different tracks on the lines indicated in sub-rules (1) to (5) above and the said provisions shall apply, *mutatis mutandis*, to the civil appeals filed in the High Court. The High Court shall make a subject-wise division of the appeals/revision application for allocation into different tracks.
- (8) **Mode of Advance Service.**—The mode of advance service provided in these rules shall apply, *mutatis mutandis*, together with directions contained in the practice directions issued by the Chief Justice for case flow management.
- (9) **First Appeals to High Court :**
 - (i) **Service of Notice of Appeal .**—In addition to the process for normal service as per the Code of Civil Procedure, advance notice should simultaneously be given by the counsel for the party who is proposing to file the appeal, to the counsel for the opposite party in the Trial Court itself so as to enable them to inform the parties to appear if they so choose even at the first hearing stage.
 - (ii) **Filing of Documents.**—The Appellant shall, on the appeal being admitted, file all the essential papers within such period as may be fixed by the High Court for the purpose of the High Court understanding the scope of the dispute and for the purpose of passing interlocutory orders.
 - (iii) **Printing or typing of Paper Book.**—Subject to the order passed by the Court, printing and preparation of paper-books shall normally be done by the parties. After service of notice is effected, counsel for both sides should agree on the list of documents and evidence to be printed or typed and the same shall be made ready by the parties within the time to be fixed by the Court. Thereafter the paper book shall be got ready. It

must be assured that the paper books are ready at least three months in advance before the appeal is taken up for arguments. Cause lists must specify if paper books have been filed or not.

(iv) **Filing of Written Submissions and time for oral arguments.—**

- (a) Both the appellants and the respondents shall be required to submit their written submissions with all the relevant pages as per the Court paper-book marked therein within a month of preparation of such paper-books, referred to in para (iii) above.
- (b) Cause list may indicate if written submissions have been filed. If not, the Court must direct that they be filed immediately.
- (c) After the written submissions are filed, (with due service of copy to the other side) the matter should be listed before the Registrar (Judicial) for the parties to indicate the approximate time that will be taken for arguments in the appeal. Alternatively, such matters may be listed in the Court for deciding the approximate time duration and thereafter to fix a date of hearing on a clear date when the requisite extent of time will be available.
- (d) In the event that the matter is likely to take a day or more, the High Court may consider having a Caution List/ Alternative List to meet eventualities where a case gets adjourned due to unavoidable reasons or does not go on before a court, and those cases may be listed before a court where, for one reason or another the scheduled cases are not taken up for hearing.

(v) **Court may explore possibility of settlement :**

- (a) At the first hearing of a First Appeal when both parties appear, the Court shall find out if there is a possibility of a settlement. If the parties are agreeable, even at that stage for mediation or conciliation, the High Court may make a reference to mediation or conciliation for the said purpose.
- (b) If necessary, the process contemplated by Section 89 of CPC may be resorted to by the Appellate Court so that the hearing of the appeal is not unnecessarily delayed. Whichever is the ADR process adopted, the Court should fix a date for a report on the ADR two months from the date of reference.

(10) **Writ Appeals.—**An appeal to a Division Bench from judgment of a Single Judge may lie in the following cases :

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

- (ii) Appeals against interlocutory orders falling under category i
(a) above should be invariably filed after advance notice to the opposite counsel (who has appeared before the Single Judge) so that both the sides will be represented at the very first hearing of the appeals. If both parties appear at the first hearing, there is no need to serve the opposite side by normal process and at least in some cases, the appeals against interlocutory orders can be disposed of even at the first hearing. If, for any reason, this is not practicable, such appeals against interim orders should be disposed of within a period of a month.
- (iii) In cases referred to above, necessary documents should be kept ready by the counsel to enable the Court to dispose of the appeal against interlocutory matter at the first hearing itself.
- (iv) In all Appeals against interim orders in the High Court, in writs or civil matters, the Court should endeavor to set down and observe a strict time limit in regard to oral arguments. In case of Original Side appeals arising out of final orders in a Writ Petition or arising out of civil suits filed in the High Court, a flexible time schedule may be followed.
- (v) The practice direction in regard to First Appeal should *mutatis mutandis* apply in respect of Original Side appeals against final judgments of the Single Judge.
- ¹[(vi) Writ Appeals arising from orders of the Single Judge in a Writ Petition should be filed with simultaneous service on the counsel for the State/Government of India/Semi-Government Body.]
- (11) **Second Appeals.**—Even at the stage of admission, the questions of law with a brief synopsis and written submissions on each of the propositions should be filed so as to enable the Court to consider whether there is a substantial question of law. Wherever the Court is inclined to entertain the appeal, apart from normal procedure for service as per rules, advance notice shall be given to the counsel who had appeared in the first appellate Court. The notice should require the respondents to file their written submissions within a period of eight weeks from service of notice. Efforts should be made to complete the hearing of the Second Appeals within a period of six months.
- (12) **Civil Revisions.**—A revision petition may be filed under Section 115 of the Code or under any special statute. The provisions of case flow management rules in regard to Writ Appeals and First Appeals to the High Court, shall *mutatis mutandis* apply in respect of revision petitions.
- (13) **Criminal Appeals.**—
 - (i) Criminal Appeals should be classified based on offence, sentence and whether the accused is on bail or in jail. Capital punishment cases, rape, sexual offences, dowry death cases

1. Substituted by Notification No. 4497/R.G./2015 dated 22nd June, 2015, published in the C.G. Rajpatra (Asadharan) dated 22-6-2015 Page 701.

- should be kept in Track I. Other cases where the accused is not granted bail and is in jail should be kept in Track II. Cases which affect a large number of persons such as cases of mass cheating, economic offences, illicit liquor tragedy, food adulteration cases, offences of sensitive nature should be kept in Track III. Offences which are tried by special courts such as POTA, TADA, NDPS. Prevention of Corruption Act, etc. should be kept in Track IV. Track V—all other offences.
- (ii) The endeavour should be to complete Track I cases within a period of six months. Track II cases within nine months. Track III within a year, Track IV and Track V cases within fifteen months.
- (iii) Wherever an appeal is filed by a person in jail, and also when appeals are filed by State, the complete paper-books including the evidence, should be filed by the State within such period as may be fixed by the Court.
- (iv) In appeals against acquittals, steps for appointment of *amicus curiae* or State Legal Aid counsel in respect of the accused who do not have a lawyer of their own should be undertaken by the Registry/ State Legal Services Committee immediately after completion of four weeks of service of notice. It shall be presumed that in such an event the accused is not in a position to appoint counsel, and within two weeks thereafter counsel shall be appointed and shall be furnished all the papers.
- (14) **Issuance of practice directions.**—The Chief Justice may, from time to time, issue practice directions for effective implementation of case flow management rules by categorizing matters into Fast Track, Normal Track and Slow Track as well as Track-I, Track-II etc., and for shifting the case from one track to another depending upon the urgency, importance and other relevant aspects of the matters.
- (15) **Code/Statute to prevail.**—Wherever there is any inconsistency between these rules and the provisions of either the Code of Civil Procedure, 1908 or the Code of Criminal Procedure, 1973 or any other statute, the provisions of such Codes and statutes, shall prevail.

CHAPTER XI

NOTICE, PROCESS FEE AND NOTICE OF PROCEEDING TO ADVOCATE GENERAL

A : Processes and Process Fee

159. Whenever notice is ordered to be issued to any party at the expense of any other party, the latter shall pay the necessary process fees within the time stated in the order, or if no such time stated, within 15 days and shall at the same time supply as many copies of the presentation along with annexures and affidavit filed in support thereof, and in case of second appeal the substantial question(s) of law on which the same is admitted, as there are persons to be served :

Provided that the time requisite for obtaining a certified copy of the order sheet containing the substantial question(s) of law on which a second appeal is admitted, will be further available for supplying copies thereof along with process fees.

¹[**160. Service of notice by publication.**—(1) Any notice may in lieu of or in addition to any other mode of service provided by law or by these Rules be served if so ordered by sending it by registered post with acknowledgment due addressed to the person upon whom it is to be served or by publishing it in a daily newspaper circulating in the locality in which the defendant is last known to have actually and voluntarily resided, carried on business or personally worked for gain:

Provided that where an order for publication of notice has been passed by the Court or by the Registrar, as the case may be, the party on whose behalf the notice is to be published shall, within the time prescribed in Rule 159, obtain the tentative date from the office on the prescribed form of the notice duly filed in by the party or his counsel and shall get it published before the date fixed in a daily newspaper circulating in the locality in which the respondent or the opposite party, as the case may be, is last known to have actually and voluntarily resided, carried on business or personally worked for gain:

Provided further that the party or his Counsel getting the notice published as aforesaid shall so arrange that the notice is published at least ten days before the date fixed in the notice and shall file a copy of the newspaper containing the notice before the Registrar a week before the date fixed :

Provided also that where the copy of the newspaper is not supplied within the time prescribed in the preceding proviso, the case or the application, as the case may be, on which the order for publication of notice has been passed, shall be listed before the Court for such orders as the Court deems fit.

Explanation I.—Where the party fails to file the copy of the newspaper, he shall be deemed to have committed default in supplying the notice and the provision of Rule 160-A shall *mutatis mutandis* apply in such cases.

(2) No notice to issue unless requisite process fee or cost is paid and notice is supplied.—Notwithstanding anything contained in the Rules, no notice shall be issued in a case in which process fee or cost of issuing notice is leviable, unless the requisite process-fee or cost has been paid and notice in duplicate in the prescribed form, duly filed in, have been supplied for service, within ten days from the date on which the order for the issue of notice is made or unless such fee or cost has been paid and such notices have been supplied under the next following Rule and the Court has condoned the delay.

160-A. Effect of non-payment of process fee or cost or supply of notices within time.—If the requisite process-fee or cost of issuing notice is not paid or the requisite notices are not supplied within the time prescribed in Rule 159 or clause (xxix) or Rule 9 the case shall be listed for dismissal and shall be dismissed unless on the case being called an application signed by the party or his Advocate together with the requisite process fee, cost or notices as the case may be, is presented (or an application similarly signed discharging from the case the persons not served on account of the said default or withdrawing it as against them and the Court deems fit to grant it.)]

161. (1) Process fees must be paid in Court fee stamps and not in cash. The stamps must be affixed to a memorandum to be written on a sheet of paper. The memorandum shall state the number and class of the proceeding, the value of the claim in appeal, the value of the Court-fee stamp attached, details of the processes to be issued, and particulars and full address of the parties on whom

1. Substituted by Notification No. 1208/R.G./2013 dated the 19th February, 2013, published in C.G. Rajpatra (Asadharan) dated 21-2-2013 Pages 123-124.

the notices are to be served. If the address so given is registered address within the meaning of Order VII, rule 19 and Order VIII, Rule 11 of the Code of Civil Procedure, the letters "R.A." shall be placed before the address.

(2) If the memorandum be an application for issue of a process, it must, in addition to the requisite stamp for the process fee, bear such stamp as are necessary for its own validity.

(3) The receiving official should acknowledge submission of process fee on the duplicate form, after verifying that the Presentations etc. presented with the process fee are in order.

162. The Registrar (Judicial), having regard to the state of the file, and other relevant factors, shall fix the date to be entered in notices to respondents at the earliest possible date of hearing, if while issuing notices no date has been fixed by the Court.

163. (1) A fee of Rs. 5/- (Rupees Five Only) per notice shall be charged for serving and executing process of all nature as directed by the Court. In cases where processes have to be transmitted by Registered Post Acknowledgment Due-Speed Post/Courier Service, etc., approved by the High Court, the actual sum payable for such transmission through Registered Post Acknowledgment Due-Speed Post/Courier Service/fax message or by electronic mail service or by any other means as may be provided shall be paid in form of envelope containing postal stamps of the requisite value or the charges in cash likely to be incurred for sending through courier service, fax or electronic mail service etc.

(2) In every case in which personal or substituted service of a summons or notice is required to be served, the following fee shall be charged for serving and executing the several processes against which they are severally ranged, in respect of each person :

- | | |
|---|----------|
| (i) in appeals and revision not exceeding Rs. 10,000/- in value | Rs. 5.00 |
| (ii) in appeals and revisions exceeding Rs. 10,000/- in value. | Rs. 7.00 |

Note.—When service on several persons residing in the same village or in the same ward of a municipality or cantonment is required, and the processes are applied for at the same time for each person after the first.

Rs. 2.00

164. Notwithstanding foregoing no fee shall be charged for serving :—

- (1) any process which may be issued by the Court of its own motion solely for the purpose of taking cognizance of and punishing any act done for words spoken in contempt of its authority ;
- (2) any process issued a second time in consequence of a mistake for which the Court or any of its officers is responsible or in consequence of an adjournment made otherwise than at the instance of a party;
- (3) any copy of a summons, notice or order affixed in a Court house or in the office of a Collector.

165. Process fee for service or execution of any process or warrant etc. not specified in these rules shall also be charged at the rate of Rs. 10/- (Rs. Ten Only) per notice.

B: Other Fees

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

S. No.	Particulars	Rs. P.
(1)	For every search in the offices, record-rooms, books or registers of the Court.	05.00
(2)	On each application for a copy of any document or record in the High Court, whether the copy applied for is of a single document or more documents than one : Provided that this does not authorize an applicant to ask in a single application for copies of more than one paper, if required in more than one case. There must be a separate application, and therefore a separate stamp, for each case.	05.00
(3)	For verifying any petition by solemn affirmation or on Oath, or for swearing or affirming every affidavit, intended to be used in the High Court.	05.00
Note 1.	The Advocate General and Remembrancer (Secretary) of Legal Affairs for the State of Chhattisgarh and the Law Reporter to the Government are exempted from the payment of the searching fees referred above.	
Note 2.	Where the fee for swearing or affirming an affidavit has been levied no fees shall be levied for filing the same, provided that this exemption shall not apply to the fee payable in original suits for filing documents, annexed to affidavits.	
Note 3.	Fees for taking affidavits or affirmations. —Fees to be allowed to the Commissioner for Oaths and Affidavits deputed by the Registrar or the Officer authorized for the purpose of the Court for taking affidavit or affirmation at the house of a party or any other place other than the Court House, shall be as follows : For the first affidavit, oath or affirmation within a distance of 5 Kms. from the Court House. Rs. 10.00 For the first affidavit, oath or affirmation beyond a distance of 5 kms. from the Court House. Rs. 15.00 For every affidavit, oath or affirmation taken at the same time and place after the first, in the same suit, appeal or matter. Rs. 05.00 In no case shall the Commissioner for Oath and Affidavits be allowed, for taking any number of affidavits, oaths and affirmations at the same time and place, more than Rs. 100/- (Rs. One Hundred Only), where such place is within a distance of 5 Kms. from the Court House, or more than Rs. 150/- (Rs. One Hundred Fifty Only), where such place is beyond the said limit.	
(4)	For inspection of lower Court's records received in connection with appeals and revisions, and records of the disposed of cases in the High Court (i) If the application is by a party to the suit. 05.00 (ii) If the application is not by a party to the suit. 10.00	

S. No.	Particulars	Rs. P.
	(iii) If the application is for immediate inspection by a party to the suit.	15.00
Note.—No fee shall be charged for inspection of criminal records.		
(5)	For inspection of records of cases pending in the High Court :	
	(a) If the application is for ordinary inspection	5.00
	(b) If the application is for urgent inspection	10.00

C: Service of Notice Upon Parties

167. Ordinarily all notices shall be served through Registered Post, Speed Post, Courier service as may be approved by the High Court or such other means as the Court may, from time to time, direct :

[Provided that any notice sent by registered post with acknowledgment due shall be deemed to have been served on completion of 30 days, unless the acknowledgment due is received back with postal remarks.]

168. The Court may, in any particular case, keeping in view the emergent nature of the case, direct that a notice may be served upon a party through FAX, E-Mail, humdast, etc. in addition to the aforesaid modes.

169. Whenever a notice is served upon anyone by a party, by way of humdast and not through the Court, invariably the party serving the notice shall file an affidavit in the Court in support of the fact that the notice has been served upon the person for whom it was meant. Along with the affidavit for service, the party serving the notice shall file acknowledgment in proof of such service.

170. Affidavit of service should be filed either by the party himself or his *parokar* or through the authorized clerk of the Advocate of the party.

171. Notices meant for all Central and State Government Department, Public Officers, Organizations belonging to Central or State Governments or such Authorities as are covered by Article 12 of the Constitution of India, and whose offices or places of work are situated in the State of Chhattisgarh shall ordinarily be served upon them by the party directly in the manner hereinabove prescribed. Only in exceptional and rare cases, notices upon these Government Departments or Public Offices etc. shall be served through the agency of the Court.

172. If the notice is required to be served upon a party by the Court, the Court may either serve it by post or depute a Special Process Server for this purpose, or the Court may also send notice to the District Judge of the district in which the service is required to be effected. Every District Judge who receives such a notice shall ensure that it is served through a Process Server detailed for this purpose and that the service is effected, complete in all respects, and the service report is sent to the Court within the time stipulated in the communication issued by the Court.

173. After computerization of the Court system, all routine notices will be prepared automatically from the Computer system as per the formats of various notices and other details fed in the computer for generation of notices.

D : Notice of Proceeding to Advocate General

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

1. Added by Notification No. 1208/R.G./2013 dated the 19th February, 2013, published in C.G. Rajpatra (Asadharan) dated 21-2-2013 Pages 123-124.

175. The Advocate General of the State may apply to be heard in any proceedings before the Court, and the Court may, if in its opinion the interest of justice so requires, permit the Advocate General to appear and be heard.

CHAPTER XII

PAPER BOOKS

176. In all matters to be heard by Division Bench or Larger Benches, it shall be mandatory that paper books are prepared before the hearing. The filing of paper books being compulsory, no matter before a Division Bench or Larger Bench shall be heard without paper books :

Provided that in rare and exceptional cases, the Bench seized of a matter may dispense with the requirement of filing the paper book.

177. All paper books, except in criminal matters, unless there is any order to the contrary passed by the Court or the Registrar (Judicial), shall be prepared by the appellant/petitioner/applicant :

Provided that a respondent/non-applicant within 30 days after service upon him of the notice, or, with the permission of the Court or the Registrar (Judicial), may file another set of paper books enclosing papers, other than those inserted in the paper book of the appellant/petitioner/applicant to which such respondent/non-applicant desires that a reference shall be made by the Court at the hearing of the appeal.

Explanation.—The paper-book means and includes the whole of the papers included in the paper-books of either parties.

178. All the paper books shall be neatly typed, or printed and shall conform with the following requirements :—

- (1) The size shall be of foolscap in folio.
- (2) The type used in text shall be pica modern, solid, with italics where necessary, but long primer shall be used in printing accounts, tabular matter and notes.
- (3) Every tenth line on each page shall be numbered, i.e. the tenth line shall be numbered 10, the twentieth line 20 and so on.

179. (1) In all paper books, unless there is an order to the contrary of the Court or the Registrar (Judicial), whether prepared by the office of the Court or by the parties, papers in Hindi in Devanagari or any other script shall be printed or typed, as the case may be, in Hindi, in Devanagari or such other script. Paper in vernacular other than Hindi may be translated in English before being included in the paper books :

Provided that if at the time of hearing or even before, it is considered necessary to have all or any of the vernacular papers in the paper books, translated into English the required translation and their typing shall be done in the office of the Court or by any of the parties as directed by the Court and the cost thereof, both the translation and typing, shall, unless otherwise directed by the Court, be borne by the party at whose instance the paper has been included in paper books.

(2) The paper-books shall consist of three parts. Part I shall contain pleadings and depositions of witness, issues framed, judgments, decrees, and miscellaneous papers, if any, of the Court(s) below. Part II shall contain the record of proceedings in the High Court and Part III shall contain the exhibits and documents. Documents in Parts I and II shall be in chronological order. The headings of the Hindi documents will be in Hindi. To every paper-book, and if it is in more than one volume, to each volume, shall be prefixed a table of contents

in English with references to pages. The table of contents of Part III shall follow the order of exhibit marks and shall be arranged as far as possible in chronological order, each document showing its exhibit mark whether it is a plaintiff's or defendant's document, and in all cases document relating to the same matter, such as (a) a series of correspondence, or (b) proceeding in a suit other than the one under appeal, shall be kept together.

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

181. The paper book shall contain the following papers/documents :—

- (1) Memorandum of Presentation;
- (2) All the pleadings of all the parties;
- (3) Issues and documents;
- (4) Evidence of the parties, depositions, as well as documentary;
- (5) Copies of the Judgments and decrees of the Courts below and all other papers/documents relevant and material for the disposal of the Presentation.

Explanation.—The paper-books filed in any other case shall always contain all the papers as were in the proceedings before the Court/Tribunal whose order is under challenge.

182. In respect of the paper-books to be prepared by the Court where either of the parties would be required to defray the costs, the Registrar (Judicial) from time to time shall notify the cost structure in respect of the paper books which shall always be paid by the parties accordingly.

183. Such number of copies of paper-books shall be filed in every case as would meet the requirement of the Bench as well as the parties.

184. All pages of paper-books shall be true copies of their originals and a certificate of the party concerned or of the Advocate to that effect shall always be appended in the Paper-book at its beginning.

185. In case of failure of the party responsible for filing paper-book, the matter shall be listed before the Bench for final orders and the Bench may pass appropriate orders.

186. Any party will always be at liberty to apply for making any corrections in the paper-books or for filing supplementary paper-books.

CHAPTER XIII JUDGMENT & DECREE

187. (1) Reserved judgments may ordinarily be pronounced within two months of the conclusion of the hearing.

(2) On noticing that after conclusion of the hearing the judgment is not pronounced within a period of two months, the Chief Justice shall draw the attention of the Bench concerned to the pending matter.

(3) Where a judgment is not pronounced within a period of three months from the date of reserving it, any of the parties in the case is permitted to file an application in the Court with a prayer for an early judgment. Such application, as and when filed, shall be listed before the Bench concerned within two weeks excluding the intervening holidays.

(4) If the judgment, for any reason, is not pronounced within a period of six months, any of the parties of the *lis* shall be entitled to move an application before the Chief Justice for appropriate orders. It would be open for the Chief Justice to grant the said prayer or to pass any order as he deems fit in the circumstances.

188. Every judgment, which is ready for signature or has been pronounced, shall be available for inspection in the Court room by parties and counsels appearing in the case. The judgment shall be signed at the close of sitting of Court on the day following that on which the judgment or order is placed on the Reader's table for inspection. At any time before signature a party to the case or his counsel may appear and ask for correction of clerical mistakes and omissions. Unless a party or counsel request to the contrary a judgment or order shall be pronounced by announcement of the result without reading the full text. The judgment or order shall bear the date of the day of signature. If such Judge(s) has ceased to be a Judge(s) of the Court, or is on long leave, then the matter shall be placed for correction before such Judge(s) as the Chief Justice may appoint for that purpose.

189. The Court Reader shall exhibit outside the Court Room a list of judgments or orders pending on his table under the above rule and shall renew the list daily.

190. The Court Reader shall also notify daily on the board in the tabular form given below the result of civil and criminal cases, decided by the Judge(s).

Table showing Cases decided

On.....by the Single Bench presided over by the Hon'ble Mr. Justice...../Division Bench consisting of Hon'ble Mr. Justice and Hon'ble Mr. Justice

No. and class of the case	Name of Parties	District from which case arose	Result in brief	Remarks
1	2	3	4	5

In Criminal appeals and revisions the main section will be mentioned in the remarks column.

191. When an order of remand or reference is made the record shall be at once forwarded to the Court which has to obey the order.

192. Decrees shall be drawn up in English. The Decree shall be prepared by the Court Reader and submitted to the Registrar (Judicial) within seven days of the delivery of judgment or order on which it is founded. The legal practitioner's fee shall be included in the costs in consonance with Part VI Chapter XXIV of Chhattisgarh Civil Court Rules, 1961. The Registrar (Judicial) shall after making such correction as he deems necessary exhibit a notice on the notice board that the decree has been drawn up and that any party to the decree or his advocate may within three days peruse the decree and sign it before the Registrar (Judicial) or move a written objection (which need not bear a Court-fee stamp) that the decree is not in accordance with the judgment or order upon which it is founded. The Registrar (Judicial) may, on perusal of such objection, hear the party or his advocate and may correct the decree or over-rule the objection or may refer the matter to the Court for orders.

193. The Registrar (Judicial) shall cause the Court-seal to be affixed to all decrees and shall sign them, dating them with the date of pronouncement of judgment.

194. Under no circumstances shall any decree or order passed or made by a Judge(s) be altered, varied or parted from, in the office except under any order in writing of the Judge(s) who passed or made such decree or order, or except under an order made on appeal from such decree or order, or except under an order

made upon an application authorized to be made under an order drawn up under rule.

195. Where any judgment or order of any Judge(s) of the Court contains any recommendation for the alteration of the procedure in this Court or recommends to or suggests for the consideration of Government any alteration in law or in rules having the force of law, such judgment shall immediately after delivery be submitted to the Chief Justice.

196. Copies of all decrees or final orders passed in pauper suits or appeals shall be transmitted without delay to the Collector of the District in which the Court passing the original decree is situated, to enable him to recover court-fee or to apply for orders for payment of Court-fee.

197. (1) Spare copies of judgments or order shall be prepared in accordance with the statement below :—

(1)	Number of spare copies (2)
All civil appeals and revisions.	3
Criminal appeals in Session cases in which death sentence has been confirmed.	5
Criminal appeals in other Sessions cases.	4
Criminal revisions from the decision of, or reference by, Sessions or Additional Sessions Judge.	4
Criminal appeals and revision from decisions of Magistrates and reference by District Magistrate.	2
Writ Petitions.	4

(2) One spare copy will be supplied to the Judges' Library, the High Court Bar Association and the other copies to the lower Courts. In unsuccessful appeals from a sentence of death one copy of the appellate judgment, will be supplied to Government alongwith the record. One of the copies meant for the lower Court will, in the first instance, be sent for the perusal of the Editor, Indian Law Reports, Bilaspur series and similarly one copy in all criminal cases will be sent for the perusal of the Advocate General.

(3) In the case of Writ Petitions under Article 226 of the Constitution of India, spare copies will be supplied one each to the Judges' Library, the High Court Bar Association, Editor Indian Law Reports Bilaspur series, Secretary to the Government of Chhattisgarh Law Department, the Advocate General, Chhattisgarh. Two copies shall also be supplied to the Secretary to the Government of India, Ministry of Home Affairs, under intimation to the Secretary to Government of Chhattisgarh, Law Department.

- (4) (i) A copy of each judgment or order on service matter may be supplied to the Secretary, Public Service Commission, Chhattisgarh.
(ii) One copy may be supplied to the Officer on Special Duty, Parliament Secretariat, Parliament House, in matters pertaining to the provisions of the Constitution of India or Laws made thereunder.
(iii) One copy may be supplied to the Secretary, Election Commission of India in matters relating to elections and election petitions.

**CHAPTER XIV
INFORMATION, INSPECTION OF RECORDS
AND ISSUANCE OF COPIES**

198. One searching fee shall be charged for any number of copies taken from the same record and included in the same application, and no searching fee shall be charged in respect of copies of papers from records of pending cases or of Judgments.

199. (1) The Chief Justice shall nominate an Officer in the rank of Registrar or Additional Registrar or Deputy Registrar to be designated as In-charge Copying Section. It shall be the responsibility of the Officer-in-charge of the Copying Section, to over-see, supervise, and monitor all functions and activities in the Copying Section, all Officials working in the Copying Section shall be accountable and responsible to the Officer-in-charge of the Copying Section.

(2) One or more Officials shall be designated as Copying Officers in terms of Section 76 of the Evidence Act. It shall be their duty to issue, under their signature, certified copies in accordance with these Rules and their digital signatures shall also be preserved for issuance of soft copies of the order/judgment digitally signed through Computer.

(3) Invariably, all certified copies shall be prepared through Photo Copiers. Only in such cases where technically it is not feasible or for any other reason it is either not feasible or not practicable or not desirable, copies shall be prepared through means other than Photo Copier, either by type-written method or otherwise, but only with the prior written permission of the Officer-in-charge of the Copying Section.

Certified Copies

200. (1) A party to a proceeding in the High Court shall be entitled to apply for and receive certified copies of all pleadings, judgments, decrees or orders and all original documents and deposition of witnesses made or exhibited in the said proceeding.

(2) A person who is not a party to a proceeding may be granted certified copy of record(s) only if the Registrar (Judicial) is satisfied about the sufficiency and bonafides of the grounds or reasons on which the applicant requires the copy. Every application made by such person shall be accompanied by the affidavit of such person specifying the grounds or reasons on which the copy is required.

(3) A general order may be made by the Registrar (Judicial) for issuing of copies of judgments and orders to representatives of law reports and news magazines.

[200A. A party to proceeding in the High Court shall be entitled to apply for and receive Hindi version of the operative portion of the judgments/orders or Hindi version of the full final judgment/order in the said proceeding.]

201. Application for copies may be presented in person or by a duly engaged Advocate or may be sent by post to the In-charge of the Copying Section, High Court of Chhattisgarh, Bilaspur.

202. Copies of more than one document in the same record of any case may be applied for in one application.

203. Application for copy shall be made in prescribed form giving details of the cause title, case number, name of the Judge who has passed the order/judgment, date of order/judgment or decree, etc., and shall be signed by the applicant or his counsel.

1. Inserted by Notification No. 9410/Rules/2017 dated the 9th November, 2017, published in C.G. Rajpatra (Asadharan) dated 9-11-2017 Page 961.

204. Every application shall be accompanied by an advance amount towards copying fee, as specified from time to time, in the form of copying stamp affixed on the application and/or in such other manner as may be specified from time to time, which would be sufficient to cover the estimated cost of the copy applied for and the amount of the Court fee stamps, if any, required under the Rules, or any other law for the time being in force. Where the copy applied for requires a non judicial stamp under the Stamp Act, 1899, the application shall be accompanied by the requisite non judicial stamp. In the case of an application sent by post, the advance shall be remitted by money order.

205. An application received by post before the arrival of the connected advance shall not be registered or acted upon until receipt of the advance. Should an advance be received before the connected application, it shall forthwith be deposited as copying advance in abeyance. If no connected application is received within thirty days, the In-charge of the Copying Section shall cause it to be remitted back to the sender at his expense.

206. (1) Charges for preparation of copies (otherwise than by photocopying) shall be calculated per folio. A folio means a group of 175 words. If the entire text or the remainder after folios of 175 words each, to be copied, is of less than 175 words, the said text or remainder as the case may be, shall be treated as one folio. In case of photocopy a folio shall be equal to one page of the text to be copied.

(2) For counting the words each initial prefixed to any name or used as abbreviation, shall be counted as one word. If a figure is used, all figures used as a single group shall be counted as one word. For example in 1492/93 there is one group of 1492 and another of 93, and therefore, it would be counted as two words.

(3) In case of maps, plans or drawing, the charges shall be same as actually incurred in making the copy.

207. Application for copies shall be received at the counter(s) in Copying Section.

208. Every application submitted at the counter shall be first scrutinized by the counter clerk to whom it is submitted and if he finds any apparent mistake or defect or shortcoming he shall point the same to the person presenting it and shall receive the application only after the defect is duly removed, mistake rectified and the shortcoming made good, as the case may be.

209. The applications received at the counter shall be distributed to the Dealing Assistants. Before preparation of copy, the applications shall be carefully scrutinized. If no defect is found in the applications on scrutiny, the date of its receipt with the initials of concerning Dealing Assistants shall be endorsed on its top left hand corner.

210. The defect including that of shortage of fee, if any, found on scrutiny, unless enquired into and cured, shall be notified periodically by way of a list of such defective applications, giving the numbers, assigned to those applications and by displaying such list on the notice board meant for the same. If the defect is not cured within next ten days of such notification of the defective application, the In-charge of the Copying Section shall notify the application for return to the applicant or his counsel, at his expense along with charges deposited, if any. In case, the applicant or his Counsel fails to take it back, it shall be lodged by the Registrar (Judicial).

211. Every application received for copying shall be duly registered and given a number and a receipt of submission shall be issued. Every such receipt shall show that number and also the date on which the copy is supposed to be

ready. In case, the copy is not ready on that date, a fresh date shall be given which shall be mentioned on the receipt.

212. The copy of a judgment or order required by any Law Reporter approved by the Chief Justice may be supplied on such terms and conditions as may be deemed fit, keeping in view the feasibility of issuing necessary copies in time at concessional rates.

213. The application for copy shall be received on all working days. The timing for receiving such application shall be from 10.00 A.M. to 12.00 Noon and from 2.30 P.M. to 3.30 P.M. The timing for issue of copies shall be from 12.00 Noon to 1.30 P.M. and from 3.30 P.M. to 5.00 P.M.

214. The copy issued shall not contain copy of the signature of the Judges.

Note.—In cases where copies are required of signed judgments or orders etc., the original signed orders shall remain in the file concerned and a copy thereof, duly signed in the margin by the Court Reader shall be sent to the copying Section, and copies applied for shall be issued from such copies.

215. Digitally signed Certified Copy.—Any order/judgment that is typed out from any Court Room and also the judgments/orders typed out by the Stenographers using the Word Processor will be automatically available on the main system. After verification and signing of the judgment by the Judge, the Stenographer will transfer all the judgments/orders signed on that day to the Central Server System using the File Transfer Protocol Software. The computer system installed in the Copying Section will be used for generation of printouts of the orders/judgments as copies of the order for information of litigants. Soft copies of the order/judgment shall be digitally signed using the digital signature of an Officer specifically designated for the purpose. These digitally signed orders/judgments which are available on electronic media, can be used as certified copies.

216. On every copy the following dates shall be entered:—

- (1) Application received on.....
- (2) Applicant told to appear on.....
- (3) Applicant appeared on.....
- (4) Application (with or without further or correct particulars) sent to Record Room on.....
- (5) Application received from Record Room (with record or without Record for further or correct particulars) on.....
- (6) Applicant given notice for further or correct particulars on.....
- (7) Applicants given notice for further funds on.....
- (8) Notice in Sl. No. (6) or (7) complied with on.....
- (9) Copy ready on.....
- (10) Copy delivered on.....
- (11) Copy fee realized.

Copyist

Comparer

Head Copyist/
Authorized official

217. Every certified copy issued by the High Court shall be certified by the examiner/Assistant Registrar (In-charge of the Copying Section) to be true and accurate copy of the original and shall be sealed with the seal of the High Court.

218. The copy when ready, after entry in the register, shall be given at the counter only to the concerned counsel or his registered clerk or a person authorized by him. It may also be given to the applicant in person, but only after verifying his signatures from the application. The receipt given earlier shall also be collected before the delivery of the copy.

Note.—The signatures of the person or Advocate to whom copy is so given shall also be obtained in the register in which the application was registered, as acknowledgment.

219. No certified copy shall be given of any document which is a document registered under law for the time being in force or of a document which is itself a copy of the original document. However, if a document which itself is a copy is annexed with any Presentation or any other pleading presented in the High Court, then a simple plain copy (photocopy), i.e. office copy of the same may be given.

220. Notwithstanding anything contained in this chapter no party or person shall be entitled as a right to apply for and receive copies of or extracts from any minute, letter or document of any confidential file or any paper produced before the Court, 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.

221. Notwithstanding anything contained in this chapter where the Union or a State Government is a party to any proceeding the Assistant Solicitor General or the Advocate General or a law officer shall on application, be entitled to a free certified plain paper copy of the order passed or judgment pronounced.

222. The fees to be paid for supply of copies shall be as prescribed from time to time by the Officer-in-charge of the Copying Section with previous approval of the Chief Justice. For this and other incidental and ancillary purposes, the Officer-in-charge of the Copying Section may issue necessary administrative instructions which shall be binding on all concerned.

¹[**222A.** The fees to be paid for supply of Hindi version of the operative portion or full final judgment/order shall be same as the fee for certified copies as may be prescribed from time to time under Rule 222.]

223. (1) On payment of ordinary copying fee, endeavour shall be made that copy applied for is issued within 48 hours from the date of receipt of the application.

(2) On payment of double copying fee, the copies applied any time during court hours shall be issued on the same day or latest within 24 hours from the time of receiving the application.

¹[**223A.** On payment of fee at par with that payable under Rule 223(1), endeavour shall be made that the Hindi version applied for is issued within seven working days from the date of receipt of the application.]

224. Copies of judgments/orders convicting, acquitting or discharging Government Officers of criminal offences will be supplied free of charge on the application of the head of the department concerned.

225. In addition to whatever is contained in these Rules or the administrative instructions issued pursuant hereto by the Officer-in-charge of the Copying Section, the Civil Court Rules and all other enabling rules in this behalf shall *mutatis mutandis* apply to this Chapter.

226. No record of any case shall be removed from the Court building by any one except in connection with the discharge and performance of official duties and without a permission in writing by the Registrar General, except in the case of the Judge(s) of the High Court and the Registrar(s).

227. An inspection of documents undertaken by any applicant shall be carried out under the supervision of an official of the High Court and strict vigil

1. Inserted by Notification No. 9410/Rules/2017 dated the 9th November, 2017, published in C.G. Rajpatra (Asadharan) dated 9-11-2017 Page 961.

shall be kept at the time of inspection so as to ensure that neither any document is removed nor tampered with during the course of inspection. The Officer-in-charge of the Copying Section, under whose authority, supervision and control, inspection shall be carried out, shall ensure that an Officer not below the rank of Section Officer is made responsible for every individual inspection to be undertaken by any applicant.

CHAPTER XV DEPOSIT AND REPAYMENT OF MONEY

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

229. No money paid into Court by way of deposit or otherwise shall be paid out of Court except under an order of the Court or of the Registrar (Judicial) or in the absence of the Registrar (Judicial), the concerned Registrar, upon an application for payment.

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

Provided that where the application is for payment of sum not exceeding Rs. 50/- (Rs. Fifty only) the application may be signed by an Advocate duly authorized in that behalf.

231. (1) The application shall state—

- (i) the name, description and address of the applicant claiming to be entitled to the money;
- (ii) the capacity in which such applicant claims to be entitled to the money;
- (iii) the cause, appeal, matter or proceeding in which, and the date of the order under which, the money, to which the application relates, was paid into the Court and the date and number of the deposit ; and
- (iv) the precise amount for the payment of which an order is applied for.

(2) When the applicant desires that the money shall be paid out of Court on his behalf to any other person, the application shall state in clear language that the applicant desires that the money may be paid on his behalf to such other person and shall state the name, description and address of such other person.

232. The application shall be presented in person by the applicant claiming to be entitled to receive such money, or by an Advocate acting on behalf of the

applicant and in the latter case the application shall be signed by the Advocate immediately below the signature of the applicant in authentication of the signature of the applicant :

Provided that when the sum to be refunded does not exceed Rs. 100/-, the applicant may—

- (1) add to the application a request that the amount due, less the postal commission payable, may be forwarded to his address by postal money order ;
- (2) obtain on the application the counter signature of a Magistrate as to his identity; and
- (3) forward his application countersigned as aforesaid to the Registrar (Judicial) and, if the identity seems to be sufficiently established, the amount, less the postal commission payable may, under an order of a Judge or of the Registrar (Judicial), or in the absence of Registrar (Judicial) the concerned Registrar, be sent to him by money order.

233. The Judge, or the Registrar (Judicial) or in the absence of the Registrar (Judicial) the concerned Registrar, may pass an order on the application allowing or refusing payment of the amount, or may before passing an order issue notice to show cause to any person or persons :

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

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

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

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

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

237. The account registers to be kept are as follows :—

- (1) By the Accountant—
 - (i) Register of deposits received;

- (ii) Register of receipts;
 - (iii) Register of payment orders issued;
 - (iv) Register of repayments of deposits;
 - (v) Ledger of security deposits; and
- (2) By the Cashier—
- (i) General Cash-book;
 - (ii) Pass-book;
 - (iii) Register of payments made in the Court;
 - (iv) Register of money orders received.

238. All the Registers of the Cashier and of the Accountant shall be examined daily by the Deputy Registrar. The daily examination shall consist in comparing—

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

239. Notwithstanding anything contained in the foregoing Rules of this Chapter, the Chief Justice may by an administrative order or the High Court in any proceedings, direct that an Account in the name of the High Court may be opened in a Bank which shall be operated by the Registrar General or by such other Officer, jointly with the Registrar General or otherwise as the Chief Justice may nominate for this purpose.

240. If and when such an Account is opened, transactions relating to the deposit of money in the Court by anyone or withdrawal of money from the Court by anyone, as are mentioned in the foregoing Rules in this Chapter, may be carried out and operated through the aforesaid Bank Account.

241. To facilitate the deposit of money in the Bank in the name of the Court or the withdrawal of the money from the Bank by order of the Court, the Chief Justice may issue such administrative instructions as would be conducive to the object sought to be achieved under these Rules.

242. The Chief Justice may issue an administrative order directing that the accounts of the High Court may be maintained through a Computer system in accordance with the software developed on the basis of the requirements of the High Court. The maintenance of the accounts by the High Court through the Computer system may be in addition to the accounts maintained manually as per the foregoing Rules of this Chapter or alternatively as the Chief Justice may direct.

243. The Chief Justice, may by an administrative order direct that the function to be performed by Deputy Registrar under this Chapter may be performed by some other officer of the same or higher rank.

CHAPTER XVI

PRESERVATION AND DESTRUCTION OF CIVIL AND CRIMINAL RECORDS AND REGISTERS

A. Destruction of Records

244. Each record shall be divided into two files, which shall be called File-A and File-B.

245. Each paper, as it is filed, shall be entertained in the index which is put with record of every case on its institution and shall be marked with the letter A or B for the purpose of indicating whether it belongs to file A or file B.

I. Civil Records

246. File A shall consist of the following papers:—

- (1) in original suits or papers other than those which are included in the D file of subordinate Civil Court.
- (2) in all other civil proceedings the following:—
 - (i) Index.
 - (ii) Memorandum of appeal.
 - (iii) Petition for the exercise of the Court's power of revision.
 - (iv) Reference under Rule 1, Order XLVI, Civil Procedure Code or other law.
 - (v) Notice, with report of service in ex-parte cases.
 - (vi) Memorandum of objection under Rule 22 or 26 of Order XLI of the Code of Civil Procedure.
 - (vii) Security bond for cost filed by an appellant.
 - (viii) Petition for substitution, addition or striking out of name of parties or for substitution of names of legal representatives of a deceased party to the proceeding including petition for appointment of a next friend or guardian.
 - (ix) Affidavits except affidavits presented with petitions.
 - (x) Depositions of parties or witness taken in this Court by the lower Court on remand.
 - (xi) Commissions, proceedings held thereunder and reports and examination of Commissions.
 - (xii) Documents admitted in evidence in the Court.
 - (xiii) Orders impounding a document.
 - (xiv) Order imposing a fine on a witness.
 - (xv) Application to refer to arbitration, references to arbitration, the award or other final return of the arbitrators with the proceedings, depositions and documents submitted therewith the Court's order thereon.
 - (xvi) Petitions and instruments of withdrawal, compromise or confessions of judgments.
 - (xvii) Order-sheets including interlocutory orders.
 - (xviii) The Court's judgment or final orders.
 - (xix) The decree and all documents relating to the preparation or amendments thereof.
 - (xx) Copy of the lower Court's judgment.
 - (xxi) Intimation from a Debt Conciliation Board regarding the decision of proceedings pending before it.
 - (xxii) Power of attorney or memorandum of appearance.
 - (xxiii) Petition for the re-admission of any civil proceeding dismissed for default or for the rehearing of any civil proceedings decreed ex-parte with any affidavit or other documents filed therewith.
 - (xxiv) Petition for review of judgment with any affidavit or other document filed therewith.
 - (xxv) Petition for amendment of decree with any affidavit or document filed therewith.

- (xxvi) Judgment of final order on petitions referred to in (xxiii) to (xxv) above (both inclusive).
- (xxvii) Reference under Section 113, and/or Rule 1 of Order XLVI of the Code of Civil Procedure, 1908, or any other law, with the final order.
- (xxviii) Note-sheets relating to the preparation and printing of the Supreme Court appeal record.
- (xxix) Certified copy of order granting special leave to appeal to the Supreme Court.
- (xxx) Certified copy of judgment and order of the Supreme Court.
- (xxxi) Two copies of the printed record (paper-books).
- (xxxii) Certified copy of a stay order of the Supreme Court.
- (xxxiii) Lists A and B of the record.
- (xxxiv) Memoranda to Counsel issuing List A and B.
- (xxxv) Objections by parties to Lists A and B.
- (xxxvi) lists of documents showing arrangement of documents in File-B.
- (xxxvii) Correspondence with the Registrar of Supreme Court.
- (xxxviii) Certificate regarding security deposit by the appellant.
- (xxxix) Certified copy of order of the Supreme Court giving directions regarding preparation of printed records, etc.
- (xl) Office copy of List B.

247. File B in all civil proceedings shall consist of all papers not indicated above as belonging to File A, provided that the Court may direct that any paper or class of papers which would otherwise belong to File B shall be placed in File A.

Note.—The following papers are indicated for facility of reference as belonging to File B:—

- (1) Certificate for legal practitioner's fee.
- (2) Copy of lower Court's decree.
- (3) Proceeding calling for the record of directing the issue of a notice.
- (4) Notices.
- (5) Lower Court's proceeding forwarding the record or notice served on respondent.
- (6) Petition for postponement of execution or of sale, or for the issue of an injunction.
- (7) Proceeding directing the issue of a notice to show cause.
- (8) Notice to show cause, with the report of service.
- (9) Respondent's application for security for cost being taken from the appellant.
- (10) Petition for adjournment.
- (11) Petition for records or account-books to be sent for.
- (12) Petition for return of documents.
- (13) Application for copies.
- (14) Other applications which have been disallowed.
- (15) Papers relating to preparation of estimates together with the lists of documents to be included in the paper-book and payment purchase.
- (16) Translations of vernacular papers.

- (17) Paper-books.
- (18) Applications for preparing lists A and B, estimate of costs and depositing security.
- (19) Application for extension of time of condoning delay in depositing the security and printing costs and filing objections to Lists A and B.
- (20) Notices to the respondents of admission of appeal and to the parties regarding despatch of printed records to the Supreme Court.
- (21) Bills prepared for the office work and the Printer's bills.
- (22) Applications and affidavits for expediting the preparation of the printed record.
- (23) Correspondence with the press.
- (24) Lists of mistakes and defects detected in the printed paper-book.
- (25) Postal acknowledgments etc.
- (26) Correspondence with the solicitors.
- (27) Applications for copies of printed Paper-books.
- (28) Transcript of record prepared for the Press.
- (29) Profits-first and final.
- (30) Surplus copies of the printed records (paper-books).

248. Papers in File A, with the exception of following papers which shall be retained permanently, shall be retained for twelve years from the date of judgment and shall then be destroyed.

- (1) Index.
- (2) Judgments and final orders of this Court with compromise, if any, on which the decree is based.
- (3) Decrees.
- (4) Petitions for withdrawing a case.
- (5) Note-sheets relating to the preparation and printing of the Supreme Court Appeal Record.
- (6) Certified copy of order granting special leave to appeal to the Supreme Court.
- (7) Certified copy of judgment and order of the Supreme Court.
- (8) Two copies of the printed record (Paper-book), of the surplus copies of the printed paper-book, shall be undertaken one year after receipt of the judgment and order of the Supreme Court without any reference to the litigants or Advocates concerned, provided however, that where such litigants apply to the Registrar, through their Advocates for the return of such copies, they may be returned to such Advocates, provided that the application for return is made at least one calendar month before expiry of the aforesaid period. No notice to take back such copies will be issued from the High Court.
- (9) Any other documents ordered by the Court to be retained permanently.

Note.—When a grant of probate or letters of administration with a copy of the Will annexed has been made, the original Will shall forthwith be forwarded to the Deputy Registrar as required by rule of the Rules published in the Registration Department Notification Nos. 1925A and 1925-B, dated the 4th December, 1919, and Judicial Department Notifications Nos. 78/202-A-V and 79 of 202-B-V, dated the 4th March, 1920.

249. Destruction of the surplus copies of the printed paper-book shall be undertaken one year after the receipt of the judgment and order of the Supreme Court without any reference to litigants apply to the Registrar through their advocates for the return of such copies, they may be returned to such Advocate, provided that the application for return is made at least one calendar month before expiry of the aforesaid period. No notice to take back such copies will be issued from the High Court.

250. (1) Documents which are produced in this Court, but are not admitted in evidence shall be returned by the Court to the party or pleader producing them immediately after rejection. If any of them unavoidably remain in Court, they should be placed in a closed cover labelled "Documents filed by.....to be returned" before the record is sent for depositing in the Record Room. The cover should be kept with File B and destroyed with file if the contents are not taken back previously.

(2) Documents which are admitted in evidence shall be returned by the Court—

- (i) where the case is one in which an appeal to the Supreme Court is not allowed, when the case has been disposed of; and
- (ii) where the case is one in which an appeal to the Supreme Court is allowed, when the time prescribed for such appeal has elapsed and no appeal has been preferred, or, if such appeal has been preferred, when the appeal has been disposed of.

A document may, however, be returned before the expiration of the time prescribed for an appeal to the Supreme Court or before the disposal of such appeal if the person applying for the same delivers a certified copy to be substituted for the original and undertaken to produce the original if required to do so. But no document shall be returned which is ordered to be impounded or has, by force of the decree become wholly void or useless, or which is required by law to be preserved.

(3) A general notice will be pasted in a conspicuous part of the Court house that documents filed in appeal or other proceeding should be withdrawn as soon as the decree or order made therein has become final and that if they are left with the Court they will be kept at the risk of the owners and destroyed after 12 years from the date of judgment if not admitted.

II. Criminal Records

251. File A in Criminal Appeals, References and Revisions shall consist of the following papers :—

- (1) Index.
- (2) The memorandum of appeal or petition for revision or reference with a translation into English if the memorandum or petition is in the vernacular.
- (3) Depositions of parties or witnesses taken in this Court or by the lower Court on remand.
- (4) Order-sheet.
- (5) Judgment or order of the High Court.
- (6) Warrant.
- (7) Power of attorney and memorandum of appearance.

252. File B shall consist of all papers in the record not indicated above as belonging to File A, provided that the Court may direct that any paper or class of papers, which would otherwise belong to File B, be placed in File A.

253. The periods for which File A of the records of Criminal Appeals and Revisions shall be preserved shall be as follows:—

- (1) Criminal Appeals in non-bailable cases except summarily dismissed..... 14 years from the date of final order.
- (2) Criminal Appeals in non-bailable cases which have been summarily dismissed and Criminal Appeals in bailable case..... 6 years from the date of final order.
- (3) Criminal Revision..... 6 years from the date of final order.
- (4) **"All remaining criminal matters..... 6 years from the date of final order."**

Provided that no records shall be destroyed until one year has elapsed after the expiry of the longest sentence imposed on any accused still living.

254. Papers in File B shall be retained for one year from the date of judgment and shall then be destroyed unless the Court otherwise directs.

III. General Rules

255. The destruction of all records and papers shall be by burning in the presence of the Record Keeper under the supervision of the Additional Registrar or Deputy Registrar or by shredding or by such other mode as the Registrar may deem proper.

256. The Record Keeper shall when putting papers aside for destruction, mutilate all court fee stamps attached to them in such manner that it shall be impossible to use them again.

257. No records shall be destroyed without the previous sanction of the Registrar; and the fact of the destruction of any record shall be noted in the "Register of Records Destroyed" maintained by the Record Keeper of the Court.

258. Elimination of B files of records shall be done month by month by examining the records of the thirteenth month back. As far as possible similar monthly examination of the A file should be made and the work on these shall be brought up to date by the end of vacation.

B. Destruction of Registers

259. (1) A Register of Registers deposited in the Record Room will be kept in a form maintained in this regard.

(2) The Register shall consist of two parts, viz.—

- (i) List of Register to be preserved permanently.
- (ii) List of Register to be eliminated after the expiry of prescribed period.

(3) Part (2) shall be divided into sections as follows:—

Section A—Registers to be preserved for 35 years.

Section B—Registers to be preserved for 14 years.

Section C—Registers to be preserved for 12 years.

Section D—Registers to be preserved for 6 years.

Section E—Registers to be preserved for 3 years.

Section F—Registers to be preserved for 1 year.

(4) Part (1) and each Section of Part (2) shall be divided into divisions, a separate division being opened for each different kind of register. A separate series of numbers shall be given to the registers entered in each division. Care should be taken to ensure that the space allotted to each division is such that the

1. Subs. by Notification No. 2255/Rules/2020 Sec. 2, dated 14th February 2020, [w.e.f. 14.02.2020].

pages belonging to each division will be completely filled in approximately the same length of time.

(5) Part (1) and Part (2) shall be separately paged throughout and a table of content shall be made at the beginning of the Part showing which pages are allotted to each Section and to each kind of register.

(6) On receipt in the Record Room of a register, it will at once be entered, in the appropriate division of Part (1) or Part (2) as the case may be.

Part I

List of Registers to be preserved permanently

1. Register of Suits.
2. Register of First Appeals.
3. Register of Second Appeals.
4. Register of Miscellaneous Appeals.
5. Register of Writ Petitions.
6. Register of Writ Appeals.
7. Register of Civil Revisions.
8. Register of Miscellaneous Civil Cases.
9. Register of Criminal Appeals.
10. Register of Criminal Revisions.
11. Register of Sentences of death, submitted for confirmation.
12. Register of Records destroyed.
13. Register of Recognized clerks of Advocates.
14. Office Order Book.
15. Register of Election Petitions.

Part II

List of Registers to be eliminated after the expiry of a prescribed period

Description of Registers

Section A (35 Years)

1. Register of Civil Court Deposit Receipts.
2. Register of Repayment of Civil Court Deposits.

Section B (14 Years)

1. Cashier's (General Cash Account).

Section C (12 Years)

1. Book of Deposit Repayment Vouchers.
2. Correspondence Registers.
3. Cashier's Account Book.
4. Register of Elimination of Records.

Section D (6 Years)

1. Head Copyist's Register of Application for copies.
2. Head Copyist's Detailed Account Book.
3. Head Copyist's Account Book.
4. Head Copyist's Duplicate Receipt Book.
5. Challan-Book of money sent into the Treasury.
6. Remittance List.
7. Register of monthly Business Statements.

8. Register of Miscellaneous Criminal Cases.
9. Register of Records received from the Lower Courts.
10. Register of Records dispatched.
11. (Cashier's) Book of Receipt for money.
12. Register of progress of cases in the pending and Paper-book Branches (Civil).
13. Head Copyist's Pass Book A and B.
14. Head Copyist's List of unexpected advances.
15. Estimator's Register of Estimates prepared.

Section E (3 Years)

1. Register of Inspection of Records.
2. Copying Branch Register of daily disposals.
3. Book of Requisition for Records (Civil and Criminal).
4. Register of work done daily in the Copying Section.
5. Book of Intimation to Lower Court of admission of Appeal.
6. Book of acknowledgment of Records returned.
7. Register of Applications received by post.
8. Register of process issued.
9. Register of progress of cases in the pending and Paper Book Branches (Criminal).
10. Consolidated Register of Bills of Costs for Paper Books.
11. Register of records deposited in Record Room.

Section F (1 Year)

1. Attendance Roll.
2. Disposal Ledgers.
3. Register showing work done daily by the Supreme Court Clerk.
4. Register showing work done daily by each sectioner in the Supreme Court Copying Sections.
5. Cause Book of petitions.
6. Register of Receipts and issues of Forms.
7. Register showing preparation of Records of cases for transmission to Supreme Court.
8. Register of distribution of work in the Translation Section.
9. Register of work done by Translators.
10. Register of work done by Notice Clerk.
11. Register of work done by Estimators.
12. Register of daily out-turn of typist in the Paper-Book Branch.
13. Consolidated Register of work done daily by each Translator.

Note.—Any other registers and papers of ephemeral nature for the preservation of which no specific period has been prescribed shall be destroyed at the end of one year.

CHAPTER XVII

A: Rules under section 34(1) of the Advocates Act, 1961

260. In these rules, unless there is anything repugnant to the subject or context, the word "advocate" shall include a partnership or a firm of advocates.

261. Save as otherwise provided for in any law for the time being in force, no advocate shall be entitled to appear, plead or act for any person in any court in any proceeding unless the advocate files an appointment in writing signed by such persons or his recognized agent or by some other person duly authorized by or under a power of attorney to make such appointment and signed by the advocate in token of its acceptance, or the advocate filed a memorandum of appearance in the form prescribed by the High Court :

Provided that where an advocate has already filed an appointment in any proceeding, it shall be sufficient for another advocate, who is engaged to appear in the proceedings merely for the purposes of pleading, to file a memorandum of appearance or to declare before the court that he appears on instructions from the advocate who has already filed his appointment in the proceedings :

Provided further that nothing herein contained shall apply to an advocate who has been requested by the court to assist the court as an *amicus curie* in any case or a proceeding or who has been appointed at the expense of State to defend an accused person in a Criminal Proceeding.

Explanation.—A separate appointment or a memorandum of appearance shall be filed in each of the several connected proceedings, notwithstanding that the same advocate is retained for the party in all the connected proceedings.

262. An advocate who is not on the roll of Advocates of the Bar Council of the State in which the court is situated, shall not appear, act or plead in such court, unless he files an appointment along with an advocate who is on the roll of such State Bar Council and who is ordinarily practicing in such court.

263. In cases in which a party is represented by more than one advocate, it shall be necessary for all of them to file a joint or separate appointment.

264. The acceptance of the appointment on behalf of a firm or partnership of advocates shall be indicated by a partner affixing his own signature as a partner on behalf of the firm or partnership of advocate.

265. An advocate at the time of acceptance of his appointment shall also endorse on it his address which address shall be regarded as one for service within the meaning of Rule 5 of Order III of the Code of Civil Procedure, 1908 :

Provided that where more than one advocate accepts the appointment, it shall be sufficient for one of them to endorse his address.

266. Where an advocate appointed by a party in any of the proceedings is prevented by reasonable cause from appearing and conducting the proceedings at any hearing, he may instruct another advocate to appear for him at that hearing.

267. (1) In civil cases, the appointment of an advocate, unless otherwise limited, shall be deemed to be in force to the extent provided in that behalf by Rule 4 of Order 3 of the Code of Civil Procedure, 1908.

(2) In criminal cases, the appointment of an advocate, unless otherwise limited, shall be deemed to be in force until determined with the leave of the court in writing signed by the party or the advocate, as the case may be, and filed in court or until the party or the advocate dies or until all proceedings in the case are ended so far as regards the party.

(3) For the purposes of sub-rule (2), a case shall be deemed to mean every kind of enquiry trial or proceedings before a criminal court whether instituted on a police report or otherwise than on a police report, and further—

- (i) An application for bail or reduction, enhancement or cancellation of bail in the case;
- (ii) An application for transfer of the case from one court to another;

- (iii) An application for stay of the case pending disposal of a civil proceeding in respect of the same transaction out of which the case arises;
- (iv) An application for suspension, postponement or stay of the execution of the order or sentence passed in the case;
- (v) An application for the return, restoration or restitution of the property as per the order of disposal or property passed in the case;
- (vi) An application for leave to appeal against an order of acquittal in the case;
- (vii) Any appeal or application for revision against any order or sentence passed in the case;
- (viii) A reference arising out of the case;
- (ix) An application for review of an order or sentence passed in the case or in an appeal, reference or revision arising out of the case;
- (x) An application for making concurrent sentences awarded in the case or in an appeal, reference, revision or review arising out of the case;
- (xi) An application relating to or incidental to or arising in or out of any appeal, reference, revision or review arising in or out of the case (including an application for leave to appeal to the Supreme Court);
- (xii) Any application or act for obtaining copies of documents or for the return of articles or documents produced or filed in the case or in any of the proceedings mentioned hereinbefore;
- (xiii) Any application or act for obtaining the withdrawal or the refund or payment of or out of the moneys paid or deposited in the court in connection with the case or any of the proceedings mentioned hereinbefore (including moneys paid or deposited for covering the costs of the preparation and the printing of the Transcript Record of Appeal to the Supreme Court);
- (xiv) Any application for the refund of or out of the moneys paid or recovered as fine or for the return, restitution or restoration of the property forfeited or confiscated in the case or in any appeal, reference, revision or review arising out of the case as per final orders passed in that behalf;
- (xv) Any application for expunging remarks or observations on the record of or made in the judgment in the case or any appeal, reference, revision or review arising out of the case; and
- (xvi) Any application or proceeding for sanctioning prosecution under Chapter XXVI of the Code of Criminal Procedure, 1973, or any appeal or revision arising from and out of any order passed in such an application or proceeding, shall be deemed to be proceedings in the case:

Provided that where the venue of the case or the proceedings is shifted from one Court (subordinate or otherwise) to another, the advocate filing the appointment referred to in sub-rules (1) and (2) above in the former court shall not be found to appear, act or plead in the later court unless he files or he has already filed a memorandum signed by him in the later court that he has instructions from his client to appear, act and plead in that Court.

268. (1) Except when specially authorized by the Court or by consent of the party, an advocate, who has advised in connection with the institution of a suit, appeal or other proceeding or has drawn up pleadings in connection with such matter, or has during the progress of any suit, appeal or other proceeding appeared, acted or pleaded for a party, shall not, unless he first gives the party whom he has advised or for whom he has drawn up pleadings, appeared, acted or pleaded, an opportunity of engaging his services, appear or act or plead in such suit, appeal or other proceeding or in an appeal or application for revision arising therefrom or in any matter connected therewith for any person whose interest is in any manner in conflict with that of such party :

Provided that the consent of the party may be presumed if he engages another advocate to appear, act or plead for him in such suit, appeal or other proceeding without offering an engagement to the advocate whose services were originally engaged by him or on his behalf.

(2) Where it appears on the face of the record that the appearance of an advocate in any proceeding for any party is prejudicial to the interest of the other party on account of the reasons mentioned in sub-rule (1) above, the Court may refuse to permit the appearance to be filed or cancel such appearance if it has already been filed, after giving the said advocate an opportunity of being heard.

(3) An advocate who discloses to any party information confided to him in his capacity as an advocate by another party without the latter's consent shall not be protected merely by reason of his being permitted to appear, act or plead for the said party.

269. (1) The appointment of a firm or partnership of advocates may be accepted by any partner on behalf of the firm.

(2) No such firm or partnership shall be entitled to appear, act or plead in any Court unless all the partners thereof are entitled to appear, act or plead in such Court.

(3) The name of the firm or partnership may contain the names of the persons who were or are members of the partnership but of no others.

(4) The words 'and Company' shall not be affixed to the name of any such partnership or firm.

(5) The names of all the members of the firm shall be recorded with the Registrar of the High Court and/or the District Judge, as the case may be, and the State Bar Council, and the names of all the partners shall also be set out in all professional communications issued by the partners or the firm.

(6) The firm of advocates shall notify to the Registrar of the High Court/or the District Judge, as the case may be, and the State Bar Council, any change in the composition of the firm or the fact of its dissolution as soon as may be from the date on which such change occurs or its dissolution takes place.

Explanation.—In cases of dissolution, all the members, who were the members on the date of dissolution, of such dissolved firm shall be jointly and severally responsible for the purpose of such notification as mentioned in this rule.

(7) Every partner of the firm of advocates shall be bound to disclose the names of all the partners of the firm whenever called upon to do so by the Registrar of the High Court, the District Judge, the State Bar Council, any Court or any party for or against whom the firm or any partner thereof has filed the appointment or memorandum of appearance.

(8) In every case where a partner of a firm of advocates signs any document or writing on behalf of the firm he shall do so in the name of the partnership and shall authenticate the same by affixing his own signatures as partner.

(9) Neither the firm of advocates nor any partner thereof shall advise a party or appear, act or plead on behalf of a party in any matter or proceeding where the opposite party is represented by any other partner of the firm or by the firm itself.

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

271. An advocate may correct any clerical error in any proceedings with the previous permission of the Registrar or any officer of the Court specially empowered in this behalf by the Court obtained on a memorandum stating the correction desired.

272. No advocate who has been debarred or suspended or whose name has been struck off the roll of advocates shall be permitted to act, as a recognized agent of any party within the meaning of Order 3 of Code of Civil Procedure, 1908.

273. No advocate who has been found guilty of contempt of Court shall be permitted to appear, act, or plead in any Court unless he has purged himself of contempt.

274. Advocates appearing in the High Court shall wear the following as part of their dress which shall be sober and dignified :—

(1) Advocates other than lady advocates :—

- (i) a black buttoned up coat, chapkan, achkan, black sherwani and white bands with Advocate's Gowns, or
- (ii) a black open breast coat, white shirt, white collar (stiff or soft) and white bands with Advocate's Gowns. In either case long trousers (white, black striped or grey) or Dhoti.

(2) Lady Advocates,—

- (i) Black and full or half sleeve jacket or blouse, white collar (stiff or soft) with white bands and Advocate's Gowns.
White blouse, with or without collar, with white bands and with a black oper breast coat with Advocate's Gowns.

OR

- (ii) Sarees of long skirts (white or black of any mellow of subdued colour without any print or design) of Flare (white, black or black striped or grey) or Punjabi dress, churidar kurta or salwar-kurta with or without dupatta) white or black with white bands and Advocate's Gowns.

B: Senior Advocate

Rules framed by the High Court of Chhattisgarh, in exercise of the powers conferred under Section 16 (2) of the Advocates Act, 1961

275. The High Court may designate an Advocate as Senior Advocate, if in its opinion, by virtue of his ability and standing at the Bar the said Advocate deserves such distinction.

Explanation.—The term 'standing at the Bar' means the position of eminence attained by an advocate at the Bar by virtue of his seniority, legal acumen and high ethical standards maintained by him, both inside and outside the Court.

276. The name of an Advocate for being designated as a Senior Advocate may be proposed in any of the following ways :—

- (1) by the Chief Justice or any of the Judges of the High Court;
- (2) by an application made by the Advocate desiring to be so designated:

Provided that in case of (1) above the written consent of the Advocate concerned shall accompany the proposal, and in either case as mentioned above the Advocate concerned shall append his certificate that he has not applied to any other High Court for being designated as Senior Advocate and that no application of his has been rejected by the High Court within the period of two years prior to the date of the proposal or application.

277. An advocate shall be considered for being designated as Senior Advocate only if he has completed forty five years of age and has actually practiced as an Advocate for not less than fifteen years, of which 12 years practice should be in any court within the jurisdiction of the erstwhile High Court of Madhya Pradesh or the High Court of Chhattisgarh and at least three years practice in the High Court of Chhattisgarh. In calculating the 15 years standing at the Bar, services rendered as a Judicial Officer shall be taken into consideration.

278. The advocate to be designated as Senior Advocate should be an Income Tax Assessee for seven years preceding the date of consideration of his case for designation as Senior Advocate and the annual declared gross income from the profession should not be less than 2 lakhs rupees for the immediately preceding past 3 years.

279. (1) The application by an Advocate to designate him as Senior Advocate shall contain the following particulars :—

- (i) Name
- (ii) Qualifications
- (iii) Date of birth
- (iv) Permanent Address
- (v) Address to which communications are to be sent
- (vi) Date of enrolment as Advocate and where enrolled
- (vii) Number in the roll of advocates maintained by the State Bar Council and the date on which enrolled
- (viii) Whether a member of any Association of Lawyers? If so, details.
- (ix) Number of years' practice (or judicial service) and in which Court?
- (x) Whether has specialized in any field of Law? If so, details.
- (xi) Whether was a chamber junior to any lawyer? If so, name of such Lawyer/Lawyers and the period spent as such.
- (xii) Whether any junior lawyer is attached to his chamber? If so, the name of such Lawyer and the period held as such.
- (xiii)
 - (a) Since when has been an assessee under the Income Tax Act in respect of his profession?
 - (b) What is the gross income returned for the last 3 years and the net income on which he has been assessed?
- (xiv) Whether in the panel or holds any office under the State or Central Government?

- (xv) Reference to any important matter in which he has appeared.
- (xvi) Whether he had to his credit any Journal? If so, details.
- (xvii) Whether has attended or participated in any seminar/conference relating to law?
- (xviii) Whether connected with any faculty of law? If so, details.
- (xix) Has any application for designation as Senior Advocate been made to the High Court of Chhattisgarh or any other Court before? If so, with what result?
- (xx) Whether is ordinarily practicing within the jurisdiction of the High Court of Chhattisgarh?
- (xxi) Other information/particulars, if any, including legal aid work.

Date.

Signature of the Advocate
furnishing information

(2) If the proposal for designation of an Advocate as Senior Advocate is made under sub-rule (1) of Rule 276, by the High Court, the particulars mentioned in sub-rule (1) shall, as far as possible, be obtained by the Registry.

280. The proposal for designation shall be considered in a Full Court Meeting of the High Court.

281. An application once rejected shall not be reconsidered for another two years.

282. The designation of Senior Advocate shall be liable to be cancelled after due notice in the event of it being found that he has violated any or all of the provisions of the Rules or the restrictions prescribed by the Bar Council of India under Sections 16 (3) and/or 49 (1) (g) of the Advocates Act, 1961.

283. On designation of an Advocate as a Senior Advocate or on cancellation of such designation, the Registrar General, shall notify the fact to the Registrar General, Supreme Court, the Bar Council of Chhattisgarh, the Bar Council of India, the Bar Council of other States in India and to all the District and Sessions Judges subordinate to the High Court.

284. A record of all such decisions shall be maintained in the office of the High Court.

285. Nothing in these rules shall be construed to curtail the powers of the High Court to relax any requirement under the rules.

286. On the date of coming into force of these Rules, any existing Rules framed by the High Court under Section 16 (2) of the Advocates Act, 1961 shall stand repealed.

These Rules shall come into force with immediate effect.

C: Legal Practitioner's Clerk

287. This Rule framed under this Part C shall be called as "The Chhattisgarh High Court Legal Practitioner's Clerk Rules".

- (1) The expression 'recognized clerk' means a clerk employed by a legal practitioner and permitted as such to have access to the Court and the Registry in connection with his clerical work.
- (2) Two or more clerks of a legal practitioner may be recognized if the extent of practice necessitates their employment. Special care should be taken to see that this condition is satisfied in the case of practitioners having less than ten year's standing.

- (3) The Registrar General shall maintain in the following form, a register of all recognized clerks.

Register of Recognized Clerks

Serial No.	Name	Father's name	Residence
1	2	3	4

Date of registration	Name of legal practitioner under whom employed	Date of removal from the register with cause for removal in brief	Remarks
5	6	7	8

Note.—The register will be open for inspection on payment of the usual fees prescribed for inspection of registers.

- (4) (i) Every application for recognition shall be made by a legal practitioner, by a letter addressed to the Registrar General in the following form :—

"I beg that (name).....son of.....aged.....resident of.....may be recognized as my clerk.

I have made due enquiries with regard to the character and qualifications of the candidate, and certify that in my opinion he is a fit and proper person to be recognized as a legal practitioner's clerk, under the rules made by the High Court of Chhattisgarh. I also certify that he will be employed *bona fide* in my service for clerical work".

- (ii) The application shall state the legal practitioner's standing at the Bar, the name or names of the recognized clerks, if any, already in his service, and the educational qualifications of the person proposed to be employed as a recognized clerk.

- (5) An application for renewal of recognition shall be made by the legal practitioner to the Registrar General before the 15th January of each year.

- (6) A fee of Rs. 100/- for recognition and an annual fee of Rs. 50/- for the renewal of recognition shall be payable in respect of each clerk. The fee payable for renewal will be Rs. 100/- if the application for renewal is made after the date mentioned in the preceding sub-rule. The fee shall be paid in the shape of court-fee stamps affixed to the applications.

- (7) No person convicted of an offence involving moral turpitude shall be registered as a recognized clerk unless after taking into consideration the age, and antecedents of the person, the circumstances in which the offence was committed, the interval since conviction and the conduct of the person during that interval, the Registrar General is of the opinion that the conviction should no longer operate as a bar to the registration. No person shall be

registered as a recognized clerk unless he is approved by the Bar Association, and unless the Registrar General is satisfied that he has had a sufficient elementary education in Hindi and also in English.

- (8) No person shall be admitted or continued as a recognized clerk if he is, or acts as, a recognized agent (*mukhtyar*), either under a special or general power of attorney of any person other than the legal practitioner by whom he is employed.
- (9) No clerk recognized as the clerk of one legal practitioner shall do business in the Court or its Registry on behalf of any other legal practitioner unless permitted in writing to do so by his master on special occasions.

Note.—Two legal practitioners cannot be allowed to engage a single clerk. If a legal practitioner cannot employ a separate clerk he should do his own work. But one clerk may be allowed for two closely related legal practitioners, such as father and son or brothers.

- (10) No clerk employed by a legal practitioner shall be allowed access to the High Court or any Court subordinate to it, or to any of the offices attached thereto unless he is a recognized clerk.
- (11) (i) A registered clerk may act in all matters of a routine nature which do not require the personal attendance of a legal practitioner such as—
 - (a) to present applications signed by his master for—
 - (i) copies of records,
 - (ii) return of documents,
 - (iii) issue or process with diet-money, if any,
 - (iv) payment of incidental costs,
 - (v) translation and typing of documents.
 - (b) to inspect records if authorized by his master and sanctioned by the Court or other officer empowered to do so;
 - (c) to file powers of attorney in favour of his master; and
 - (d) to identify, if required and if in a position to do so, persons making inspection of records or swearing affidavits.

(ii) Acts which the law requires to be done by a party or his recognized agent, or by the pleader duly appointed on his behalf, such as the presentation of a memorandum of appeal shall not be allowed to be done by a recognized clerk.

(iii) When a recognized clerk receives any money from his master's employer he shall give to the employer a receipt for the amount received by him specifying exactly what for the money was received, e.g. writing fees or costs, and if for costs, for what costs, e.g. process-fee, pleader's fee, etc. The details shall be set out separately either in the receipt itself or on a separate piece of paper attached to it.

- (iv) No writing fee exceeding the rate prescribed for the time being for petition writers shall be included in the taxed costs and no such fee shall be taxed unless a certificate signed by the clerk and countersigned by the pleader is filed before the date of decision :

Provided that a Judge may in his discretion for reasons to be recorded award more than the rate prescribed for the petition writers.

- (12) The Registrar General, for reasons to be recorded in writing, and after hearing the clerk in his defence, if he so desires, order the removal of any recognized clerk and strike off his name from the register, and on the passing of such order the clerk shall cease to be a recognized clerk. Every such order shall be communicated to all concerned.

Note.—Proceedings taken against clerks under this rule are administrative and not judicial proceedings.

- (13) No person removed under the preceding rule shall be recommended for registration by any legal practitioner unless he has been declared to be eligible for registration under sub-rule (15).

- (14) The name of a recognized clerk found on enquiry under sub-rule (12) using the Court premises for private purposes, such as preparation of documents unconnected with the case in which his master is engaged, may be struck off from the register.

- (15) The Registrar General may at any time revise the order passed by him under sub-rule (12) and may, for reasons to be recorded in writing, reinstate the person removed or declare him eligible for registration.

- (16) Whenever, a pleader ceases to employ a recognized clerk he shall notify the fact to the Registrar General and shall also briefly state the reason why he has ceased to employ him. On receipt of this information the name of the clerk shall be struck off from the register and all concerned shall be informed.

- (17) Each recognized clerk shall be given an identity card. Every recognized clerk, while in the Court premises, shall be properly dressed in sky blue full sleeve shirt and black pant/trouser and wear a plastic badge admeasuring 1" x 3" of black colour containing his name, and description as Advocate's Clerk in white letters.

D: Prevention of Touts

288. (1) The Registrar General, may, if necessary, in consultation with the President, High Court Bar Association shall publish list of persons, proved to his satisfaction, by evidence of general repute or otherwise, habituated to act as touts to be known as '*list of touts*' and may, from time to time, alter or amend such list.

A copy of every such list of touts shall be displayed on the notice board of the Court.

Explanation.—In this Rule—

- (i) 'tout' means a person who procures, in consideration of any remuneration moving from any advocate or from any person acting

on his behalf, the employment of such advocate in any legal business, or who proposes to or procures any advocate, in consideration of any remuneration moving from such advocate or from any person acting on his behalf, the employment of the advocate in such business, or who, for purposes of such procurement, frequents the precincts of the Court.

- (ii) the passing of a resolution by the Supreme Court Bar Association or by a High Court Bar Association declaring any person to be a tout shall be evidence of general repute of such person for the purpose of this rule.

(2) No person shall be included in the list of touts unless he has been given an opportunity to show cause against the inclusion of his name in such list. Any person may appeal to the Judge (in Chamber) nominated in this behalf against the order of the Registrar including his name in such list.

(3) The Registrar may, by general or special order, exclude from the precincts of the Court all such persons whose names are included in the list of touts.

CHAPTER XVIII RULES UNDER SPECIAL ACTS

(A) Rules for the Disposal of Election Petitions filed under the Representation of the People Act, 1951

289. In these rules made under this Part (A) of Chapter XVIII of the Rules of the Court, unless the context otherwise requires :—

- (1) "the Act" means the Representation of the People Act, 1951;
- (2) "the Code" means the Code of Civil Procedure, 1908;
- (3) "the Court" means the High Court of Chhattisgarh at Bilaspur;
- (4) "the Judge" means the Judge or Judges of the Court who from time to time, have been assigned by the Chief Justice under sub-section (2) of Section 80-A of the Representation of the People Act, 1951, for exercising the jurisdiction of the High Court under sub-section (1) of Section 80-A of the Act;
- (5) "the Commission" means the Election Commission of India.

290. As soon as an election petition is filed, but not later than a week, an intimation thereof shall be sent to the Commission.

291. Every Election Petition shall be :—

- (1) typewritten or printed fairly and legibly on foolscap size paper of reasonable quality, one side of the paper only being used, leaving a quarter inch margin on the left and at least $1\frac{1}{2}$ inches open space on the top and bottom of each sheet.
- (2) written in English, numbering separately the paragraphs thereof;
- (3) couched in proper language, and in conformity with Sections 81, 82 and 83 of the Representation of the People Act, 1951.

292. The Registered address required to be filed under Rules 19 and 20 of Order VII and Rule 11 of Order VIII of the Civil Procedure Code shall contain the following particulars :—

- (1) the name of the street, lane or municipal ward and the number of the house, if any;
- (2) the name of the town or village;

- (3) the post office; and
- (4) the tehsil and the district.

293. Every Election Petition shall contain sufficient and clear particulars to show that it has been filed within the period of limitation prescribed by Section 81 of the Act.

294. Every Election Petition shall be accompanied by a receipt signed by the Cashier of the Court acknowledging that an amount of Rs. 2,000/- (Rs. Two Thousand Only) has been deposited as security for the costs of the petition in accordance with the rules of the High Court.

295. (1) Every Election Petition complete in all respects, shall be presented before the Registrar (Judicial), in the High Court at Bilaspur.

(2) The name of the person presenting an Election Petition, with a description of the capacity in which he is presenting it, the date and hour of presentation and any other particulars considered necessary shall be endorsed in the margin of first page of the petition by the Registrar (Judicial) under his own signature.

(3) The Registrar (Judicial) shall have the petition examined in order to find out that all the requirements of the Act and these rules have been complied with.

(4) When after scrutiny, the Registrar (Judicial) reaches to the conclusion that the petition is complete in all respects in accordance with the Act/Rules, he shall certify the same.

296. As soon as may be after an Election Petition is presented and scrutinized as above, the Registrar (Judicial) shall place the same before the Chief Justice for orders under sub-section (2) of Section 80-A of the Act.

297. Every Election Petition shall be registered as "Election Petition" and given a separate serial number of the year and shall be entered with complete details in a separate register maintained for the purpose.

298. The Rules of the High Court shall apply, in so far as they are not inconsistent with the Act or the rules, if any, made thereunder or the Civil Procedure Code or these rules, in respect of all matters including processes and process fees, issuance of orders, copies and copying fees, deposit and withdrawal of money, forms, affidavits, etc.

299. Where more than one Election Petitions are presented in respect of the same election, the Judge may, in his discretion, try them separately or in one or more groups.

300. (1) As soon as may be, after an Election Petition has been presented and registered, it shall be placed before the Judge for such orders as may be required to be passed under Section 86 of the Act.

(2) If the petition is not dismissed summarily under Section 86 (1) of the Act, a summons, on the direction of the Judge, shall be issued to the respondents to appear before the Judge on a day not earlier than three weeks from the date of the issue of the summons, unless otherwise ordered by the Judge.

(3) The summons shall be for filing written statement and settlement of issues and shall be served on the respondents through the District Judge of the district to which the respondent belongs or in the district in which he ordinarily resides, in the manner provided for the service of summons in the Code of Civil Procedure and the concerned District Judge will make his best endeavour to get the summons duly served and make a return of the service of summons before the date fixed.

301. In addition to the service of summons to be effected as aforesaid, summons shall also be sent to the respondents at the address given by the petitioner by registered post acknowledgment due and/or by such other means as is directed by the Judge. The petitioner shall file extra copies of the petition along with copies of annexures, if any, duly attested as required by the Act and these Rules to be served along with the summons.

302. Those of the respondents who file written statements or recriminatory statements as provided under Section 97 (2) of the Act, shall also furnish copies of such written statements and recriminatory statements and copies of annexures, if any, duly attested by such respondents under their own signature, for the use of the petitioner and the other respondents, as the case may be, and where a recriminatory statement under Section 97 (2) alleges any corrupt practice, such a statement shall be accompanied by an affidavit in support of the allegation of such corrupt practice and the particulars thereof as required under the Act/Rules.

303. After the pleadings in the election petition are received, a date shall be fixed, at the direction of the Judge, for (1) discovery of documents, (2) inspection of the documents disclosed, and (3) the production of documents which are in the possession and power of the parties, and issues would then be settled.

304. (1) Within seven days of the settlement of issues, parties shall file a list of witnesses and pay the process fees along with the traveling allowance, the diet allowance and local conveyance allowance as may be required.

(2) If no such list is filed or the required payment is not made within the period mentioned in sub-rule (1), the petition shall be placed before the Judge for necessary orders.

305. Witnesses may also be produced by the parties on the date of hearing without a summons, provided the parties have filed a list of the same as required under these Rules.

306. (1) A party applying for a summon(s) to a witness(es) shall be required to deposit with the cashier of the Court at the time of applying for summons a sum sufficient to cover the travelling allowance, the diet allowance and the local conveyance allowance of the witness(es) according to the scale given below :

Provided that in cases not fully or clearly covered by this Scale or in cases where the Judge thinks special considerations should prevail, the Judge shall award such amounts as he deems proper :

Provided further that the local conveyance allowance shall be payable only if the party calling the witness does not provide conveyance to him.

Scale

Class of witness	Travelling allowance	Diet allowance	Local conveyance allowance
Class-I			
Gazetted Officers, Professionals like Doctors, Advocates, Architects, Chartered Accountants, etc. Income Tax payee, Members of Parliament, Member of State Legislature.	<p>By Rail A.C. Sleeper/Chair Car fare.</p> <p>By Road Taxi fare at the rate prescribed by the Directorate of Transport of the State Government and if no such rate has been fixed, as the Court thinks reasonable.</p>	Rs. 250/- per day	By Taxi

Class of witness	Travelling allowance	Diet allowance	Local conveyance allowance
Class-II			
All others except those mentioned in Class-I.	By Rail Sleeper or 2nd class fare. By Road Actual Bus fare.	Rs. 150/- per day	By three wheeler Auto-rickshaw.

Note 1.— Travelling allowance will be payable for the shortest possible route.

If in addition to travelling by rail a witness is required to travel by bus also, the actual bus fare paid for such part of the journey shall also be admissible for travelling allowance.

Note 2.— Diet allowance shall be payable, irrespective of the distance travelled, for the actual time required for journey each way and also for the time taken in giving evidence and for the time of detention necessary for the purpose of giving evidence. A part of the day shall be counted as equal to a day.

Note 3.— The Registrar (Judicial) of the Court shall decide as to which class a witness belongs or which of the alternative modes of travelling should be allowed in a particular case. A witness dissatisfied by his decision may request that a reference be made to the Judge. The Judge thereupon give such directions as he thinks just and proper in the case.

(2) Payment shall be made to the witness out of the amounts deposited with the Cashier after the witness has given evidence or he is discharged by the Judge, and a certificate to either effect has been given by the "Bench Clerk".

307. (1) The evidence of each witness shall be taken down and recorded in English or Hindi, as per the convenience of the Court. It shall be in narrative form and not in question-answer form except when so requested specifically by any party, and permitted by the Court, with respect to any particular question or answer for a specific requirement.

(2) The statement shall be typed and signed by the witnesses and the Judge.

308. No commission for the examination of any witness will be issued unless the Judge considers it absolutely necessary and the party at whose instance such commission is to be issued has deposited with the Cashier of the Court, within such time as may be fixed, such sum as the Court may consider reasonable for the purpose.

309. (1) No document in any language other than English shall be admitted in evidence unless it is accompanied by an English translation which shall either be the official translation or a translation the accuracy of which is certified by an Advocate of the Court. Costs of the translations shall be at the discretion of the Court.

(2) Exhibit marks on documents and material objects shall be written by the Bench Clerk and signed by the Judges or under his orders by the Bench Clerk.

310. In case of filing of an application for withdrawal of an election petition, the cost for publication in the official Gazette of the notice as required under sub-section (2) of Section 109 shall be realized from the petitioner, who shall deposit the necessary amount as soon as the withdrawal petition is filed.

311. (1) Where an election petition abates under sub-section (1) of Section 112 of the Act, the notice of such abatement, as required by sub-section (2) of Section 112 of the Act, shall be published in the official gazette.

(2) No cost shall be realized for publication of the notice required under clause (b) of sub-section (3) of Section 110, sub-section (2) of Section 112 and Section 116 of the Act.

(3) Unless otherwise directed by the Judge the Official Gazette, in which the notice as required under sub-section (2) of Section 109, clause (b) of sub-section (3) of Section 110, sub-section (2) of Section 112 and Section 116 of the Act is to be published, shall be the State Gazette in case of election petitions relating to the State Legislatures and Gazette of India in case of election petitions relating to the Parliament.

(4) The office shall send such notice for publication in the official Gazette within one week of the time when such publication becomes necessary.

312. As soon as an election petition is dismissed by the High Court under sub-section (1) of Section 86 of the Act, or the same has been finally disposed of on merits as provided under Sections 98 and 99, or the High Court passes an order under sub-section (1) of Section 116-B of the Act, the office shall intimate the order or the decision of the High Court to (i) the Commission and (ii) the Speaker or the Chairman as the case may be, of the Houses of Parliament or of the State Legislature concerned; and thereafter, as soon as possible, it shall also forward to the Commission an authenticated copy of the judgment/order of the Court. The office shall also report the Commission as required by Section 111 of the Act, when an election petition is allowed to be withdrawn and orders are passed in that behalf by the High Court. Where an election petition abates and no attempt has been made for substituting another person for continuing the said petition as provided under Section 116 of the Act, and the Court passes a final order treating the petition as abated, the office shall report to the Commission.

313. The Chhattisgarh High Court Rules, except in so far as they are inconsistent with Part (A) of this Chapter, shall apply *mutatis mutandis* to all election petitions. Where no specific provision is made in the Act, the Code or the High Court Rules, the Judge may pass such orders as he may consider necessary.

(B) Rules under the Bankers' Books Evidence Act, 1891

314. A Bank ordered under the Banker's Books Evidence Act, 1891 (XVIII of 1891) [hereinafter, in this Part (B) of this Chapter, referred to as the 'Act'] to supply certified copies of entries from its books shall be entitled to charge on the following scale :

	Scale of fees
Searching fee—For each year or part of a year in respect of which search is made.	Rs. 5.00
Copies—For each Bank folio or part thereof.	Rs. 5.00
Certificate—For the certificate under Section 6 of the Act.	Rs. 5.00

A Bank folio for this purpose is a page of the Bank's books of not less than 40 and not more than 50 lines.

315. On an application/petition being preferred for an order under the said Act the Court or a Judge may direct that notice of the application/petition shall be served on the Bank or Banks named in the application/petition. The

application/petition shall set out particulars of the entries of which it is desired to obtain copies (or, if this is impossible, the year or years in which such entries will appear) and the materiality of such entries.

316. All applications/petitions shall be made in such sufficient time so as to allow three clear day's notice as required to be given by Section 6 (2) of the Bankers' Books Evidence Act, and all application/petitions not made in such insufficient time shall state the reason thereof.

317. The party who has obtained such order shall serve it upon the Bank or Banks affected and at the same time pay to the Bank or Banks the searching fee of which the amount shall be stated in the order.

318. Upon service of the order, the Bank or Banks shall forthwith cause search to be made and shall thereafter forthwith inform the party who has obtained the order the amount to be paid to such Bank or Banks for copies of the entries to be made in terms of the order.

319. Thereupon the party concerned shall pay to the Bank or Banks the amount so stated and also the fee for the certificate and the Bank or Banks shall upon receipt thereof forthwith prepare and deliver to the party the copies of the relevant entries together with the certificate as mentioned under Section 6 of the Act.

320. Nothing in the above rules shall be construed as derogating from the power of the Court or the Judge to make such orders as to costs in particular cases as may seem appropriate to it or him under Section 7 of the Act.

(C) Rules under the Chartered Accountants Act, 1949

321. All cases received by the High Court under Section 21 of the Chartered Accountants Act, 1949 (hereinafter, in this Part (C) of this Chapter, referred to as "the Act") shall be registered as "Miscellaneous Civil Cases (Chartered Accountants)".

322. The Council of Institute of Chartered Accountants of India (hereinafter in this Part (C) of this Chapter, referred to as "the Court") shall forward to the High Court a set of material papers relating to the enquiry which will be regarded as the original set. It shall include the following :—

- (1) The finding of the Council ;
- (2) The Report of the Disciplinary Committee;
- (3) Complaint or information ;
- (4) Written statement in defence ;
- (5) Deposition of witnesses, affidavits, exhibits and other oral and documentary evidence.
- (6) Notes of the hearing before the Disciplinary Committee.
- (7) Such other papers as were before the Disciplinary Committee and the Council as the Council may consider relevant or the High Court may require for the disposal of the case.

The Council shall also furnish the High Court with five additional identical copies of the papers aforesaid for insertion in the paper books.

323. A translation in English of the documents which are not in that language and are included in the material papers, shall be furnished by the Council under its own authority. If the High Court considers that an official translation shall be made in the High Court, the expenditure incurred in that behalf being recovered from the Council.

324. The Council shall forward along with the material papers a memorandum containing the full and correct postal addresses of all persons or authorities on whom notices are required to be served under Section 21(6) of the Act.

325. On the case being registered, the Registrar (Judicial) shall fix a date for the hearing of the case and shall cause notice to be served under Section 21 (6) of the Act in the Form prescribed in the Annexure hereto. The date of hearing shall be so fixed that there will be an interval of not less than 15 days between the date of service of notice and the date of hearing.

326. The notice shall be sent by registered post, acknowledgment due, at the expense of the Government to all persons to whom notices are required to be sent under the provisions of Section 21 (6) of the Act on the addresses supplied by the Council.

327. The case shall be placed for hearing before a Division Bench hearing Miscellaneous Appeals, and if no such Bench be available, before a Division Bench hearing First Appeals.

328. No advocate shall act for any person in these proceedings, unless he has been appointed for the purpose by such person by a document in writing signed by such person or by his recognized agent or by some other person duly authorized by or under a power of attorney to make such appointment.

329. In all, five copies of paper books shall be prepared in each case, one of which shall be delivered to the member reported against or his counsel, one to each of the advocates representing the Council and the State or Union of India as the case may be, and the remaining two copies shall remain with the record for the use of the Judges.

330. The paper book shall consist of the papers mentioned in Rule 322, but if the Council fails to submit the required number of copies, they shall be prepared by the Registry at the costs of the Council.

331. Except as otherwise provided in this Part (C) of Chapter XVIII of these rules, the provisions of the Code of Civil Procedure, 1908, so far as may be, shall ordinarily apply.

332. The Registrar (Judicial) shall send certified copies of any order that may be passed by the High Court in the case to the Secretary to the Council and to the Secretary to the Government of India (Ministry of Finance).

**ANNEXURE
FORM OF NOTICE**

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Miscellaneous Civil Case (Ch. Acc.) No. of

In the matter of the Chartered Accountants Act, Central Act (XXXVIII of 1949) and in the matter of Members of the Institute of Chartered Accountants of India.

The Council of the Institute of Chartered Accountants of India

..... Referring Authority.

..... Respondents.

To

(1) Member of the Institute, the Respondent (above named).

- (2) Secretary to the Council of the Institute of Chartered Accountants of India.
- (3) Secretary to the Government of India (Ministry of Finance), New Delhi.

Whereas the Council of the Institute of Chartered Accountants of India has forwarded to this Court its findings dated theyear.....and the report of the Disciplinary Committee, dated theyear.....in the above case.

Therefore, take notice that theday ofyear.....has been fixed for hearing and the case will be laid before the Court on that day or as soon thereafter as may be practicable. If no appearance is made on your behalf either in person or through counsel or some one legally authorized to act for you, it will be heard and decided in your absence.

Given under my hand and the seal of the High Court of Chhattisgarh at Bilaspur, this..... day ofyear.....

By Order of the High Court

SEAL

Section Officer

(D) Rules under Section 4 of the Powers of Attorney Act, 1882

333. The Registrar (Judicial) shall have the custody of all instruments deposited in the Court under Section 4 (a), of the Powers of Attorney Act, 1882.

334. A register of all such documents shall be kept under the following headings :—

- (1) Description of documents ;
- (2) Date ;
- (3) By whom deposited ; and
- (4) When deposited.

335. The following fees shall be paid by means of Court fee stamps under Section 4 sub-sections (a), (b) and (c) :

	Rs. P.
(1) For filing every power and other documents	100.00
(2) For obtaining copy	10.00
(3) Where the copy is presented by the party @ Rs. 5 per folio	5.00
(4) For searching and inspecting each set of documents	10.00

(E) Rules under Section 73 of the Copyright Act, 1957

336. In these rules made under this Part (E) of Chapter XVIII of the Rules of the Court, unless there is anything repugnant in the subject or context,—

- (1) 'Act' means the Copyright Act, 1957;
- (2) 'Registrar of Copyright' includes the 'Deputy Registrar of Copyrights' to whom any particular function of the Registrar of Copyrights may be assigned in pursuance of Section 10(2) of the Act;
- (3) 'Board' means the 'Copyright Board' constituted under Section 11 (i) of the Act.
- (4) 'Court' means the High Court of Chhattisgarh at Bilaspur.
- (5) 'Registrar' and 'Deputy Registrar' mean, respectively, Registrar (Judicial) and the Deputy Registrar of the High Court of Chhattisgarh.

(6) 'Section' means a Section of the Act.

337. All appeals under Section 72 (2) shall be registered and styled as 'Miscellaneous Appeals'.

338. Every appeal under Section 72 (2) shall be made in the form of a memorandum signed by the appellant or his Advocate and shall be accompanied by a certified copy of the decision or order appealed from and shall set forth the grounds of objection concisely and under distinct heads. The memorandum and its annexures shall be filed in duplicate with a complete index of the papers filed.

339. Every appeal shall, soon after it is registered, be posted for orders before a Division Bench as to issue of notice to the respondents. The Court may either direct notice to issue and pass such interim order as it may deem necessary or reject the appeal.

340. (1) The service of notice to the respondent or respondents shall ordinarily be effected through registered post. An acknowledgment purporting to be signed by the respondent or the agent or an endorsement by a postal employee that the respondent or the agent refused to take delivery may be deemed by the Court to be *prima facie* proof of service. The appellant shall file as many copies of the memorandum of the appeal alongwith all annexures as there may be parties to be served and also the requisite number of postal envelopes bearing adequate postal stamps to enable service to be effected on the respondent or respondents by registered post with acknowledgment due.

(2) The notice of appeal shall be served on all the respondents effected and the on such other persons as the Court may direct :

Provided that on the hearing of any such appeal, any person who desired to be heard in opposition, and appears to the Court to be a proper person to be heard, shall be heard notwithstanding that he has not been served with the notice of the appeal and shall be liable to costs in the discretion of the Court if so ordered.

(3) Notice meant for the Board shall be served on the Registrar of Copyright in the manner provided in clause (1) of this rule. The Board shall have a right to appear in the appeal through the Registrar of Copyright.

341. If the appellant does not remove the defect, if any, in the memorandum of appeal, or, if he does not file the requisites within a time to be fixed by the Registrar (Judicial), the appeal shall be laid before the Court for such orders as may be deemed fit.

342. When an appeal under Section 72 (2) has been admitted, the Registrar (Judicial) shall send for the record and on receipt thereof shall take steps for the preparation of paper books, so far as may be, in accordance with the rules of the Court regarding preparation of paper books in appeals from original orders.

343. Appeals under Section 72 (2) shall be heard by a Bench of not less than two Judges.

344. When an appeal under Section 72 (2) has been preferred, the Court may, on such terms and conditions as it thinks fit, stay further proceedings in any matter relating to the copyright concerned before the Board till the disposal of the appeal.

345. Save as provided in the Act and these rules, the provisions of the Code of Civil Procedure and the rules of the Court shall apply *mutatis mutandis* to such appeals.

(F) Rules under the Contempt of Courts Act, 1971**THE HIGH COURT OF CHHATTISGARH
(CONTEMPT OF COURT PROCEEDINGS) RULES, 2007**

346. (1) These rules, made under this Part (F) of Chapter XVIII of the Rules of Court, shall be called 'The High Court of Chhattisgarh' (Contempt of Court Proceedings) Rules, 2007.

(2) They shall come into force on the date to be notified by the Chief Justice.

347. In this Part (F) of Chapter XVIII of these rules, unless there is anything repugnant to the subject or context :—

- (1) 'Act' means the Contempt of Courts Act, 1971 (Act 70 of 1971);
- (2) 'High Court' means the High Court of Chhattisgarh at Bilaspur;
- (3) 'Code' means the Code of Criminal Procedure, 1973 (Act 2 of 1974);
- (4) 'Subordinate Court' means any court subordinate to the High Court of Chhattisgarh;
- (5) 'Registrar' means the Registrar (Judicial) of the High Court and shall include Additional/Deputy/Assistant Registrars;
- (6) All other words and expressions used in this Part (F) of these rules but not defined therein shall have the meanings respectively assigned to them in the Act, 'Civil Contempt' and 'Criminal Contempt' shall have the same meaning as in the definitions in the Contempt of Court Act, 1971.

348. (1) ¹[Every petition for initiating proceedings under the Act shall be registered either as Contempt Case (Criminal) or as Contempt Case (Civil). Contempt Case (Criminal) and Contempt Case (Civil) in respect of a Bench of two Judges, shall be heard and decided by the same Division Bench and Contempt Case (Civil) in respect of a Bench presided over by a Single Judge shall ordinarily be heard and decided by the same Bench.]

(2) Notice of every Contempt Case (Criminal) shall be issued to the Advocate General.

(3) In a proceeding initiated by petition, the initiator shall be described as petitioner and the cause title shall be as follows :—

In Re.....(name, description etc. of contemner).

349. (1) Every petition, motion or reference made under rule 348 shall contain in precise language the statement setting forth the facts constituting the contempt of which the person charged is alleged to be guilty and shall specify the date or dates on which the contempt is alleged to have been committed.

(2) When the petitioner relies upon any document or documents in his possession he shall file them along with the petition.

(3) Every petition for taking action under the Act, shall be supported by an affidavit and shall comply with the provisions of rules relating to filing procedure, documents, and affidavits provided in these Rules.

350. (1) Reference under Section 15(2) of the Act may be made by subordinate Courts either *suo motu* or on an application received by it.

1. Substituted by Notification No. 6654/R.G./2015 dated 24th August, 2015, published in the C.G. Rajpatra (Asadharan) dated 24-8-2015 Page 885.

(2) Before making a reference the subordinate Court shall conduct a preliminary enquiry by issuing a show cause notice accompanied by copies of relevant documents, if any, to the contemner and after receiving the reply, if any, of the show-cause notice the Subordinate Court shall write a concise reasoned order of reference indicating why contempt appears to have been committed.

351. ¹[(1) The Advocate General may make motion for initiation of criminal contempt in writing stating the allegation of facts constituting criminal case in accordance with Rule 349.

(2) Any other person may also make motion for initiation of criminal contempt with the consent in writing of the Advocate General.

(3) Any information other than a motion under sub-rules (1) & (2) or a petition of motion made by a party shall, in the first instance, be placed before the Chief Justice on administrative side for further direction, as may be considered proper by him.]

352. In case of Civil Contempt, the Court concerned shall make a reference to the High Court by following, as far as possible, the same procedure laid down for reference in case of Criminal Contempt.

NOTICES

353. (1) Every notice issued by the High Court to the contemner shall be accompanied by a copy of motion, petition or reference, as the case may be, together with the copies of affidavits, if any, or other documents forming the basis of the action in Form No. 1 appended to these Rules.

(2) Such notices issued by the High Court shall be signed by the Registrar (Judicial) and shall be sealed with the seal of the High Court.

(3) Notice of every proceeding under this Act shall be served personally on the person charged, unless the Court, for reasons to be recorded, directs otherwise. In that case the service may be effected by alternative form of service authorized by the Code of Civil Procedure and the Chhattisgarh High Court Rules.

354. The Court may, if satisfied that the person charged is absconding or is likely to abscond or is keeping out or is likely to keep out of way to avoid service of the notice, order issue of warrant of his arrest which in the case of criminal contempt, may be in lieu of or in addition to the attachment of his property under sub-sections (3) and (4) of section 17 of the Act. Such warrants in Form No. 2 appended to this Part (F) of these rules may be endorsed in the manner laid down in section 71 of the Code.

355. Whenever the High Court issues a notice, it may dispense with personal attendance of the person charged with the contempt and permit him to appear through an advocate and in its discretion at any stage of the proceeding direct the personal attendance of such person and if necessary enforce such attendance in the manner herein above provided.

356. (1) When any person charged with contempt appears, or is brought before the High Court and is prepared, while in custody or at any stage of the proceeding, to give bail, such person shall be released on bail, if a bond for such

1. Substituted by Notification No. 6663/R.G./2011 dated the 23rd November, 2011, published in C.G. Rajpatra (Asadharan) dated 24-12-2011 Page 615.

sum of money as the Court thinks sufficient is executed with or without sureties with condition that the person charged shall attend at the time and place mentioned in the bond and shall continue to so attend until otherwise directed by the Court :

Provided further that the Court may, if it thinks fit, instead of taking bail from such person release him on his executing a bond without sureties for his attendance as aforesaid, or without executing any such bond.

(2) The provisions of Sections 436 to 448 and 450 of the Code shall, so far as may be, apply to all the bonds executed under the Rules.

ENQUIRY

357. (1) Any person charged with contempt, other than a contempt referred to in section 14, may file an affidavit in support of his defence on the date fixed for his appearance or on such other date as may be fixed by the Court in that behalf.

(2) If such person pleads guilty to the charge, his plea shall be recorded and the Court may, in its discretion, convict him thereon and commit him to prison under warrant as per Form No. 3 appended to this Part (f) of these Rules.

(3) If such person refuses to plead or does not plead, or claims to be tried or the Court does not convict him on his plea of guilt, it may determine the matter of the charge either on the affidavits filed or after taking such further evidence as it deems fit.

358. A Paper-book consisting of documents specified in Rules 350 to 352 shall be filed by the petitioner or forwarded by the Court making reference, in quadruplicate as the case may be.

359. In case where proceedings are initiated by the High Court, *suo motu* or on the motion of the Advocate-General, the Registry shall prepare the paper-book in quadruplicate.

360. The Rules contained in Chhattisgarh High Court Rules pertaining to grant of copies, process fees and translation of documents and such other matters in respect of which no provision is made in this Part (F) of these Rules shall *mutatis mutandis* apply to the proceedings in the High Court and similarly when proceedings are pending in subordinate Courts, the Rules made by the High Court for the conduct of business of such subordinate Courts shall apply to those proceedings.

361. The Court may direct the Advocate General or any other State Counsel to appear and assist the Court.

362. The orders passed in the proceedings under the Act shall be carried out, enforced and executed as if they were orders passed by the High Court under the Code.

363. The Court may impose such fine as it deems fit in the circumstances of the case. The fine so awarded shall be recovered in the same manner as under the Code.

364. **Repeal and savings.**—On coming into force of this Part (F) of Chapter-XVIII of these Rules, all existing rules or the like governing any matter dealt with or covered by these rules shall stand repealed :

Provided that this repeal shall not affect or invalidate anything done, any action or decision taken, any disposal made, any order or proceeding made or issued under the existing rules before the coming into force of these Rules.

CONTEMPT OF COURTS CASE

FORM No. 1

Notice to Accused

IN THE HIGH COURT OF CHHATTISGARH, BILASPUR

Contempt Case (Criminal)/(Civil) No.

To

In Re.....

(Here mention the name and address of the accused)

Whereas information is laid/a petition filed or Reference/motion is made by..... that you (here mention the gist of the accusation made in the information, petition or reference/motion) :

And whereas a case has been registered against you for action being taken against you under the Contempt of Courts Act, 1971.

You are hereby required to appear in person (or by an Advocate duly instructed)* on day of and show cause why such action as is deemed fit should not be taken against you.

Given under my hand and the seal of this Court, this day of

Seal

Registrar

*Strike off if unnecessary

CONTEMPT OF COURTS CASE

FORM No. 2

Warrant for production of accused

IN THE HIGH COURT OF CHHATTISGARH, BILASPUR

Contempt Case (Criminal)/(Civil) No.

In Re.....

To,

The Superintendent of Police
.....District

Whereas the accused aforesaid has failed to appear before this Court to answer a charge of an offence under the Contempt of Courts Act, 1971 or satisfactorily account for his absence on which had been filed for hearing of the case :

This is to require you to arrest the accused aforesaid and produce him before this Court and return this warrant duly executed on or before the day of

If the accused aforesaid binds himself in a sum of Rs. to this Court with one surety for a like sum before any Magistrate to appear on the said date of hearing and all future dates to which the case may be posted, with one surety for a like sum before any Magistrate, he may be released.

(The portion relating to bail shall be struck out if the Court has ordered a non-bailable warrant),

Herein fail not.

Given under my hand and the seal of this Court this day of

Seal

Registrar

**CONTEMPT OF COURTS ACT
FORM No. 3**

**Warrant of commitment to prison
IN THE HIGH COURT OF CHHATTISGARH, BILASPUR
Contempt Case (Criminal)/(Civil) No.**

In Re.....
To,
The Superintendent of Jail
.....

Whereas on the day of (Name of prisoner in full) accused in the above case was convicted by this Court of an offence under the Contempt of Courts Act, 1971 and adjudged by the Court guilty of willful contempt of this Court/the Court of and was sentenced to suffer imprisonment for the period of / and to pay a fine of (State the punishment fully and distinctly).

This is to authorize and require you the Superintendent to receive the said (prisoner's name) into your custody in the said jail together with the warrant and then carry the aforesaid sentence into execution according to law.

Given under my hand and the seal of the Court this day of

Registrar

Seal

**(G) Rules for Regulating Testamentary and Intestate Proceedings
Rules of Procedure**

365. (1) Definitions.—In this Part (G) of Chapter XVIII of the Rules of the Court, unless the context otherwise requires :—

- (i) 'the Act' means the Indian Succession Act, 1925, as from time to time amended or modified.
- (ii) 'Registrar' means the Registrar of the High Court, or such officer of such Court as may be authorized by the Chief Justice to perform such duties as are by these rules assigned to the Registrar;
- (iii) 'Schedule A' means the Schedule attached to this Rule;
- (iv) 'Will' includes a codicil;
- (v) All other words and expressions used in this Rule but not defined herein shall have the meanings respectively assigned to them in the Act.

(2) Non-contentious business.—Non-contentious business shall include the business of obtaining probate and administration (with or without the Will annexed, and whether general, special or limited) where there is no contention as to the right thereto, including the passing of probates and administrations through the Court in contentious cases when the contest is terminated, and all ex parte business to be taken in the Court in matters of testacy and intestacy not being proceedings in any suit and also the business of lodging caveats against the grant of probate or administration. It shall also include the business of obtaining succession certificate and extension of such a certificate.

(3) Application-How to be written and presented.—An application for probate or letters of administration, or succession certificate shall be

accompanied with an affidavit and shall comply with the provisions regarding filing procedure, registration and listing of cases and shall be registered as Miscellaneous Civil Cases.

(4) **Application for Probate.**—Application for probate shall be made with the Will annexed. If the Will is not in English it shall be translated into English by the official translators of the Court at the cost of the applicant for which he shall make a separate stamped application. The application for probate shall be in Form No. 1 of Schedule A or as near thereto as the circumstances of the case may permit, and shall be accompanied by—

- (i) an affidavit of one of the attesting witnesses, if procurable (in Form No. 2 of Schedule A),
- (ii) an affidavit of valuation in the form set forth in Schedule 3 of the Court-Fees Act, 1870, and
- (iii) a Schedule of property of the deceased (in Form No. 3 of Schedule A).

(5) **Application for letters of administration.**—Application for letters of administration shall be made in Form No. 4 of Schedule A or as near thereto as the circumstances of the case may permit and shall be accompanied by annexures (ii) and (iii) mentioned in the last preceding rule.

(6) **Application for letters of administration with the will annexed.**—Application for letters of administration with the will annexed shall be made in Form No. 5 of Schedule A or as near thereto as the circumstances of the case may permit. It shall set out the names and addresses of the legal representative of the deceased, unless the Court thinks fit to dispense with the statement thereof, and shall be accompanied by the annexure referred to in Sub-rule (4).

(7) (i) **Application for succession certificate.**—Application for succession certificate shall be in Form No. 6 of Schedule A or as near thereto as the circumstances of the case may permit, and shall be accompanied by a Schedule of the property of the deceased. It shall also be accompanied by a petitioner's undertaking as specified in Form No. 7 of Schedule A or as near thereto as the circumstances of the case may permit.

(ii) Where an application for a grant of representation such as probate, letters of administration or succession certificate is applied for within six months of the death of the deceased, the executor of the deceased shall annex to the affidavit of valuation to be filed in Court under Section 19-I of the Court Fees Act, 1870, an account of all the property in respect of which estate duty is payable upon the death of the deceased.

(8) **Certificate that no other grant has been made.**—Within 14 days of the filing of the application for probate or letters of administration, the Registrar shall certify (if such be the case) that no intimation has been received by the Court from any other High Court or District Court of any grant of probate or letters of administration of the property and credits of the deceased having effect throughout the territory of India. Such certificate shall be made in the order sheet, and shall be in Form No. 8 of Schedule A.

(9) **Certificate as to Court fee.**—No order for the issue of a grant of probate or letters of administration or succession certificate shall be made until after the Registrar has certified either that the Court-fee payable on the grant has been paid or that no court-fee is payable. Such certificate shall be made on the order-sheet and shall be in Form No. 9 of Schedule A.

(10) **Delay in application.**—In any case whether probate or administration or succession certificate is for the first time applied for after the lapse of three

years from the death of the deceased, the reason of the delay shall be explained in the petition. Should the explanation be unsatisfactory, the Registrar may require such further proof of the alleged cause of delay as he may deem fit.

(11) **Proof of identity.**—The Court may, in cases where it deems it necessary, require proof, in addition to the usual statement required to be made in the petition, of the identity of the deceased or of the party applying for the grant.

(12) **Interlineations, alterations etc., in the will should be sworn to by the attesting witness.**—When interlineations, alterations, erasures or obliterations appear in the will (unless duly executed as required by the Indian Succession Act or recited in or otherwise identified by the attestation clause), a statement shall be made in the affidavit of the attesting witness whether they existed in the will before its execution or not.

(13) **In absence of attesting witness what other evidence must be produced.**—If no affidavit by any of the attesting witnesses is procurable, an affidavit shall be procured, (if possible) from some other person, if any, who may have been present at the execution of the will, but if no affidavit of any such person can be obtained, evidence on affidavit must be produced of that fact and of the hand writing of deceased and one attesting witness and also of any circumstances which may raise a presumption in favour of due execution.

(14) **Attempted cancellation must be accounted for.**—Any appearance of an attempted cancellation of testamentary writing by burning, tearing, obliteration or otherwise, and every circumstances leading to a presumption of abandonment or revocation of such writing or part thereof, shall be accounted for.

(15) **Unsigned or unattested will.**—In cases in which it is not necessary that a will should be signed by the testator or attested by witnesses to constitute a valid testamentary disposition of the testator's property, the testator's intention that it should operate as his testamentary disposition must clearly be proved by an affidavit.

(16) **Renunciation.**—No person who renounces probate of a will or letters of administration of the property of a deceased person in one character shall without a leave of the Court, take out representation to the same deceased in another character.

(17) **Application for administration by a creditor.**—In all applications by a creditor for letters of administration, it shall be stated particularly how the debt or debts arose, the amount due on the date of the application, and whether the application has any and what security therefor.

(18) **Production of deed paper, etc. referred to in will.**—If a will contains a reference to any paper, memorandum or other document of such a nature as to raise a question whether it ought not to form a constituent part of the will, such paper, memorandum or other document should be produced with a view to ascertaining whether it is entitled to probate, and where not produced, its non-production must be accounted for.

(19) **Persons consenting to an application for letter of administration must do so on affidavit.**—Persons desiring to give their consent to an application for a grant of probate or for letters of administration or for succession certificate must do so on affidavit, stating their relationship to the deceased and that they consent to such a grant.

(20) **Citation to rightful parties.**—On an application for probate or for letters of administration, unless otherwise ordered by the Judge or Registrar a

citation shall issue to all persons having a right to take the grant prior or equal to that of the applicant, unless such persons have signified their consent to the application.

(21) **Citation on application by creditor.**—Where letters of administration are applied for by a creditor, a special citation shall be issued to the widow, if any and the next of kin, provided they shall be resident within the jurisdiction or have any known agent or agents resident within the jurisdiction, and to the Administrator General of Chhattisgarh, and a general citation shall be issued to all persons claiming to have any interest in the estate of the deceased.

(22) **Citation.**—All citations shall unless otherwise ordered, direct the persons cited to show cause on such day certain as the Court shall direct, and shall be in Form No. 10 of Schedule A, and where they cannot be served in the manner provided for service of process, may be served by the insertion as an advertisement in such newspapers as may be directed, of a notice in Form No. 11 of Schedule A.

(23) **Proof of Publication.**—Proof of due publication of a citation by advertisement shall be by an affidavit, unless the Court has directed that such citation be published once only in a single newspaper in which case a copy of the issue of the newspaper containing the said advertisement may be filed in lieu of an affidavit.

(24) **Proof of power of attorney.**—Unless a power of attorney constituting such attorney or the attorney of an executor absent from the State of Chhattisgarh can, under Section 85 of the Indian Evidence Act, 1872, be presumed to have been executed and authenticated as in the said section mentioned; the Court may require further proof of its due execution.

(25) **Grant when to have effect in Chhattisgarh.**—All grants of probate or letters of Administration, with or without the will annexed, other than grants under the Administrators-General Act, shall unless otherwise ordered, be drawn up by the Court to have effect within Chhattisgarh.

(26) **Grants when to have effect throughout India.**—In all cases in which it is sought to obtain a grant of probate or letters of administration, with or without the will annexed, to have effect throughout the territory of India, or under the Administrators-General Act to have effect throughout one or more of the other Divisions as defined in that Act, such grant must be expressly asked for and it must be shown where the assets are situated.

(27) **Two common sureties to the bond required.**—In all cases of letters of administration save and except under section 241, Indian Succession Act, 1925, unless the deceased is a Hindu, Mohammedan, Buddhist, Sikh or Jain and in cases of succession certificates which in the opinion of the Court fall under sub-sections (3) and (4) of section 373, two common sureties are required to the administration bond and to the succession certificate bond, and the bond in each case shall, unless otherwise ordered by the Court, be given in double the amount of the property for which the grant is to be made. The bond shall be given to and in the name of the Chief Justice, and shall be, as nearly as possible, in Form No. 12 of Schedule A.

(28) **Justifying surety.**—When any person takes out letters of administration in default of the appearance of any person, cited, and when any person takes out letters of administration or succession certificates for the use and benefit of a lunatic, or person of unsound mind (unless he be a committee of the estate of such lunatic, appointed by the Court), or for the use and benefit of a minor

(unless he be a guardian of the property of such minor appointed by the Court), surety or sureties to the bond must justify for the whole amount of the estate. And when any person entitled to a portion only of the estate takes out letters of administration, or succession certificate the sureties to the bond must justify for the whole estate less the share of petitioner and such shares as shall contest by writing thereto. The Court hearing testamentary matters may, however in a proper case and for reasons to be recorded in writing, dispense with the jurisdiction of surety.

(29) When such a bond has been filed the Court shall direct the surety to be tested, either by the Registrar or by the District Judge within whose jurisdiction the immovable property is situate.

(30) **Insurance Companies as Sureties.**—An approved Insurance Company may be accepted in place of two common sureties under sub-rule (27), and as justifying surety under sub-rule (28), and in such cases, the bond shall be given only for the amount of the property for which the grant is to be made. The bond given by the Company shall be as nearly as possible, in Form No. 13 of Schedule A.

(31) **Consequences of neglect to proceed with petition or to furnish security.**—If a petitioner for a grant of probate, letters of administration, or succession certificate, for three months from the admission of the petition neglects to proceed with the petition, or for three months of the date of the order for grant neglects to give the required security or otherwise to proceed with the application or to take out the grant, the Registrar shall give notice in writing of his default to the Administrator-General, who may then apply to the Court for an order that the petition be dismissed and that he may be at liberty to apply for a grant of letters of administration.

If no further steps are taken in the matter, the petition may be posted before the Court for dismissal, and the Court may thereupon make such order as it thinks fit.

(32) **Schedule of property to accompany certificate under Section 274 of the Indian Succession Act or section 24 of the Administrators-General's Act.**—With every certificate to be sent to a High Court, under the provisions of section 274 of the Act, or section 24 of the Administrators-General Act, 1963, the Registrar shall send a copy of so much of schedule of the property and, credits of the deceased as relates to the estate within the jurisdiction of such Court.

(33) **Amendment of grant extend to India.**—A grant under the Indian Succession Act, 1925, limited to the State of Chhattisgarh, may be amended on the Court's order so as to extend its effect throughout India. The application shall be by affidavit stating where the additional property and credits are suitable, and on payment of the probate duly payable in respect thereof, and in case of grant of letters of administration with or without the will annexed, on the petitioner giving a further bond, the grant may be amended accordingly.

(34) **Application for extension of Succession Certificate.**—The Court may extend a succession certificate to any debt or security not originally specified therein. Application for such extension shall be by a petition with all accompaniments mentioned in sub-rule (7), stating the particulars of the debt or security and on the payment of duty payable in respect thereof and on the petitioner giving a further bond, if required, the certificate may be extended.

(35) **Inventory and account.**—The inventory and account to be furnished by an executor or administrator under section 317 of the Act shall be in Form Nos.

14 and 15 of Schedule A respectively and shall be verified in the following manner :

'I.....the executor (or administrator), named in the above inventory, do hereby declare that the said inventory is in every respect true, perfect and correct to the best of my knowledge, by information received from.....and believed to be true, and that the same contains a full, true and perfect inventory of all the property in the possession of the deceased.....at the date of his death and of all credits owing to him, and of all debts owing by him; or

'I.....the executor (or administrator), named in the above account, do hereby declare that the said account is true, perfect and correct to the best of my knowledge, by information received from.....and believed to be true and that it gives a full, true and perfect account of all the estate and effects of the deceased.....which has or have come into my hands, possession power, control, custody or knowledge and of the deposition of the same.'

(36) Probate of will of married woman or letter of administration etc.—

In grant of probate of the will of a married woman, or of the will of widow made during converture, or letters of administration with such will annexed, it shall not be necessary to recite, in the grant or in the oath to lead same the separate movable property of the testatrix or the power or authority under which the will has been or purports to have been made. The probates or letter cases shall take the form of ordinary grant of probate or letters of administration with the will annexed without and exception or limitation, and issue to an executor or other person authorized in usual course of representation to take the same.

(37) In case of doubt or difficulty in any non-contentious matters, the Registrar may obtain the direction of the Court or call upon the petitioner to move the Court for direction, when an application is on file.

Contentious Business

(38) Caveats.—Any person intending to oppose the issuing of a grant of probate, or letters of administration must, either personally or by his advocate, file a caveat in the office of the Registrar (Judicial) in Form No. 16 of Schedule A. No caveat shall effect any grant made on the day on which the caveat is filed. Notice of the filing of the caveat shall be given by the Registrar (Judicial) to the petitioner or his advocate in Form No. 17 of Schedule A.

(39) Affidavit in support of Caveat.—Where a caveat is entered after an application has been made for a grant of probate or letters of administration with or without the will annexed the affidavit or affidavits in support shall be filed within fourteen days of the caveat being lodged. Such affidavit shall state the right and interest of the caveat, and the grounds of the objection to the application.

(40) When caveat is entered before application for grant is filed.—Where an application for grant of probate or letters of administration with or without the will annexed is presented after a caveat has been filed, the Registrar shall forthwith issue notice to the caveator, calling upon him to file his affidavit or affidavits in support of his caveat within fourteen days from the service of such notice.

(41) Consequence of non-compliance.—Where the caveator fails to file any affidavit in support of his caveat in compliance with sub-rule (39) or in

compliance with the notice issued under sub-rule (40), the caveat may be discharged by an order to be obtained on application to the Court.

(42) **Conversion of application into suit.**—Upon the affidavit in support of the caveat being filed (notice whereof shall immediately be given by the caveator to the petitioner), the proceedings shall be numbered as a suit in which the petitioner for probate or letters of administration shall be the plaintiff, and the caveator shall be the defendants, the petition for probate or letters of administration being registered as and deemed a plaint filed against the caveator, and the affidavit filed by the caveator being treated as his written statement in the suit. The procedure in such suit shall as nearly as may be, according to the provisions of the Code of Civil Procedure, 1908.

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

(44) **Trial on preliminary issue.**—The Court may, on the application of the petitioner, before directing that the proceedings be numbered as a suit, direct the trial, of an issue as to the caveator's interest, and upon the trial of such issue if it appears that the caveator has no interest, the Court shall order the caveat to be discharged, and may order to issue the probate or letters of administration, as the case may be.

(45) **Notice of application to whom to be given.**—The Registrar shall give notice of grants of certificate for probate or letters of administration to the Chief Revenue Controlling Authority, and the Collector of the district within one week after the allowing of the application.

(46) **Disposal of petitions for non-prosecution.**—All Testamentary petitions in which grants or certificates are not issued, owing to non-prosecution of the petitions for two years after the petitions have been filed, shall be treated as disposed of, and no action shall be taken in such petitions, unless a fresh petition is filed or an order obtained from the Testimentary Judge (in Chambers), giving permission to the petitioner to proceed with the petition already filed.

(47) **Administrators-General Act, 1963.**—Nothing in this Rule in this Chapter shall apply to application or acts to be done by the Administrator-General, in so far as they conflict with the provisions of the Administrators-General Act, 1963.

SCHEDULE A

FORMS

FORM NO. 1

Petition for Probate of a Will

[See Rule 365(4)]

(TITLE)

Petition for Probate of the Will of.....(a)
Deceased.....Petitioner

States—

(1) That the above-named.....(b) died. At.....on or about the.....
day of.....200.....

- (2) That the said Deceased at the time of his death left (c) property within the Chhattisgarh.
- (3) That the writing hereto annexed is the last will and Testament of the said.....
- (4) That the said will was duly executed.....(d) on the.....day of..... 200.....
- (5) That the petitioner is the Executor.....(e) named in.....(f) the said will.
- (6) The petitioner has truly set forth in Annexure I to his affidavit of valuation filed herewith all the property and credits which the deceased died possessed of or entitled to at the time of his death which have or are likely to come to his hands and so far as the petitioner has been able to ascertain, or is aware, there are no property and credits other than what are specified in Annexure I aforesaid.
- (7) That the petitioner has also truly set forth in Annexure II to his affidavit aforesaid (g) all the items that by law he is allowed to deduct.
- (8) That the said assets, exclusive of what the deceased may have been possessed of or entitled to as a trustee for another and not beneficially or with power to confer a beneficial interest, and also exclusive of the items mentioned in the said Annexure II but inclusive of all rents, interests and dividends and increased value since the date of his death are under the value of Rs.....
- (9) That the said Deceased left him serving the following relatives as his only next of kin according to (h)..... law:
 - (i) (Set out full names and address showing relationship of each to the deceased and also specifying who are minors).
 - (ii)
 - (iii)
- (10) That no (i) application has been made to any District Court or to any other High Court for probate of any Will of the said District or for letters of Administration with or without the Will annexed to his property and credits.
- (11) That the petitioner hereby undertakes duty to administer the property and credits of the said..... and in any way concerning his Will by paying first his debts and then the legacies therein bequeathed so far as the assets will extend and to make a full and true inventory thereof and exhibit the same in this Court within six months from the date of grant of probate to the petitioner, and also to render to this Court a true account of the said property and credits within one year from the said date.

The petitioner prays that probate may be granted to him having effect throughout the Chhattisgarh. (J)

I.....the petitioner above named do solemnly declare that what is stated in paragraphs.....is true to my own knowledge and that

what is stated in paragraphs.....is true to information received from.....and believed to be true.

.....
Petitioner

- (a) Insert name in full and profession, if Deceased was a bachelor or spinster that should be stated.
- (b) Insert name of the Deceased.
- (c) Or, had a fixed place of abode within.
- (d) State where.
- (e) Or, one of the executors.
- (f) Or, according to the tenor thereof.
- (g) Full particulars of debts due by the estate including name of creditors, of claim and the dates when they became due must be given in the Schedule.
- (h) Here state what law.
- (i) Or, if made, state to what Court, by what person and proceedings has been had.
- (j) Or, throughout the territory of India.

FORM NO. 2

AFFIDAVIT OF ATTESTING WITNESSES

[See Rule 365 (4) (i)]

(TITLE)

**In the Matter of the petition for Probate of the last Will
and Testament of Deceased**

AFFIDAVIT

I.....of.....make oath (or solemnly affirm) and say as follows—

- (1) That I knew and was well acquainted with the Deceased above-named.
- (2) That on the.....day of.....I was present together with at.....and we did then and there see the said Deceased set and Subscribe his name at foot, of the Testimonial paper in the language and character hereunto annexed and marked with the letter "A" and declare and publish the same as and for his last Will and Testament.
- (3) That thereupon I, the Deponent and the said.....did at the request of the said Deceased and in his presence and in the presence of each other all being present at the same time set and subscribe our respective names and signatures at foot of the said testimonial paper as witnesses thereto.
- (4) That the name and signature subscribed at foot of the testimonial paper as of the party executing the same is in the paper handwriting of the said Deceased and the name, signature and additions also subscribed and written at foot of the said testimonial paper as of the parties attesting execution of the same are in the proper respective handwritings of the said.....and of me this Deponent respectively.
- (5) That at the time of the said Deceased so subscribed his name and signature to the said Wills as aforesaid the said Deceased was of

sound and disposing mind, memory and understanding, and to the best of my belief made and published the same of his free will and pleasure.

Declarant

Sworn before me on the.....day of.....20.....
by.....son of..... who is personally known to me (or) who has been identified by.....whose signature is/signatures are thereto appended.

(Seal)

(Signature)
(Designation)

**FORM NO. 3
SCHEDULE OF PROPERTY OF THE DECEASED**

[See Rule 365 (4) (iii)]

(TITLE)

Petition for.....Petitioner

ANNEXURE A.

Valuation of the movable and immovable property

	Rs.	p.
Cash in the house-and at the banks, household goods, wearing apparel, books, plate, jewels, etc.
(State estimated value according to best of executor's or administrator's belief)		
Property in Government Securities transferable at Public Debt Office.
(State description and value at the price of the day; also the interest separately calculating it to the time making the application)
Immovable property consisting of		
(State description giving, in the case of houses, the assessed value, if any; and the number of years' assessment, the market value is estimated at, and, in the case of land, the area, the market value and all rents that have accrued.)		
Lease hold property—
(If the Deceased held any leases for years determinable, state the number of years' purchase, the profit rents estimated to be worth and the value of such, inserting separately arrears due at the date of death and all rents received or due since that date to time of the making the application)
Property in public companies—		
(State the particulars and the value calculated at the price of the day; also the interest separately, calculating it to the time of making the application. Policy of insurance upon life money out on mortgage and other securities, such as bonds, mortgages, bills, notes, and other securities, for money.)		

	Rs.	p.
(State the amount of the whole, as the interest separately calculating it to the time of making the application.)		
Book Debts—
(Other than bad.)
Stock in trade—
(State the estimated value, if any.)		
Other property not comprised under the foregoing heads—
(State the estimated value, if any.)		
Total		
Deduct amount shown in Annexure B not subject to duty		
Net total		

Petitioner

ANNEXURE B
Schedule of debts etc.

	Rs.	p.
Amount of debts due and owing from the deceased, payable by law out of the estate, (a)
Amount of funeral expenses.
Amount of mortgage encumbrances.
Property held in trust not beneficially or with general power to convert a beneficial interest.
Other property not subject to duty.
Total		

Petitioner.

(a) Full particulars of debts with names of creditors and dates of debts must be given.

FORM NO. 4
Petition for letters of administration

[See Rule 365 (5)]

(TITLE)

Petition for Letters of Administration of the Property and Credits of (a)
.....Deceased.....Petitioner.

States—

- (1) That the above named.....died at.....on or about the.....day of 20.....
- (2) That the said Deceased at the time of his death left (b) property within Chhattisgarh.
- (3) That the said Deceased died intestate and that due and diligent search has been made for a Will but none has been found.
- (4) That the said Deceased left him surviving as his only next-of kin (or, the following legal representatives) according to (c).....law.
(Set out the full names and addresses showing the relationship of each to the Deceased and specifying who are minors.)

- (5) That the Petitioner.....(d) of the.....Deceased claims to be entitled to a.....share of his estate.
- (6) That the petitioner has truly set forth in Annexure I to this affidavit of valuation filed herewith all the property and credits which the deceased died possessed of or entitled to at the time of his death which have or are likely to come to the petitioner's hands, and, so far as the Petitioner has been able to ascertain, or is aware, there is no property and credits other than what are specified in Annexure I aforesaid.
- (7) That the petitioner has also truly set forth in Annexure II to his affidavit, aforesaid (e) all the items that by law he is allowed to deduct.
- (8) That the said assets exclusive of what the Deceased may have been possessed of or entitled to as a trustee for another and not beneficially or with power to confer a beneficial interest and also exclusive of the items mentioned in the said Annexure II but inclusive of all rents, interest and dividends and increased value since the date of his death are under the value of Rs.....
- (9) That the (f) application has been made to any District Court or to any High Court for Probate of any Will of the said Deceased or Letters of Administration with or without the Will annexed to his property and credits.
- (10) That the Petitioner hereby undertakes duly to administer the property and credit of the said Deceased and to make a full and true inventory thereof and exhibit the same in this Court within six months from the date of the grant of Letters of Administration to him and also to render to this Court a true account of the said property and credits within one year from the said date.

The Petitioner, therefore, prays that Letters of Administration, may be granted to him having effect throughout the Chhattisgarh. (g).

I.....the petitioner above-named, do solemnly declare that what is stated in paragraphs.....is true to my own knowledge and that what is stated in paragraphs.....is true to information received from.....andbelieved to be true.

.....
Petitioner.

- (a) Insert name in full and profession. If Deceased bachelor or spinster that should be stated.
- (b) Or, had a fixed place of abode within.
- (c) Here state what law.
- (d) State the relationship to the Deceased.
- (e) Full particulars of debts due by the estate including names of creditors amounts of claims and the dates when they became due must be given in the Schedule.
- (f) Or, if made state to what Court by what person and what proceedings have been had.
- (g) Or, throughout the territory of India.

FORM NO. 5**Petition for Letters of Administration with Will annexed**

[See Rule 365 (6)]

(TITLE)

Petition for Letters of Administration with Will annexed of the Property and Credits of (a).....Deceased.....Petitioner.
States—

- (1) That the above named.....(b) died at.....on or about the day of.....20....
- (2) That the said Deceased at the time of his death left (c) property within the Chhattisgarh.
- (3) That the writing hereto annexed and marked 'A' in his last Will and Testament.
- (4) That the said Will was duly executed.....(d) on the.....day of..... 20.....
- (5) That by the said Will the Deceased appointed (e) sole Executor thereof, but he has since died, namely on the.....day of..... 20..... without proving the said Will, and that the Petitioner is the (f) of the Deceased.
- (6) That the Petitioner has truly set forth in Annexure I to his affidavit of valuation filed herewith all the property and credits which the Deceased died possessed of or entitled to at the time of, his death which have or are likely to come to his hands, so far as the petitioner has been able to ascertain, or is aware, there are no property and credits other than what are specified in Annexure I aforesaid.
- (7) That the Petitioner has also set forth in Annexure II to his affidavit aforesaid (g) all the items that by law he is entitled to deduct.
- (8) That the said assets, exclusive of what the Deceased may have been possessed of or entitled to as a trustee for another or others and not beneficially or with power to confer a beneficial interest, and also exclusive of all rents, interest and dividends and increased value since the date of the Deceased's death are under the value of Rs.....
- (9) That the said Deceased left him surviving the following relatives as his only next-of-kin according to (h).....law:—
 - (i) (Set out names and addresses showing;
 - (ii) relationship of each to the Deceased; and
 - (iii) also specifying who are minors).
- (10) That no (i) application has been made to any District Court or to any other High Court for probate of any Will of the said Deceased or Letters of Administration with or without the Will annexed to his property and credits.
- (11) That the Petitioner hereby undertakes duly to administer the property and credit of the said.....and in any way concerning his Will by paying first his debts and then the legacies therein bequeathed so far as the assets will extend and to make a full and true inventory thereof and exhibit the same in this Court within six months from the date of grant of Letters of

Administration to the Petitioner and also to render to this Court a true account of the said property and credits within one year from the said date.

The Petitioner prays that Letters of Administration with the said Will annexed may be granted to him as the.....of the said Deceased having effect throughout the Chhattisgarh (j).

I.....the Petitioner above-named do solemnly declare that what is stated in paragraphs.....is true to my own knowledge and what is stated in paragraphs.....is true to information received from.....and believed to be true.

.....
Petitioner

- (a) Insert name in full and profession. If Deceased was a bachelor or spinster that should be stated.
- (b) Insert the name of the Deceased.
- (c) Or had a fixed place of abode within.
- (d) State where.
- (e) Or no executer as the case may be.
- (f) Enter relationship.
- (g) Full particulars of debts due by the estate including names of creditors, amounts of claims and dates when they become due must be given in the Schedule.
- (h) Here state what law.
- (i) Or, state if prior application made.
- (j) Or throughout the territory of India.

FORM NO. 6

[See Rule 365 (7) (i)]

Petition for succession certificate in respect of certain sureties/debts belonging to deceased

In the High Court of Judicature at Bilaspur,

Testamentary and Intestate Jurisdiction

.....Petitioner
States—

- (1) That the above-named.....died at.....in or about the.....day of..... 20...
- (2) That the said Deceased died intestate and that due and diligent search has been made for a Will but none has been found.
Or
- (3) The said deceased leaving a Will dated.....and executed at.....a copy of which is hereto annexed and marked 'A'.
- (4) That the said Deceased at the time of his death left him surviving his only next-of-kin according to (a).....law residing at—
- (5) That the petitioner as (b) of the Deceased claims to be entitled to a share of the estate.
- (6) That there is no impediment under Section 370 of the Indian Succession Act, 1925 or under any other provision of this Act or any

other enactment to the grant of the certificate or the validity thereof, if it were granted.

- (7) That the Petitioner has truly set forth in Schedule I hereto the securities in respect of which the certificate is applied for. The Succession Certificate is required for purpose of (c).....The said assets in respect of which the Succession Certificate is required are under the value of Rs.....
- (8) That no application has been made to any District Court or Delegate or to any High Court for Probate of any Will of the said Deceased or for letters of Administration with or without the Will annexed to his property and credits.
- (9) That no application for Succession Certificate in respect of any debt or security belonging to the estate of the Deceased has been (d)made to any District Court or Delegate or to any High Court.

The Petitioner, therefore, prays that a Succession Certificate may be granted to the Petitioner in respect of debts and securities set forth in Schedule I hereto with power to.....

I.....the Petitioner above named, do solemnly declare that what is stated in paragraphs.....is true to my knowledge and that what is stated in the remaining paragraphs is true to information received from.....and believed to be true.

.....
Petitioner

-
- (a) State Law.
 - (b) State relationship to the Deceased.
 - (c) Mention the purpose for which the certificate is required.
 - (d) Or if made, state to what Court, by what person and what proceedings have been taken.

FORM NO. 7

[See Rule 365 (7) (i)]

Petition for succession certificate in respect of certain Securities belonging toDeceased.

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

Testamentary and Intestate Jurisdiction.

.....Petitioner

I.....undertake that I will well and truly administer the securities (or debts) comprised in the Succession Certificate to be granted to me and that, I will render a true account thereof unto, the High Court of Judicature at Bilaspur within one year from the date of grant to be made to me or within such further time as the Court may from time to time appoint.

.....
Petitioner

FORM NO. 8

[See Rule 365 (8)]

Certificate that Court Fee has been made

I hereby certify that intimation has been received by this Court from any other High Court or any District Court of any grant of Probate of any Will or

Letters of Administration of the property and credits of the above named deceased having effect through out the territory of India.

Dated this day of.....20.....

.....
Registrar

FORM NO. 9

[See Rule 365 (9)]

Certificate that Court-fee has been paid

I hereby certify that the ad valorem fee prescribed by Schedule I clause II of the Court-fees Act, 1870, amounting to Rs.....has been paid.

Dated this.....day of.....20.....

.....
Registrar

FORM NO. 10

[See Rule 365 (22)]

Citation (Ordinary Form)

(TITLE)

CITATION

Whereas an application (a copy whereof is attached) has been made to this Court by.....of for the grant of Probate of the Will/Letters of Administration to the estate/Succession Certificate in respect of any debt or securities belonging to the estate of the Deceased who died at.....on the day of.....20.....

And whereas the.....day of 20..... has been fixed for hearing the said application This Citation is issued calling upon you, should you claim to have any interest in the estate of said Deceased to come and see the proceedings before the grant of Probate (or Letters of Administration, or Succession Certificate)

Given under my hand and the seal of the Court this day.....of 20.....

Advocate of applicant

Deputy Registrar

To,
.....
.....

FORM NO. 11

[See Rule 365 (22)]

Citation (By Advertisement)

(TITLE)

CITATION

Whereas application has been made.....of.....for the grant of Probate of the Will/Letters of Administration to the estate/Succession Certificate in respect of any debt or securities belonging to the estate of the deceased who died at.....on..... 20.....

And whereas the.....day of.....20.....has been fixed for hearing of the said application. This citation is issued calling upon all persons claiming to have any interest to come and see the proceeding if they think fit before the grant of Probate (or Letter of Administration or Succession Certificate).

Given under my hand the seal of the Court this.....day of 20.....

Deputy Registrar

FORM NO. 12
 [See Rule 365 (27)]
Bond (Ordinary form)
(TITLE)
BOND

Know all men by these presents that we, A. B of C. D. of.....and E. F. of.....are held and firmly bound unto the Hon'ble.....the Chief Justice of the High Court of Judicature at Bilaspur, in the sum of Rupees.....of good and lawful money to be paid to the said Hon'ble the Chief Justice of the said High Court for the time being for which payment we do hereby bind ourselves, each of us binds himself for the whole, our and each of our heirs, executors, and administrators,unto the said Hon'ble the Chief Justice, his successor in office, or assigns firmly by these presents.

Signed and dated the.....day of.....Two Thousand and.....

The condition of the above written obligation is such that of the above bounden the administrator(s) of the property and creditors of.....Deceased do make or cause to be made a full and true inventory, of all the estate of the said Deceased which has or shall come to the hands, possession, or knowledge of him/them the said Administrator(s) or into the hands of any other person or persons for him/them, and the same so made do exhibit or cause to be exhibited into the High Court at or before the.....day of.....next ensuing or within such further time as the Court may from time to time appoint.

And the same estate, and all other estate of the said Deceased at the time of his/her death, which, at any time after, shall come to the hands or possession of the said Administrator(s) or of any other person or persons for him/them do administer according to law.

And further do make, or cause to be made, a true and just account of his/their said administration at or before the day ofand.....or within such further time as the said High Court may from time to time appoint. All the rest and residue of the said estate shall deliver and pay into such person or persons respectively as shall be lawfully entitled in such residue. (And if it shall hereafter appear that any last Will was made by the said Deceased and the executor or executors therein named to exhibit the same into the said High Court, if the said Administrator(s) being thereunto required to render and deliver the said letter of Administration to him/them granted (approbation of each Will being first had and made in the said Court) then this obligation to be void and of no effect, else to remain in full force.

Signed by the said A.B.C.D. and E.F. in the presence of.....

FORM NO. 13

[See Rule 365 (30)]

Bond (Insurance Co.)

(TITLE)

BOND

Know all men by these presents that I,.....and we..... Insurance Co. Limited carrying on business in the Chhattisgarh at..... through (hereinafter called the Company) are held and firmly bound unto the Hon'ble the Chief Justice of the High Court of Judicature at Bilaspur, in the sum of Rupees.....of good and lawful money to be paid to the said Hon'ble.....the Chief Justice of the said High Court for the time being for which payment I the said.....do hereby bind ourselves, for the whole my heirs, executors, and administrators, and we the company for ourselves and our successors do bind and oblige ourselves for the whole unto the said Hon'ble the Chief Justice, his successor in office, or assigns firmly by these presents and we the Company do hereby submit ourselves to the Jurisdiction of the said High Court. Signed by the said and also sealed with the seal of the said Company and dated the.....day of.....Two Thousand and.....

The condition of the above written obligation is such that if the above bounden the administrator(s) of the property and creditors of Deceased do make a full and true inventory, of all the estate of the said Deceased which has or shall come to the hands, possession of any other person or persons for him/them, and the same so made do exhibit or cause to be exhibited into the High Court, at or before the.....day of next ensuing or within such further time as the Court may from time to time appoint.

And the same estate, and all other estate of the said Deceased at the time of his/her death, which, at any time after, shall come to the hands or possession of the said Administrator(s) or of any other person or persons for him/them do administer according to law.

And further do make, or cause to be made, a true and just account of his/their said administration at or before the.....day of.....Two Thousand and or within such further time as the said High Court may from time to time appoint.

All the rest and residue of the said estate shall deliver and pay into such person or persons respectively as shall be, lawfully entitled in such residue.

(And if it shall hereafter appear that any last Will or testament was made by the said Deceased and the executor or executors therein named to exhibit the same into the High Court making request to have it allowed and approved accordingly, if the above bounded being thereunto required, do render and deliver the Letters of Admiistration to him/them granted (approbation of such testament being first had and made in the said High Court) then this obligation to be void and of no effect, else to remain in full force.

Signed by the said.....in the presence of.....

Signed on behalf of the said Company by.....and in the presence of.....

FORM NO. 14
[See Rule 365 (35)]

Inventory

(TITLE)

INVENTORY

(To be filed within six months from grant of probate or letters of administration)

Property in possession of executor or Administrator

Immovable property				Movable property	
Description	Government revenue payable (if any)	Recorded rental (if any)	Estimated Market Value	Description	Estimated value
1	2	3	4	5	6
	Rs.	Rs.	Rs.		Rs.
Amount Due to estates		From whom due		Nature of Security (if any)	
7		8		9	10
Rs.					Rs.
To whom due by estate		On what account		Amount or value	
11		12		13	14
Rs.				Rs.	Rs.

Credit

Debits

Property bequeathed
by will of Deceased

FORM NO. 15

[See Rule 365 (35)]

Account

(TITLE)

ACCOUNT

(To be filed within one year from grant of probate or letter of administration)

Assets				
Property in possession of executor under the Inventory From No.	Income from such property	Credits realized out of those entered in the inventory	Other assets or credits recovered or realized	Total assets which have come into the hands of executors or administrator up to date of filing the account
1	2	3	4	5
Application or disposal of assets				
Debts paid out of those entered in the inventory	Legacies paid out of those entered in the inventory	Other payments made	Total payment	
6	7	8	9	

FORM NO. 16
[See Rule 365(38)]

**Caveat
(TITLE)
CAVEAT**

.....—Caveator
(Name, address, description and occupation of Caveator).

Sir,

Let nothing be done in the matter of the estate of the above named deceased, who filed at on or about the.....day of.....20... without due notice to the above-named Caveator.

Yours faithfully,

Dated at.....day of.....20...

Advocate for the Caveator.

FORM NO. 17
[See Rule 365 (38)]
**Notice of a Caveat
(TITLE)**

To,

Advocate for the petitioner

Take notice that on the day of.....20.....a caveat was filed in this Court in the above petition by.....

Yours faithfully,

Registrar

Registrar's Office

The.....day of.....20...

(H) Rules under Sections 14 and 21 of The Hindu Marriage Act, 1955

366. In exercise of the powers conferred by Sections 14 and 21 of the Hindu Marriage Act, 1955 (Act XXV of 1955), the High Court is pleased to make the following rules to regulate proceedings under the said Act.

(1) Every petition under the Hindu Marriage Act (Act XXV of 1955) hereafter called the "Act" shall be accompanied by a certified copy of extract from the Hindu Marriage Register maintained under Section 8 of the Act or from the Register of Marriage maintained under any other Act where the marriage has been registered under some other Act and where a certified copy of extract can be granted to the petitioner.

(2) Contents of petitions.—Every petition shall state—

- (i) The name of the Court in which the petition is presented;
- (ii) The name of the parties, their ages, description and places of residence ;
- (iii) The place and date of marriage;
- (iv) The principal addresses at which the parties to the marriage reside or last resided together, with the jurisdiction of the Court;

- (v) Whether there is any living issue of the marriage, and if so, the names and dates of birth of such issues;
- (vi) Whether there have been in any Court in India previous proceedings with reference to the marriage by or on behalf of either of the parties, and if so, the particulars and the results of such proceedings;
- (vii) Details of the facts specified in Section 20 (1) of the Act so far as they are known to the petitioner. In particular the details shall include—
 - (a) If the petition for restitution of conjugal rights, the date when and the circumstances in which the respondent withdrew from the society of the petitioner:
 - (b) If the petition is for judicial separation—
 - (i) the date and place of the desertion, cruelty, or sexual intercourse which is made the grounds for relief and in case of sexual intercourse, the name and address of the person or persons with whom the respondent had sexual intercourse;
 - (ii) the period of leprosy, venereal disease or unsoundness of mind which is made the ground for relief;
 - (c) If the petition is for a decree of nullity on the grounds of contravention of Section 5 (i) of the Act, the name and address of the spouse;
 - (d) If the petition is for a decree of nullity on the grounds specified in clause (c) of Section 12(1) of the Act, the date and particulars of the force or fraud, as the case may be, by which the consent was obtained and the date on which the force ceased to operate or the fraud was discovered;
 - (e) If the petition is for divorce on the ground of—
 - (i) Conversion, unsoundness of mind, leprosy, venereal disease, renunciation of the world or another marriage, the date and place of the act or disease;
 - (ii) Adultery, rape or sodomy, the date and place of the act or acts and the name and address of the person or persons with whom these acts were committed by the respondent;
 - (iii) Presumption of death, the last place of co-habitation of the parties, the circumstances in which the parties ceased to cohabit, the date when and the place where the respondent was last seen or heard of and the steps which have been taken to trace the respondent.
- (viii) The property mentioned in Section 27 of the Act, if any relief is claimed in respect thereof;
- (ix) Relief or reliefs.

(3) Application for leave under Section 14 of the Act.—Where any party to the marriage desires to present a petition for divorce within (one) year of such marriage, he or she shall apply by an application for leave of the Court—

- (i) The application shall be accompanied by the petition intended to be filed.

- (ii) The application shall be supported by an affidavit made by the applicant and shall state the following particulars :—
 - (a) the ground on which the application is made ;
 - (b) particulars of the hardships or depravity alleged ;
 - (c) whether there has been any previous application for this purpose, if so, its details;
 - (d) whether there are any living children of the marriage, and if so, their names and dates of birth or ages, and where and with whom they are residing ;
 - (e) Whether any, and if so, what attempts at reconciliation have been made ;
 - (f) any other circumstances which may assist the Court to determine the question whether there is reasonable probability of a reconciliation between the parties.
- (iii) Notice of the application along with the copy of the application and of the petition shall be served on the respondent.
- (iv) When the Court grants leave, the petition shall be deemed to have been duly filed on the date of the said order.

(4) **Application for alimony and maintenance.**—Every application for alimony and maintenance shall be supported by an affidavit made by the applicant and shall state the average monthly income of the petitioner and the respondent, the source of these incomes, particulars of other movable and immovable property owned by them, the number of dependents on the petitioner and the respondent, and the names and ages of such dependents.

(5) **Notice.**—The Court shall issue notice to the respondent and co-respondent, if any. The notice shall be accompanied by a copy of the petition. The notice shall require unless the Court otherwise directs, the respondent or co-respondents to file his or her statement in court within a period specified by the Court along with a copy for the use of the petitioner.

(6) **Service of petition.**—Every petition and notice under the Act shall be served on the party affected thereby in the manner provided for service of summons under Order V of the Civil Procedure Code.

(7) **Taxation of Costs.**—Unless otherwise directed by the Court, the costs of the petition under the Act shall be costs as taxed in a suit.

(8) **Transmission of certified copy of the decree.**—The Court shall send a certified copy of every decree of nullity or divorce to the Registrar in-charge of the Hindu Marriage Register maintained under the Act or to the officer in charge of the Marriage Register maintained under any other Act containing an entry about the marriage annulled or dissolved by the decree.

(9) **Appeals.**—Appeals to the High Court from the decrees and orders of the District Court shall be governed by the Rules of the High Court as far as may be applicable.

**(I) Rules under Section 50 (1) except clauses (a) & (i) of the
Guardian and Wards Act, 1890**

Chhattisgarh Guardians and Wards Rules, 2007

367. (1) In these rules, "the Act" means the Guardians and Wards Act, 1890.

(2) An application for the appointment or declaration of a guardian of the person of the minor, or of his property, or of both as required by Section 10 of

the Act, shall be in Form A prescribed with such variations as the circumstances of each case may require.

(3) Where the father of a minor is living, and is not proposed as guardian, the application shall state any facts relied on as showing that he is unfit to act as guardian of the minor or that he consents to the application.

(4) Notice of the application as required by Section 11 of the Act shall be in Form B and shall be issued and served in the manner prescribed for summons to a defendant.

(5) When a guardian is appointed or declared under the Act, he shall be furnished with a certificate of guardianship in Form C as prescribed and his attention should be drawn to the provisions of Sections 26, 27, 28, 29, 32, 33, 35, 36 39, 44 and 45 of the Act, which contains the following instructions and information :—

- (i) That he shall not remove the ward from the limits of the Court's jurisdiction (section 26 of the Act).
- (ii) That he should take due care of the properties entrusted to him in the manner stated in Section 27.
- (iii) That he is not authorized to make transfer or do any of the acts mentioned in Sections 28 and 29 without the permission of the Court.
- (iv) That in the case of a guardian, other than the Collector, his powers are liable to be restricted or extended by order of the Court (Section 32).
- (v) That he can, in the case of necessity, submit any question relating to the management of the property of his ward for the opinion or advice of the Court (Section 33).
- (vi) That in cases mentioned in Section 35 and 36, the remedies provided therein are available against him.
- (vii) That for reasons stated in Section 39, he is liable to be removed from his office.
- (viii) That for reasons given in Sections 44 and 45, he is liable to the penalties stated therein.
- (ix) That he is in general bound by the provisions of the Act, the rules framed or to be framed thereunder and the order of the Court passed under the Act. His attention shall also be drawn to any special restrictions on the powers as guardian which may be imposed by the Court at the time of issuing the certificate.

Note.—No ministerial officer employed in the Judicial Department shall be appointed or declared as such officer to be guardian of the person or the property of a minor nor shall any such official be appointed or declared as aforesaid in his private capacity, unless he has been appointed by will or other instrument or is by reason of relationship to the minor or other special circumstances unconnected with his official position suited to act as guardian.

(6) Every guardian appointed or declared by the Court, except when he is the Collector of the district, shall ordinarily be required to give a bond, with or without a surety or sureties, as the Court may think fit to direct, for a sum not less than the total estimated value of the moveable property and three year's

profits of the whole estate. Such bonds shall be in Form D prescribed, with such variations as the circumstances of each case may require.

(7) At the time of appointing or declaring a guardian, the Court shall pass orders as to the allowances, if any, to be granted to, and the security to be required from, such guardian.

(8) The statements showing the property of a ward and the debts due, as required by clause (b) of Section 34 of the Act shall be in form E (1) and E (2) respectively, as prescribed.

- (9) (i) Applications with respect to the guardianship of the person or property of a minor and applications under Section 31 of the Act for sanction for the sale of the property of a minor, and proceedings taken in connection with the accounts of each year shall be entered in the register of Miscellaneous Judicial Cases.
- (ii) For statistical purposes, an application for an order of guardianship shall be treated as "disposed of" as soon as a guardian has been appointed and has furnished the requisite security or the application has been rejected or dismissed, as the case may be.
- (iii) An application under Section 31 shall be treated as "disposed of" as soon as the permission for sale etc. has been given or refused.
- (iv) Proceedings in connection with annual accounts shall be treated as "disposed of" as soon as the Court after an examination of the accounts by itself or by an officer appointed for the purpose has satisfied itself of the correctness thereof or proceedings taken in consequence of such examination have terminated.

(10) In ordinary cases, a fly-sheet, and in large cases, a book, in Form F as prescribed shall be maintained for each estate and all miscellaneous judicial cases in connection with the estate from the appointment of the first guardian till the ward concerned attains majority shall be shown in it.

(11) A register of estates of wards in Form G as prescribed shall also be maintained. As soon as an estate has passed out of the hands of the Court a line in red ink shall be drawn across the entry. When on account of a register having been completely filled another register has to be opened, all pending entries in the old register shall be copied in the new register. The register shall be preserved for 25 years from the date of the last entry therein.

(12) In the case of estates of which the annual income is not over Rs. 500/- accounts need not ordinarily be submitted by the guardian, but the Court may at any time call upon the guardian to submit such accounts as it thinks necessary. In other cases the Court shall direct the guardian, except when he is the Collector of the district, to submit an account of the income and expenditure of the ward's estate once a year. Account of agricultural estates should be submitted within three months after the close of the agricultural year of the revenue district in which the estate lies, and accounts of trading, money-lending and other estates by the 1st January.

(13) Before disposing of an application made by a guardian for any of the purposes referred to in section 28 and 29 of the Act the Court shall ordinarily cause due notice of such application to be given to such persons, whether relatives of the ward or otherwise connected with him, as may be held by the Court to be effected by such application.

(14) The ward, if a male, shall in the absence of sufficient reason to the contrary, be produced on each occasion when the accounts are submitted, and if

the submission of annual accounts has been dispensed with, whenever the Court directs. The Court shall, as far as possible, examine his physical intellectual and moral condition, and ask him whether he has any remarks to make regarding the management of his estate and his own treatment and comfort.

(15) All statements and accounts produced by the guardian shall be kept with the files of the case concerned and shall be open to inspection, with the permission of the Court by persons legitimately interested in the same. No fees shall be charged for this inspection.

(16) When a guardian has been appointed by the Court, he shall be required, except in the case of estates of which the income is not over Rs. 500/- to open an account, in his own name, on behalf of the ward at a Bank or with a firm to be approved by the Court. Any surplus moneys which may remain over after the current expenses of the estate and the ward's maintenance and education have been paid shall be invested by the guardian in Government Promissory Notes or other securities approved by the Court.

(17) In cases in which the ward's estate is under the management of Government, District Judge, Collector, or other Government officer, surplus moneys may be invested in Government Promissory Notes which should be deposited in treasury for safe custody. The income of the estate, required for current expenditure in connection with the management of the estate and the maintenance and education of the ward, shall be deposited in the treasury.

Note.—The deposit money in a private bank in the name of the District Judge or other Government Officer as guardian of a ward's estate, is prohibited.

- (18) (i) In cases in which the District Judge thinks that a complete audit of the account of any of the estates in his charge is necessary he may entertain special clerks or a Local Auditor. The clerks or Auditor shall be paid from the estate concerned; each estate being required to contribute in proportion to its gross income. Where there is Official Receiver and he is not the guardian he may be appointed to audit accounts, and in the case of big landed estates he may be asked to go to the spot and check the account by personal inquiry. The remuneration of the Official Receiver will be fixed by the State Government on a reference made to it direct by the District Judge as soon as he has disposed of the Receiver's report. Such detailed audit should not ordinarily be necessary where the annual income is not over Rs. 5,000/- and in such cases it will ordinarily be sufficient for the Court to make a rough estimate of income and expenditure and to limit its supervision to enforcing the deposit of the annual surplus by the guardian. If necessary, the Court may, where funds of an estate permit, appoint some local pleader to check accounts and report and in case of large estates, a commission may be issued to an executive officer or pleader to make local enquiries and report. Too detailed accounts from the guardian should not be exacted.
- (ii) The Court shall certify that it has scrutinized the accounts or has had them audited, as the case may be, and shall record such remarks as may be necessary thereon. The Court shall thereafter, when duly satisfied with the accounts, countersign the same.

- (19) Without prejudice and in addition to foregoing rules, an application of a foreigner to be appointed guardian of the person of an Indian child with leave to

remove the child out of India to his own country for the purpose of adopting it in accordance with the law of his country, should not be entertained directly by the Court. Such application should be sponsored by a Special or Child Welfare Agency recognized or licensed by the Government of the Country, in which the foreigner is resident. The application should be accompanied by home study report of the foreigner by such agency containing information to show whether he is fit and suitable person and has the capacity to parent a child coming from a different racial and cultural milieu. The sponsoring foreign agency must also certify that the foreigner seeking to adopt a child is permitted to do so according to the law of his country. In case the foreigner is not in a position to come to India, the application must be further accompanied by a power of attorney in favour of an officer of the Social or Child Welfare Agency in India which is to process the application.

(20) Such an application should be processed in the Court only by a Social or Child Welfare Agency licensed or recognized by the Government of India or the Government of the State in which it is operating. Such agency shall annex a child study report giving all relevant information in regard to the child to assist the Court in coming to a decision whether it will be for the welfare of the child to be given in adoption to the foreigner wishing to adopt it.

(21) Except where the child is an orphan, destitute or abandoned child whose biological parents are not known, in all other cases the agency processing such an application should take from the biological parents a document of surrender duly signed by the biological parents and attested by at least two respectable persons. The Biological parents should not have surrendered the child before its birth or within a period of three months from the date of birth.

(22) No notice under Section 11 of the Act shall be issued to the biological parents of the child, so that they shall not have any opportunity of knowing who are the adoptive parents taking the child in adoption. Such notice shall not also be published in a news paper. Notice under Section 11 ibid shall however be given to Indian Council of Child Welfare or Indian Council for Social Welfare or any of its branches for scrutiny of the application and making its representation to the Court.

(23) The proceedings on such application should be held by the Court in camera and as soon as an order is made, the entire proceedings, including the papers and documents should be sealed. The entire proceeding should be completed by the Court expeditiously and as far as possible within a period of two months from the date of filing such application.

(24) It is desirable that the child given in inter-country adoption should be below the age of 3 years on the date of application. In case of any child above the age of 3 years, the wishes of the child should be ascertained by the Court.

(25) The order on such application should include a condition that the foreigner, whose application is allowed, shall submit to the Court as also to the Social or Child Welfare Agency processing his application, progress reports of the child along with a recent photograph quarterly during the first two years and half yearly for the next three years.

(26) The order appointing a foreigner as guardian shall also carry, attached to it, a photograph of the child duly counter-signed by an officer of the Court.

(27) Copy of the order shall be sent by the Court to the 'Ministry of Social Welfare, Government of India as also to the Ministry of Social Welfare of the Government of the State in which it is situate'.

FORM 'A'

IN THE COURT OF.....COURT FEES.....

In the matter of the guardianship of....., son of

Caste, resident of minor.....

(a)	(b)	(c)	(d)
The name, sex, religion, date of birth and ordinary residence of the minor.	Where the minor is a female, whether she is married, and if so, the name, and age of her husband.	The nature, situation and approximate value of the property, if any, of the minor (For detail are schedule on reverse).	The name and residence of the person having the custody or possession of the person or property of the minor.
(e)	(f)	(g)	(h)
What near relation the minor has, and where they reside.	Whether a guardian of the person or property, or both, of the minor has been appointed by any person entitled or claiming to be entitled by the law to which the minor is subject to make such an appointment.	Whether an application has at any time been made to the court or to any other court with respect to the guardianship of the person or property, or both, of the minor, and, if so, when, to what court and with what result.	Whether the application is for the appointment or declaration of a guardian of the person or the minor or of his property or both.
(i)	(j)	(k)	(l)
Whether the application is to appoint a guardian, the qualification of the proposed guardian.	Whether the application is to declare a person to be a guardian the grounds on which the person claims	The causes which have led to the making of the application.	Such other particulars, if any, as may be prescribed or as the nature of the application renders it necessary to state.

Signature of Petitioner or of person duly authorised by him in this behalf.

The above particulars are true to the knowledge of the person making them. Except as to matter stated on information and belief and as to those matters he believed them to be true.

I, the guardian proposed in the above application, do hereby declare that I am willing to act as such.

Attested by (1)
(2)Signature of the person verifying.
Signature of the proposed guardian.

Schedule to Form A

Detail of property belonging to ward.	Value	Name of persons in present Possession of the property mentioned in column (1)
(1)	(1)	
(2)	(2)	

Detail of property belonging to ward.	Value	Name of persons in present Possession of the property mentioned in column (1)
(3)	(3)	etc.
etc.		Verified and signed by me.

Signature of applicant

FORM 'B'**Notice under Section 11 of Act VIII of 1890**

Civil Suit No. of 20...

In the Court of
At

In the matter of application of caste Inhabitant
of Tahsil District for the (1) of a guardian
to the (2) of son of tahsil a minor aged
..... years inhabitant of tahsil district To
(3)

The petitioner above named having applied to be (4) the
guardian of the (2) of the aforesaid minor, the day
of 20..., has been fixed for the hearing of the application and notice is
hereby given that if you desire/anybody desires to oppose that application of the
petitioner aforesaid you/he should enter appearance in this Court in person or by
a duly authorized Pleader of the Court, duly instructed, and able to answer all
material question relating to the application, or he shall be accompanied by some
person able to answer all such questions, and you are/he is hereby required to
take notice that in default of your/his appearance on the day mentioned above the
application will be heard and determined in your/his absence.

Given under my hand and the seal of the Court this day of
20...

(Seal)

Judge.

- (1) Appointment of declaration as the case may be.
- (2) State whether to the person or the property of the minor, or to both.
- (3) Name of person, father's name and place of residence in case of notice
under clause (a) of Section 11 "the public" in the case of general notice
under clause (b).
- (4) Appointed or declared.

FORM 'C'**Order of appointment under Section 7, Guardians and Wards Act, 1890.**

In the Court of the Judge.....

At.....

Miscellaneous Judicial Case No of 20.....

Whereas this Court has, under the provisions of Section 7 of Act No. VIII of
1890, been pleased to appoint/declare you to be guardian of the property/

person/persons and property of.....during the period of his minority, to wait, till the.....day of the month of.....20..., subject to the provisions contained in the Act and particularly those provisions contained in Sections 32, 39 and 40 of the Act aforesaid : you are hereby authorized to take charge of the property of the minor in trust, to collect, and pay all just debts, claims and liabilities due to or by the estate of minor, to institute or defend suits connected with that estate and generally to do and perform all acts which may be necessary for the due discharge of the trust vested in you, provided always, that you shall not mortgage, or change, or transfer by sale, gift, exchange or otherwise, any part of the immoveable property of your ward, or lease any part of that property for a term exceeding five years, or for any term exceeding more than one year beyond the date on which your ward will cease to be minor, without the express sanction of this Court previously obtained; and that you will keep regular accounts of your receipts and disbursements, with all vouchers and other documents necessary to establish their corrections.

Given under my hand and the seal of the Court, this day of.....20...

(Seal)

Judge.

FORM 'D'

Form of Bond under Section 34 of Act VIII of 1890

Know all men by these presents that I (a).....
 (b) of.....of.....am held and firmly bound to (c).....the District
 Judge or his assigns, in the sum of Rs.....to be paid to the said
 (d).....or to his successors in this office, and we (e).....son of
of.....and (f)son ofof.....
are jointly and severally held and firmly bound to the said (g)
or his assigns in the sum of Rs.....to be paid to the said
 (h).....or his assigns or to his successors in office of their assigns, for
 the payment of which said sum of Rs.to be faithfully and truly
 made. I the above bounden (i).....bind myself and heirs, executors,
 administrators and representatives, and for the payment of the said, sum of
 Rs.....we the above bounded (j)and (k).....bind
 ourselves, and each of us jointly and severally, and one and each of our heirs,
 executors and administrators, and representatives firmly by these presents signed
 by ourselves and sealed with our respective seals this.....day of
20...

Whereas by an order of the Court of the District Judge of.....made
 on the.....day of.....under Section 7 of the Guardians and Wards
 Act (VIII of 1890) the above named (1).....has, subject to his entering
 into a bond in Rs.with (2).....sureties in the same sum of
 Rs.....(as the case may be) been appointed guardian of the property,
 moveable and immoveable (3).....minor, son of.....and, whereas
 the said (4).....has agreed to enter into the above written bond and
 the said (5).....and (6).....have agreed to enter into the above
 written bond as sureties for the said (7).....

Now the condition of the above written bond is such that if the said
 (8).....do and shall justify and truly account whenever called upon to do
 so, for what he may receive in respect of the property of the said
 (9).....and do and shall carefully observe, perform and keep all orders

and directions of the said court of the District Judge oftouching or concerning the estate and effects of the said minor and his property and touching and concerning all such moneys and estate as he the said (10).....shall receive as such guardian as aforesaid and in all things conduct himself properly, then the above written bond or obligation shall be void and of no effect, otherwise the same shall remain in full force and virtue.

Signature and sealed by the above named.....(Seal)
(11)(Seal)

in the presence of.....(Seal)

- | | |
|---|-------------------------------------|
| (a) Name of guardian. | (1) Name of guardian. |
| (b) Son or daughter as the case may be. | (2) Number of sureties. |
| (c) Name of District Judge. | (3) Here state name of minor. |
| (d) Name of District Judge. | (4) Name of guardian. |
| (e) and (f) Name of sureties. | (5) and (6) Names of Sureties. |
| (g) Name of District Judge. | (7) Name of guardian. |
| (h) Name of District Judge. | (8) Name of guardian. |
| (i) Name of guardian. | (9) Name of minor. |
| (j) and (k) name of Sureties. | (10) Name of guardian. |
| | (11) Name of guardian and sureties. |

FORM 'E' (1)

Statement under Section 34 (b) showing particulars in regard to immovable and moveable property belonging to.....minor, taken over byappointed as guardian under order of the Court dated.....20...

Immovable Property

Serial No.	Land building or Vacant site	Particulars	How occupied	Approximate value	Profit or rent realizable	Period for which realizable
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Moveable Property

Particulars

Household goods or other property	Supposed Value	Jewels, gold and silver	Value cash	In whose custody or with whom deposited	Remarks
(8)	(9)	(10)	(11)	(12)	(13)

- (a) Details should be given on the tenure on which land is held. The size of building and the materials of which they are built should be given.
- (b) Here state whether cultivated through servants or relatives or let on rent or cultivated by tenants. If occupied by tenants the nature of the tenancy should be stated. In case of buildings state whether occupied by minor or family or let on rent or hire, etc.

- (c) This will assist the court in determining the amount of security to be taken from the guardian.

FORM 'E' (2)

District.....

Statement showing particulars of the debts due to, or by the estate ofminor, for whose property and person.....has been appointed or declared guardian by order of the Court dated.....20...

Debts due to the estate of the minor

Name, parentage and residence of debtor (1)	Amount of Debt original by advanced (2)	Date of original advance (3)	Date by which wholly repayable (4)
Amount of interest or profit realizable (5)	Date on which realizable (6)	Date by which limitation expires (7)	Proof in support of debt (a) (8)

Debts due by the estate of the minor

Name etc. of Creditor (9)	Amount received originally (10)	Date of incurring of this debt (11)	Interest or profit payable (12)
Date when interest or profits payable (13)	Date fixed for repayment of the debt (14)	Security given for debt. (15)	

(a) Whether registered or unregistered bond or deed or book account etc.

FORM 'F'**Particulars of Ward and of Guardian appointed under the Guardians and Wards Act and minutes of subsequent proceedings****Ward**

Name
 Father's name
 Caste
 Residence
 Sex
 Date of birth

Guardian

No. and year of case (1)	Name, father's name and caste (2)	Residence (3)	Date of appointment (4)	Amount of security furnished (5)	Date fixed for submission of accounts (6)

Subsequent Proceedings

No. and year of case	Date of commencement	Abstract of proceedings	Date of final order
(1)	(2)	(3)	(4)

FORM "G"

Register of Estates of Wards under the District Judge

No.	Name of Ward	Name of Guardian	Name or description of estate with value	Date on which the estate came under the control of the District Judge	Date on which the estate passed out of the hands of the District Judge	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Rules under sub-section (1) (a) and (i) of Section 50

- With the annual statements of civil business for the previous year which are required to be submitted by the 15th February each year the District Judges shall submit to the High Court a report of the working of the Guardians and Wards Act, 1890, specially on the management of ward's estates.
- When it appears to the Court at the time of passing an order of appointment or declaration of a guardian, or at the annual inspection of the ward or otherwise, that orders are required as to the education of the ward, the Court shall pass such orders as appear to suit the case, regard being had to the present position and future prospects of the ward's family and to the intellectual capabilities of the ward himself.

(J) Rules under the Banking Regulations Act, 1949

368. (1) Application relating to Banking company within the State of Chhattisgarh.—An application under Part III or Part III-A of the Banking Regulation Act, 1949 (hereinafter in this Part (J) of this Chapter referred to as 'the Act'), in respect of a Banking Company having its registered office, or in the case of Company incorporated outside India, its principal place of business, within the State of Chhattisgarh shall be filed in the Office of the Registrar (Judicial).

(2) General Headings.—An application under Part III or Part III-A of the Act shall be instituted in the matter of the Act and in the matter of the Banking Company and, where necessary in the matter of the Act under which the Banking Company has been ordered to be wound up.

(3) Presentation and hearing of petitions under Part III or Part III-A of the Act.—An application under Part III or Part III-A of the Act shall be made by petition and shall be signed and verified in the same manner as a plaint. The petition shall be presented to the Registrar (Judicial) who shall process the matter and if found defect free, place the matter before the Judge taking company winding up matters or to such other Judge as the Chief Justice may direct. The Judge may reject the application summarily or pass such orders and give such directions as he may deem proper, including directions for notice of the petition

being given to such person or persons as may seem to him likely to be affected by the proceedings.

(4) **Notice of petition.**—Where notice is directed to be given to any party, it shall be served together with a copy of the petition and the petition shall not be heard until fourteen days after the service of the notice, unless the Judge otherwise directs.

(5) **General duties and powers of the Special Officer.**—Without prejudice to the generality of the powers of the Court under Section 37 (3) of the Act :—

- (i) A Special Officer appointed under Section 37 (3) of the Act shall furnish security in such amount as may be ordered by the Court.
- (ii) He shall generally have all the powers and shall take all the steps necessary or expedient to protect the rights and interests of all the creditors and shareholders of the Banking Company and to conserve and ensure the proper disposition according to law of the assets of the Banking Company.
- (iii) The Special Officer may be empowered to represent the Banking Company in Proceedings before any Court, Tribunal or Public Officer.
- (iv) The Special Officer may apply to the Court for such directions as he may deem necessary.
- (v) The Special Officer shall, where his duties so require, maintain proper accounts.
- (vi) The Special Officer shall be paid such remuneration as may be determined by the Court. The said remuneration shall be paid, unless the Court otherwise directs, from the assets of the Banking Company.
- (vii) The Special Officer shall continue to supervise the affairs of the Banking Company until he is removed from the office, or the term of his appointment expires or until the Banking Company resumes business or until a Liquidator is duly appointed to wind-up the business of the Banking Company.

(6) **Inspection of the Report of the Reserve Bank of India.**—No person, other than the parties to the proceedings and the Official Liquidator shall be entitled to inspection of any report made by the Reserve Bank of India or be entitled to receive a copy thereof without an order of the Court.

(7) **Applications in winding up to be by petition.**—Applications for the determination of all questions of priorities and all other questions whatsoever, whether of law or fact, which may relate to or arise in the course of the winding up of a Banking Company, shall be made by petition. The petition shall contain a statement of facts relied on and the nature of the relief sought for. The petition shall be signed and verified in the same manner as a plaint.

(8) **Notice of petition.**—Petitions mentioned in the last preceding rule shall be presented to the Judge for the time being dealing with the proceedings for the winding up of the Banking Company or to such other Judge as the Chief Justice may direct. The Judge shall direct notice of the petition to be given to the respondent or such person or persons as may seem to him likely to be affected by the proceedings. Such notice shall be served together with a copy of the petition and the petition shall not be heard until fourteen days after service of the notice, unless the Judge otherwise directs.

(9) **Affidavit in answer.**—An answer to the petition mentioned in sub-rule (7) shall be made by filing an affidavit and a copy thereof shall be furnished to the petitioner or his Advocate on record at least four clear days before the returnable date of the notice.

(10) **Directions at the hearing of the petition.**—On the date fixed for the hearing of the petition, the Court may proceed to hear the petition or give such directions as it may think proper as to discovery and inspection, examination of witnesses in Court or in Chambers, taking of evidence by affidavit or otherwise and generally for the speedy determination of the petition.

(11) **Transfer of suits and proceedings to the High Court.**—When the Official Liquidator submits to the Court a report under Section 45-C (2) of the Act, he shall apply to the Judge for the time being dealing with the proceedings for the winding up of the Banking Company or to such other Judge as the Chief Justice may direct, for directions as to the parties to whom notice may be given and the date and time for holding an inquiry whether or not the suits and proceedings mentioned in the report should be transferred to the High Court. The notice shall contain particulars of the suit or proceeding in which the party may be concerned and require him to appear and show cause why it should not be transferred to the High Court. The notice shall be served fourteen days before the date appointed for holding the inquiry.

(12) **Affidavit in reply.**—Any party desiring to oppose the transfer of the suit proceedings to the High Court shall file an affidavit and furnish a copy thereof to the Official Liquidator or his Advocate on record at least four days before the returnable date of the notice.

(13) **When proceedings not transferred, Court may request expedition of the same.**—If any suit or proceeding pending in any Court is not transferred to the High Court under Section 45-C (3), the Judge for the time being dealing with the proceedings for the winding up of the Banking Company or such other Judge as the Chief Justice may direct, may direct the Registrar (Judicial) to write a letter of request to the Court in which the suit or proceeding is pending, requesting that the suit or proceeding may be disposed of as expeditiously as possible.

(14) **List of debtors.**—When the Official Liquidator files in the Court a list of debtors under Section 45-D (2) of the Act, he shall obtain appointment from the Judge for the time being dealing with the proceedings for the winding up of the Banking Company or from such other Judge as the Chief Justice may direct, to settle the same and shall give notice in writing of such appointment to every person mentioned in such list. The notice shall contain such of the particulars mentioned in the list of debtors as are applicable to such person. In case any variation or addition to such list is made by the Official Liquidator, a similar notice in writing shall be given to every person to whom such variation or addition applies. All such notices shall be served four weeks before the date appointed to settle such list, variation or addition.

(15) **Service of notice.**—Service of notice upon the debtors shall be effected by sending the notice through the post by a registered letter or if the Judge so directs by any other mode provided under the High Court Rules. The notice shall be addressed to the party to his last known address or place of residence and unless otherwise ordered by the Court such notice shall be deemed to be served at the time the same ought to be delivered in due course of delivery by the post office and notwithstanding the same may be returned by the post office.

(16) **Affidavit in reply.**—If the debtor desires to show cause against the inclusion of his name in the list of debtors, he shall file an affidavit and furnish a copy thereof to the Official Liquidator or his Advocate on record at least seven clear days before the day appointed for the settlement of the list.

(17) **Settlement of the list of debtors.**—On the date fixed for settlement of the list of debtors, the Judge may settle the list or such part thereof as he may think proper. If the Judge is of the opinion that it is not immediately possible to adjudicate upon any particular debt mentioned in the list, he may give such directions as he may think as to discovery and inspection, examination of witnesses in Court or in Chambers, taking of evidence by affidavit or otherwise and generally for the speedy adjudication of the debt. The Judge may in a special case refer the Official Liquidator to a regular suit.

(18) **Official Liquidator to report if he contests claims of depositors.**—If the Official Liquidator desires to contest a claim shown in the books of the company as due to a depositor on the ground that there is reason for doubting the correctness of any particular entry in the books, he shall make a report to the Judge for the time being dealing with the proceedings for the winding up of the Banking Company or to such other Judge as the Chief Justice may direct, stating his reason for doubting the correctness of such entry; and if, upon such report the Judge is satisfied that there is *prima facie* reason for doubting the correctness of the entry, the Judge may cause notice to be given to the depositor concerned to come in and prove his claim.

(19) **Register of suits in winding up matters.**—Suits in respect of claims made by or against any banking company in liquidation, including claims by or against any of its branches in India, which are filed in the High Court or transferred to it under the Act shall be entered in a separate list to be maintained by the office of the Registrar (Judicial) and shall be treated as expedited suits. If such suits have been filed before the date of the order for winding up, the Official Liquidator shall furnish to the Registrar (Judicial) a list of such suits.

(20) **Hearing of suits and matters.**—All suits referred to in the preceding rule and all matters and proceedings connected with the suits shall be heard by the Judge for the time being dealing with the proceedings for the winding up of the Banking Company or by such other Judge as the Chief Justice may direct.

(21) **Procedure in such suits.**—Where the suit is filed as a summary suit, the procedure prescribed for summary suits shall be followed. In all other cases, the suit shall be filed as an ordinary suit and the procedure laid down for such suits shall be followed.

(22) **Application for inspection of records.**—The Reserve Bank of India may apply to the Judge for the time being dealing with the proceedings for the winding up of a banking company or to such other Judge as the Chief Justice may direct, for permission to inspect the records of the banking company or of the High Court in the matter of the banking company, and such permission may be granted by the Judge in his discretion.

(23) **Recovery of dues as arrears of land revenue.**—When the Court grants leave under Section 45-T (3) of the Act for recovery of any amount found due to the company, the Official Liquidator may apply to the proper Revenue Authorities to recover the said amount as arrears of land revenue.

(24) **Supervision of the carrying out of compromise or arrangement.**—Where an order under Section 391 of the Companies Act, 1956 (Act 1 of 1956) sanctioning a compromise or arrangement in respect of a Banking Company is

passed, the Judge may direct the Official Liquidator or any other person to supervise the carrying out of the compromise or arrangement and to make a report to the Court in regard thereto.

(25) **These rules to be in addition to Companies (Court) Rules of the Supreme Court.**—These rules shall be in addition to and not in derogation of Companies (Court) Rule, 1959, framed by the Supreme Court of India.

Civil Appeals

(26) **Appeal to the High Court to be heard by Division Bench.—**

- (i) Subject to the provisions of Section 45-N (1) of the Act, an appeal shall lie from an order or decision of a Judge in a Civil proceeding under the Act to the High Court.
- (ii) The appeal shall be heard by a Division Bench as directed by the Chief Justice.

(27) **Period within which appeal should be filed.**—The appeal shall be filed within thirty days from the date of the decree or order appealed from.

(28) **Appeals.**—Rules relating to appeals contained in the High Court Rules shall, with any necessary modifications, apply to appeals under Section 45-N (1) of the Act.

Criminal Complaints

(29) **Presentation of complaints and issue of process.**—Proceedings under Section 45-J of the Act shall commence with a complaint being presented by the Official Liquidator to such Judge as the Chief Justice may direct. On presentation of the complaint the Judge may direct a summons or a bailable or non-bailable warrant to be issued against the accused and may fix a date for the trial, or may, if he think fit, postpone the issue of process and direct an inquiry or investigation to be made by the Commissioner of Police or by such other person as he thinks fit, or may dismiss the complaint.

(30) **Process in criminal cases.**—All complaints shall be filed in the office of the Registrar (Judicial) and all process shall issue from his office.

(31) **What offences to be tried summarily.**—Offences punishable under the Companies Act, 1956 (Act I of 1956) or under the Banking Regulation Act, 1949 (Act X of 1949) with imprisonment for a term which does not exceed two years or with fine which does not exceed one thousand rupees may be tried in a summary way.

An offence triable under Section 45-J (2) of the Act jointly with the offences, mentioned in this rule may also be tried summarily, provided that it is punishable with imprisonment for a term which does not exceed two years or with fine which does not exceed one thousand rupees.

(32) (i) **Procedure in summary trials.**—Where an offence triable under section 45-J (1) is tried summarily, the procedure provided in the Code of Criminal Procedure for the trial of summons cases shall, so far as it is not inconsistent with the provisions of the Act, be applicable. Where, however, the offence to be tried summarily under Section 45-J (1) is tried jointly with an offence under Section 45-J (2), the procedure provided in the Code of Criminal Procedure for the trial of warrant cases shall be applicable, provided that it shall not be necessary to adjourn the case under Section 256 (1) of the Code of Criminal Procedure before requiring the accused to enter upon his defence or inquiring of him

whether he wishes to further cross-examine any witness whose evidence has been taken.

- (ii) **Procedure in non-summary trials.**—Where the offences triable under Section 45-J are not tried summarily, the procedure provided in the Code of Criminal Procedure for the trial of warrant cases, shall, so far as it is not inconsistent with the provisions of the Act, be applicable.

(33) **Bail.**—The Court may at any time grant bail to the accused on such terms as it thinks proper.

(34) **Accused person to be competent witness.**—Any person against whom a complaint is filed by the Official Liquidator under the Act shall be a competent witness for the defence and may give evidence on oath in disproof of the charges made against him or any person charged along with him at the same trial :

Provided that—

- (i) he shall not be called or examined as a witness except with his consent;
- (ii) his failure to give evidence shall not be made the subject of any comment, by the prosecution nor give rise to any presumption against himself of any person charged along with him at the same trial;
- (iii) he shall not be asked, and if asked shall not be required to answer, any question tending to show that he has committed or been convicted of any offence other than the offence with which he is charged, or is of bad character, unless—
 - (a) the proof that he has committed or been convicted of such offence is admissible evidence to show that he is guilty of the offence with which he is charged, or
 - (b) he has personally or by his Advocate asked questions of any witness for the prosecution with a view to establish his own good character or has given evidence of his good character or the nature or conduct of the defence is such as to involve imputations on character of the prosecutor or of any witness for the prosecution, or
- (iii) he has given evidence against any other person charged with the same offence.

(35) **Compounding of offences.**—All offences triable under Part III-A of the Act may be compounded with the leave of the Court.

Criminal Appeals

- (36) (i) **Appeal against conviction.**—Any person convicted on a trial held by the High Court in the exercise of its jurisdiction under Section 45-J of the Act may appeal to the High Court—
 - (a) against the conviction on any ground of appeal which involves a question of law only,
 - (b) with the leave of the Appellate Court or upon the certificate of the Judge who tried the case that it is a fit case for appeal, against the conviction on any ground of appeal which involves a question of fact only or a mixed question of law and fact or any other ground which appears to the Appellate Court to be a sufficient ground of appeal; and

- (c) with the leave of the Appellate Court, against the sentence passed unless the sentence is one fixed by law.
- (ii) **Appeal against acquittal.**—The Official Liquidator may appeal to the High Court against any order of acquittal on any ground of appeal which involves a question of law only.

(37) **Period of limitation.**—An appeal under the last preceding rule shall be filed within thirty days from the date of the order appealed from.

(38) **Application to the trial Judge for a certificate.**—An application to the judge who tried the case for a certificate that it is a fit case for appeal may be made either orally at the end of the trial or by petition giving the grounds on which such certificate is sought and showing that the period of limitation for the appeal has not expired.

(39) **Memorandum of Appeal.**—The memorandum of appeal shall be made giving brief facts and the grounds of objection numbered consecutively, and the grounds upon which the leave, if any, of the Appellate Court is sought. It shall also show that the appeal is within time, and shall be accompanied by a certified copy of the judgment and the sentence or order of the Court, and also of the certificate of the Judge who tried the case that it is a fit case for appeal, when such certificate has been given.

(40) **Procedure on presentation of appeal.**—On presentation of an appeal, the date of such presentation shall be marked thereon, and if it is within time it shall be accepted and entered in the register of appeals to be kept for the purpose. When an appeal appears to the Registrar (Judicial) to be beyond time, the same may be registered only when an application for condonation of delay has been submitted, and such application shall be placed before the Court for orders.

(41) **Admission of appeals.**—Applications referred to in the preceding rule, together with the memorandum of appeal in question and appeals which have been accepted by the Registrar (Judicial) being within time, shall be placed for admission before a Division Bench.

(42) **Applications for bail in appeals.**—Applications for bail shall ordinarily be made to the Appellate Court at the time of admission.

(43) **Applications for notes of evidence.**—Upon admission of an appeal, the appellant shall apply with due diligence for a certified copy of the notes of evidence and of the requisite documentary exhibits, and shall pay the usual charges, unless the Registrar (Judicial) in his discretion thinks fit to dispense with such payment in whole or in part.

(44) **Paper books to be prepared by appellant and to be typed or cyclostyled.**—The appeal paper books shall be prepared by the appellant within six weeks of the admission of the appeal unless otherwise directed by the Court. Provisions regarding preparation of paper book provided in the High Court Rules shall be applicable for this Rule.

(45) **Contents of Paper Book.**—The appeal paper book shall consist of two parts and shall contain the following documents arranged in the following order :—

Part I

- (1) Complaint,
- (2) Charge or charges against the accused in the trial Court,
- (3) Notes of evidence including statement of the accused,
- (4) Judgment including sentence or order,

- (5) Certificate of the Judge who tried the case, if any,
- (6) Order of the Appellate Court granting leave, if any,
- (7) Memorandum of appeal,
- (8) Order admitting the appeal,
- (9) Such other papers as may be deemed necessary by the Registrar (Judicial).

Part II
EXHIBITS

(46) Procedure in default of filing of paper books.—Where the appellant, after admission of an appeal, does not diligently prosecute the appeal and does not file copies of the appeal paper book as required, the appeal shall be placed before the Appellate Court for dismissal. The Appellate Court may dismiss the appeal or pass such order as it may think fit.

Miscellaneous

(47) Section 5 Limitation Act applicable.—The provisions of Section 5 of the Limitation Act, 1963 shall apply to appeals Civil or Criminal under the Act.

(48) Code of Civil Procedure and Code of Criminal Procedure to apply.—The provisions of the Code of Civil Procedure and the provisions of the Code of Criminal Procedure, unless inconsistent with the rules contained in this chapter shall, with any necessary modifications, apply to the civil or criminal proceedings and appeals under the rules in this chapter, as the case may be. In case of inconsistency between the provisions of the Code of Civil Procedure and the rules of the Court referred to herein the said rules of the Court shall prevail.

(K) Rules under the Income Tax Act, 1961

369. References, appeals and applications under the Income Tax Act, 1961 (hereinafter in this Part (K) of this Chapter referred to as the 'Act'), shall be posted before such Bench of two Judges as the Chief Justice may specify by general or special order and it shall be registered as Income Tax Reference or Income Tax Appeal, as the case may be.

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

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

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

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

373. Applications under sub-section (2) of Section 256 of the Act shall be accompanied by, as annexures thereto, copies of—

- (1) the assessment order;
- (2) the order of the Appellate Authority;
- (3) the order of the Appellate Tribunal passed in the case under Section 254 (1);
- (4) the application of assessee or of the Commissioner, as the case may be, requiring the Tribunal to state a case to the High Court under sub-section (1) of Section 256;
- (5) the order of the Tribunal refusing to state a case and make a reference under sub-section (1) of Section 256;
- (6) any other paper or document which the applicant considers necessary for the disposal of the application; and
- (7) where the application is filed by an assessee, a certificate in original from the Appellate tribunal to the effect that the assessee has not withdrawn his application for reference under sub-section (3) of Section 256 of the Act before the said Tribunal.

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

375. The paper book in the case of reference under sub-section (1) of Section 256 shall contain the papers mentioned in this part of Rule and all other relevant papers.

376. The paper book in case of application under sub-section (2) of Section 256 shall contain the papers mentioned in Rule 373 and also the following papers :—

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

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

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

379. Subject to the provisions of Section 260 A of the Income Tax Act, 1961

- (1) An Appeal shall lie to the High Court from every order passed in appeal by the Appellate Tribunal if the High Court is satisfied that the case involves a substantial question of law.
- (2) An Appeal under this sub-section shall be filed within 120 days from the date on which the order appealed against is communicated to the Appellant.
- (3) An Appeal under Section 260-A of the Income Tax Act, precisely stating therein the substantial questions of law involved, shall be filed in triplicate against the decision of the Tribunal. The appellant shall annex to such Memorandum of Appeal, assessment

order, Memorandum of Appeal to C.I.T. (Appeals), decision of C.I.T. (Appeals), Memorandum of Appeal to the Income Tax Appellate Tribunal as also the impugned decision of the Tribunal (As regards the Note of appearance and address for service is concerned, High Court of Chhattisgarh Rules, 2007 shall apply to such Memorandum of Appeal).

- (4) The Memorandum of Appeal shall be accompanied by a requisite court fee as prescribed under the Court Fee Act, 1870 for filing appeals under Section 100 of Code of Civil Procedure.
- (5) Any appeal under this section, shall precisely state the substantial question of law involved in the appeal.
- (6) Where the High Court is satisfied that a substantial question of law is involved in the case, it shall formulate the question.
- (7) An appeal so filed shall be heard on the question so formulated and the Respondent shall, at the hearing of the appeal be allowed to argue it, that the case does not involve such a question :

Provided that nothing in this sub-rule shall be deemed to take away or abridge the power of the court to hear, for reasons to be recorded, the appeal on any other substantial question of law, not formulated by it, if it is satisfied that the case involves such question.

- (8) All memorandum of Appeal as provided in this Rule shall be presented to the Additional Registrar (Judicial) who will accept and take on file the memorandum of appeal if sub-rule (3) has been complied with and it appears to him to have been presented within time prescribed by law of limitation.
- (9) If the memorandum of appeal is rejected by the Additional Registrar (Judicial), he shall endorse thereon the date of its presentation and rejection and shall, if requested by the appellant, place it before the High Court for orders.
- (10) Application for the acceptance of a memorandum of appeal rejected by the Additional Registrar (Judicial) shall be made to the High Court at the earliest.
- (11) The High Court on hearing such application shall accept or reject the memorandum of appeal with or without notice to the other side. If accepted, it shall be accepted as on the date of its presentation to the Additional Registrar (Judicial).
- (12) The Appellant shall apply and take out and serve notice of the appeal on the Respondent within 15 days from the date of the order directing notice to the issue on the Respondent, unless otherwise ordered. On his failing to do so, the Additional Registrar (Judicial) may set down appeal on the board for dismissal.
- (13) The Appellant shall on the acceptance of his memorandum of appeal apply to the Additional Registrar (Judicial) for a copy of the notes of evidence and other necessary documents and shall prepare the appeal paper book without delay.
- (14) The Appellant shall prepare and lodge in the office of the Additional Registrar (Judicial) within fifteen days from the service of the notice of appeal, an index of the documents to be included in the appeal paper book and shall apply to the Additional Registrar (Judicial) to appoint a time to settle the index. Notice of time so

appointed shall be given by the appellant to the respondent or his Advocate on record.

- (15) The Additional Registrar (Judicial) shall settle the index and shall decide how many copies of the appeal paper book shall be prepared by the appellant.
- (16) If a party is not satisfied with the index as settled by the Additional Registrar (Judicial) he may apply to the Judge in Chambers.

(L) Rules under the Estate Duty Act, 1953, Wealth Tax Act, 1957, Customs Act, 1962 and Central Excise Act, 1944

380. The Rules of Part (K) of this Chapter regulating the procedure for the conduct and disposal of appeals/references/applications under the Income Tax Act, 1961 shall, so far as may be, apply *mutatis mutandis* to the proceedings, as the case may be, under the Estate Duty Act, 1953 (Act XXXIV of 1953), the Wealth Tax Act, 1957 (Act XXVII of 1957), the Customs Act, 1962 and the Central Excise Act, 1944, with such modifications and adaptations as the Chief Justice may prescribe from time to time.

(M) Rules under Section 41 of the Special Marriage Act, 1954

381. (1) Short title and commencement.—

- (i) These rules, made under this Part (M) of this Chapter of the Rules of Court, may be called the Special Marriage Rules, 2007.
- (ii) They shall come into force from the date of their publication in the Chhattisgarh Gazette.

(2) Definition.—In this rules unless there is anything repugnant in the subject or context "Act" means the Special Marriage Act, 1954 (No. XLIII of 1954).

(3) Application of other Act and Rules.—The provisions of the Indian Divorce Act, 1869, as regards forms and procedure, in so far as such forms and procedure may be applicable *mutatis mutandis* and the rules made thereunder with necessary changes and adaptations and the general rules of Court relating to registration, contents and presentation or filing of plaints and written statements, in so far as they are not inconsistent with the Act or with these rules shall apply to all proceedings under the Act.

(4) Registration of petitions.—All original petitions under Chapter V, VI or VII of the Act shall be registered as suits of Class-III in the register of Civil Suits.

(5) Contents of petitions.—(A) A petition under Chapter V or Chapter VI of the Act shall, in addition to any particulars required by law, state :—

- (i) the place and date of marriage;
- (ii) the name, status and domicile of the wife before the marriage;
- (iii) the status of the husband and his domicile at the time of the marriage and at the time the petition is presented, and his occupation and the place or places of residence of the parties at the time of institution of suit ;
- (iv) the principal permanent address where the parties have cohabited including the address where they last resided together;
- (v) whether there is living issue of the marriage, and if so, the names and date of birth or ages of such issues;
- (vi) whether there have been any, and if so, what previous proceeding with reference to the marriage by or on behalf of either of the parties

to the marriage, the place of such proceedings and result of such proceedings;

- (vii) the grounds on which the petitioner claims that the court to which the petition is presented has jurisdiction to entertain the petition.

(B) A petition for restitution of conjugal rights shall, in addition to the particulars mentioned in sub-rule (5) (A), state—

- (i) the date from which the respondent has withdrawn from the society of the petitioner;
- (ii) the age of the respondent;
- (iii) the person or persons with whom the respondent residing at the time of the institution of the suit;
- (iv) the attempts, if any, made, before the institution of the suit, by the petitioner for resumption of normal relations.

(C) A petition for judicial separation or divorce shall, in addition to the particulars mentioned in sub-rule (5) (A), state—

- (i) the specific grounds on which judicial separation or divorce is claimed ;
- (ii) the claim for damages, if any ;
- (iii) the absence of collusion between the petitioner and the other party to the marriage.

(D) A petition for divorce by mutual consent shall, in addition to the particulars mentioned in sub-rule (5) (A), state—

- (i) the place or places and the period or periods during which the parties have lived together;
- (ii) the period during which the parties have been living separately ;
- (iii) the reasons for not being able to live together.

(E) A petition for declaration of nullity of a marriage shall, in addition to the particulars mentioned in sub-rules (5) (A) and (5) (C), as far as applicable, state the facts, which make the marriage null and void.

(F) A petition for the annulment of a marriage shall, in addition to the particulars mentioned in sub-rules (5) (A) and (5) (C), as far as applicable, state the ground or grounds on which annulment of the marriage is sought.

(6) **Impleading of co-respondent.**—A petition for Judicial separation or divorce on the grounds of adultery shall implead the alleged adulterer as a co-respondent, unless any of the following reasons is given for not so impleading :—

- (i) that the respondent is leading the life of a prostitute and that the petitioner knows of no person with whom the adultery has been committed ;
- (ii) that the name of the alleged adulterer is unknown to the petitioner, although he has made due efforts to discover it;
- (iii) that the alleged adulterer is dead;

(7) **Intervener.**—

- (i) Any person, not already a party to the proceedings may, by an application supported by an affidavit, seek the permission of the Court to intervene and show cause why a decree for divorce, declaration of nullity of marriage or annulment of marriage should not be passed.

(ii) If the Court allows such an application, the intervener shall be made a party to the proceedings and shall, if the intervention is not *bona fide*, be liable for costs.

(8) **Damages.**—The Court may award to the petitioner such damages against a co-respondent who has been found guilty of adultery, as the court deems proper.

(9) **Limitation.**—The provisions of Section 5 of the Limitation Act, 1963, shall apply to applications and appeals under this Act.

(N) Rules under Section 82 of the Arbitration and Conciliation Act, 1996

382. In exercise of the powers conferred by Section 82 of the Arbitration & Conciliation Act, 1996 (26 of 1996), the High Court of Chhattisgarh makes the following Rules, under this Part (N) of Chapter XVIII of the Rules of the Court, as to the proceedings before the Courts under the Act, namely :—

- (1) These rules, made under Rule 382 of the Rules of the Court, may be called the **Chhattisgarh Arbitration Rules, 2007**.
- (2) They shall come into force from the date notified by the Chief Justice.
- (3) In this Rule "Act" means the Arbitration and Conciliation Act, 1996. Other expressions not defined herein shall carry the same meaning as they do under Section 2 of the Act.
- (4) (i) Every application under Section 9, Section 14, Section 17, Section 27, Section 34, Section 39, and Section 43 of the Act shall be made in writing duly signed and verified in the manner prescribed by Order-VI, Rules 14 and 15 of the Code of Civil Procedure, 1908 and if the Court so directs, shall be supported by an affidavit. It shall be divided into paragraphs numbered consecutively and shall contain the name, description and place of residence of the parties. It shall contain statement in concised form—
 - (a) of the material facts constituting cause of action ;
 - (b) of facts showing that the Court to which the application is presented has jurisdiction ;
 - (c) relief asked for ; and,
 - (d) names and addresses of the persons liable to be affected by the application :

Provided that where a party, by reason of absence or for any other reason, is unable to sign and verify the same, it may be signed and verified by any person duly authorized by him in this behalf and is proved to the satisfaction of the Court to be acquainted with the facts of the case.

- (ii) An application for enforcement of an arbitral award under Section 36 or a foreign award under Section 47 or Section 56 shall be in writing signed and verified by the applicant or by some other person proved to the satisfaction of the Court to be acquainted with the facts of the case, and shall contain in a tabular form the particulars prescribed in sub-rule (2) of Rule 11 of Order 21 of the Code of Civil Procedure, 1908.
- (5) The Court Fees (in Court fee stamps) on the application/ Vakalatnama/ Appeal made/preferred to the Court/Court of Appeal

under the Act shall be payable according to the Schedule below :—

SCHEDULE

I: Applications

S.No.	Nature of Application (2)	Amount of Court Fee (3)
i.	Application under Section 9	Rs. 500.00
ii.	Application under sub-Section (1) of Section 17.	Rs. 100.00
iii.	Application under Section 34	Rs. 1,000.00
iv.	Application under Sections 14, 27, 36, 39 and 43	Rs. 400.00
v.	Application under Sections 47 and 56	Rs. 2,000.00
vi.	Any other application	Rs. 100.00
vii.	Vakalatnama	As prescribed under the Court Fees Act, 1870

II: Appeals

S. No.	Nature of Appeal (2)	Amount of Court Fee (3)
i.	Appeal against an order on an application under Section 9	Rs. 500.00
ii.	Appeal against order of the Arbitral Tribunal accepting the plea referred to in sub-section (2) or sub-section (3) of Section 16.	Rs. 500.00
iii.	Appeal against an order on an application under Section 34	Rs. 1,000.00
iv.	Appeal against an order refusing to refer the parties to arbitration under Sections 45 and 54	Rs. 500.00
v.	Appeal against an order refusing to enforce a foreign award under Section 48 and sub-section (2) of Section 57.	Rs. 2,000.00

- (6) Where the application made by the party is not in accordance with the provisions of these rules, the Court may reject the application.
- (7) Every application shall, if the Court is satisfied that the same is in order, be numbered and registered as an arbitration case and every appeal shall be registered as an arbitration appeal.
- (8) The Court to which an application is presented shall direct notice thereof to be given to the opposite party and to such other persons as are likely to be affected by the proceedings requiring to show cause within a time to be specified in the notice why the relief sought in the application be not granted. The notice shall be accompanied by a copy of the application and documents filed by the applicant.
- (9) (i) Save as otherwise expressly provided in the Act or these Rules the following provisions of the Code of Civil Procedure, 1908 (V of 1908) shall apply to the proceedings

before a Court in so far as they may be applicable thereto, namely :—

- (a) Sections 28, 31, 35, 35A, 35B, 107, 133, 135, 148A, 149, 151 and 152; and,
 - (b) Order III, V, VI, IX, XIII, XIV, XVI to XIX, XXIV and XLI.
- (ii) (a) For the purpose of facilitating the application of the provisions referred to under sub-rule (9)(i) the Court may construe them with such alterations, not affecting the substance, as may be necessary or proper to adopt to the matter before it ; and
- (b) The Court may, for sufficient reasons, proceed otherwise than in accordance with the said provisions if it is satisfied that the interests of the parties shall not thereby be prejudiced.
- (10) The process fees in relation to the proceedings before the court shall be charged as per Chapter XX of the Chhattisgarh Civil Court Rules, 1961 as if the proceedings were the proceedings in suit.

CHAPTER XIX

Rules related to Eligibility of and Facility to Law Journals and Media

A: Facilities to be given to the Approved Law Journals

383. The issue of copies to representatives of approved Law Journals shall be governed by the following provisions, namely :—

- (1) An approved list of Law Journals entitled to receive copies of judgments marked A.F.R. (approved for reporting) under this rule shall be maintained under the orders of the Chief Justice.
- (2) No Law Journal shall be entered in this list unless it has given an undertaking that it will apply for a copy of every judgment delivered by the Court which is marked A.F.R. :
Provided that a Law Journal publishing cases only of a particular branch or branches of Law (such as Journals publishing Income tax and Sales tax Cases) may also be entered in the approved list, if it gives an undertaking that it will apply for a copy of every judgment delivered by the Court, which is marked A.F.R. in cases relating to the branch or branches of Law which are published in the journal.
- (3) No Law Journal on the approved list shall be entitled to receive more than one copy of such judgment under this Rule.
- (4) As soon as a judgment marked A.F.R. has been received in the disposal Section or the Criminal Department, as the case may be, an assistant there shall enter it in the prescribed register to be called Register of Judgments marked A.F.R., the entries being made in chronological order, and shall send such judgment immediately to the Section Officer of the Copying Department for the preparation of as many copies as there are law journals on the approved list.
- (5) Two registers in the prescribed form to be called 'Register of Copies of Judgments marked A.F.R.' and 'Register of Applications for copies of Judgments marked A.F.R.,' shall be maintained by the

Section Officer of the Copying Department with respect to such copies.

- (6) Copies prepared under this Rule shall contain the following additional information, namely :—

- (i) the names of advocates appearing in the case on both sides ;
- (ii) the coram and the name(s) of Judge(s) delivering the judgment of the Court; and
- (iii) full designation of the lower Court along with the date of its judgment or order.

Such additional information shall be sent to the Section Officer of the Copying Department by the Disposal Section or the Criminal Department, as the case may be, along with the judgment.

- (7) Copies prepared under this Rule shall be given priority over all ordinary copies and shall be prepared as quickly as possible.
- (8) As soon as copies are ready they shall be delivered to the representatives of the journals on the approved list on their submitting a duly stamped application and on payment of Rs. 2/- (in Court fee stamps affixed on the application) per copy of every such judgment or order.
- (9) If the representative of any law journal on the approved list does not apply for copy of any judgment marked A.F.R. within three weeks from the date on which it is so marked the name of such journal may be removed from the approved list.
- (10) The 'Register of Copies of Judgments marked A.F.R.' shall be open to inspection by the representative of any law journal on the approved list.

I. Register of Judgments marked A.F.R.

Sl. No.	Description of the cases	Date of receipt of judgment in Disposal Section, Criminal Department	Number of page in the judgment
(1)	(2)	(3)	(4)
Date of sending judgment to the Section Officer, Copying Department	Signature of Section Officer. C.D. with the date of receipt of judgment	Date of receipt of judgment from C.D.	Remarks
(5)	(6)	(7)	(8)

II. Register of Copies of Judgments marked A.F.R.

Sl. No.	Description of the cases	Date of receipt of judgment in C.D./ Disposal Section/ Criminal Department	Date and time when judgment received by C. D.	Signature of Comparer
(1)	(2)	(3)	(4)	(5)

No. of Pages (6)	Date and time when handed over to Section Officer, C.D. (7)	Signature of Section Officer, C.D. (8)	Remarks (9)

III. Register of Applications for Copies of Judgments marked A.F.R.

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

B: Facilities to be given to the Press Reporters

384. (1) The accredited and approved representatives of approved newspapers who have been granted accreditation and approval under these Rules will be allowed seats in Court, if they so desire, for the purpose of reporting proceedings.

(2) Such representatives of newspapers can obtain copies only of such Court documents as can be obtained by strangers after filing regular application under the Rules and on payment of the prescribed fee.

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

- (i) They may inspect judgments in the Inspection Section of the Registry upon a regular application for inspection in accordance with these Rules and on payment of the prescribed fee. Such applications will, however, invariably be dealt with by the office immediately, though only the ordinary fee of Rs. 5/- will be charged upon an ordinary application. Such applications and inspection may be allowed at any time between 10.30 A.M. to 4.30 P.M., to be made by the person named in the order for inspection.
- (ii) Such press representatives will be permitted to peruse the judgments after delivery in open Court with the permission and in presence of the Judge.
- (iii) No press representative will, in any circumstances, be allowed private access of Ministerial Officers of the Court, nor will he be allowed perusal of any judgment until it has been revised and

signed in the ordinary course, except by the special permission of the Judge who delivered it.

(4) Accredited and approved representatives of the approved newspapers will have the responsibility of publishing true and correct news relating to the High Court. For reporting on a matter related to the High Court and its orders and judgments, due care shall be taken by the duly accredited approved representatives and the Court reserves the right to withdraw the facility from the representatives of any newspaper or law journal in which inaccurate, or misleading, or scandalous reports are found to appear.

(5) Only such journalist shall be treated as duly accredited and approved representative, whose names have been sent by the newspaper to the High Court on year to year basis.

(6) The duly accredited representative of an approved Newspaper/ Electronic Media shall not interact with a lawyer seeking comments on a case pending before the High Court. He shall not seek comments or obtain photographs from a lawyer to be published/ telecast in connection with cases in which he had been engaged or is concerned with, as the same is not permitted under the Bar Council of India Rules.

C : Rules for Eligibility for Accreditation to a Journalist or Representative of Newspaper

385. (1) An applicant must have a Law degree recognized by the Bar Council of India under the Advocates Act, 1961.

(2) He should ordinarily have five years' Court reporting experience in a daily newspaper, national news agency or media organization like A.I.R. and Doordarshan of which at least three years must be at any High Court :

Provided, however, that out of the said period of three years, two years at least should, immediately prior to the application for accreditation, be continuous.

(3) He has regularly reported the proceedings of the Supreme Court or any High Court for at least six months on temporary accreditation granted to him and continues to represent a daily newspaper of not less than 40,000 circulation certified by the Registrar of Newspapers, the Audit Bureau of Circulation (ABC) or the Director of State Information Bureau, a national agency or media organization like A.I.R. and Doordarshan.

(4) The Chief Justice, for special reasons may refer to the Accreditation Committee the case of any deserving candidate for consideration of according accreditation in relaxation of the rules and guidelines and on such reference the Accreditation Committee may advise the Chief Justice suitably.

(5) On being granted regular accreditation on the application, the legal correspondent will be issued an identity card which will be valid for one year and which will have to be renewed annually.

(6) In case, an accredited legal correspondent is transferred or otherwise ceases to represent the newspaper, news agency or other media organization for which he was granted accreditation, he shall, within two weeks of such transfer or cessation, return the identity card issued to him by the Registry.

(7) **Temporary Accreditation.**—An applicant for temporary accreditation will be eligible for consideration on his fulfilling the following conditions :—

- (i) He is a working journalist desiring to report regularly the High Court proceedings and furnishes a letter from his newspaper, news agency or other media organization concerned, to that effect.
- (ii) He possesses a Law degree recognized by the Bar Council of India under the Advocates Act, 1961.
- (iii) The application must be accompanied by an attested copy of the Law degree and a letter of request/recommendation from the Editor or Publisher of the concerned Newspaper.
- (iv) The application must be supported by clippings, showing the Court reportage for the requisite number of years and a letter from the sponsoring Editor certifying the above mentioned experience of reportage.
- (v) An applicant for temporary accreditation should ordinarily have at least three years of Court reporting experience :

Provided, however, that out of the said period of three years one year at least should, immediately prior to the application for accreditation, be continuous.

(8) All facilities including supply of copy of the judgment/order will be confined only to the accredited legal correspondents. Each media organization will be entitled to only one copy of the judgment/order through its regularly accredited correspondent.

(9) An accredited correspondent, regular or temporary, shall while in Court precincts be in a formal dress, in a manner befitting the decor of the Court and displaying prominently his accreditation card.

(10) If an accredited correspondent misuses the accreditation facility, the Accreditation Committee may consider the withdrawal of his accreditation.

(11) For the purpose of accreditation an Accreditation Committee shall be constituted under the orders of the Chief Justice. The Committee shall consist of the following members :

- (i) A sitting Judge of the High Court.
- (ii) The Advocate General
- (iii) The Chairman, State Bar Council
- (iv) Two accredited correspondents of any print/electronic media.
- (v) The Registrar General shall be the Member Secretary of the Committee.

(12) **Temporary Reporting Facility.**—The Registrar in his discretion may grant temporary reporting facility to a working journalist for a day/short duration or for a specific case on his fulfilling the following criteria:

He must submit a formal letter from the Editor making a specific request along with his PIB Accreditation card or for being considered for the grant of such temporary reporting facility.

(13) That whenever a press representative who has been accorded accreditation leaves the Press/Agency which he is representing and joins another Press/Agency, he may not be extended the privileges of an accredited press representative unless he seeks fresh accreditation by making appropriate application in accordance with the norms.

CHAPTER XX

MISCELLANEOUS

386. Steps to be taken in the Registry.—Where any step is required to be taken under these Rules or any order of the Court in connection with any case, proceeding or other matter before the Court, such step shall, unless the context otherwise requires, be taken in the Registry.

387. Practice Directions.—The Chief Justice may, from time to time, issue directions, orders, instructions, etc., as he may deem expedient for implementation of rules including practice/procedure for effective functioning of the cause/working of the Court.

[387-A. Collection of Fees by stamps.]—(i) All court fees chargeable under the Court Fees Act, 1870 shall be collected by stamps.

(ii) The stamps used to denote any fee chargeable under the Court Fees Act, 1870, shall be impressed or adhesive, or partly impressed and partly adhesive;

“Stamp” means any mark, seal or endorsement by any agency or person duly authorized by the Appropriate Government, and includes an adhesive or impressed stamp for the purpose of court fee chargeable under this Act.

Explanation.—“impressed stamp” includes impression by a franking machine or any other machine, or a unique number generated by e-stamping or similar software.]

388. Repeal.—The High Court of Chhattisgarh Rules, 2005 are hereby repealed.

1. Inserted by Notification No. 7259/R.G./2015 dated the 11th September, 2015. Notification published in Chhattisgarh Rajpatra (Asadharan) dated 11-9-2015 Page 931.

Practice Directions

Notification No. 3491/2008 dated the 22nd April, 2008*.—In exercise of the powers conferred by Rule 387 of the **High Court of Chhattisgarh Rules, 2007**, the Chief Justice of the High Court of Chhattisgarh hereby issues the enclosed Practice Directions.

PRACTICE DIRECTIONS

A : LIST OF SUBJECT CATEGORIES

All the judicial matters instituted in the High Court of Chhattisgarh shall be categorized under the following heads :—

1. Labour Matters :

- 0101. Dismissal.
- 0102. Retrenchment.
- 0103. Contract Labour.
- 0104. Matters relating to wages, bonus, ad-hoc, casual daily wages and their regularization.
- 0105. Matters relating to Workmen Compensation Act.
- 0106. E.S.I.
- 0107. Factory Act.
- 0108. Conditions of Service and the Industrial Employment (Standing Orders) Act, 1946.
- 0109. Matters under various States Act.
- 0110. Matters relating to Provident Fund.
- 0111. Matters relating to payment of gratuity.
- 0112. Others and mixed bag ones.

2. Rent Act Matters :

- 0201. Eviction matters in First Appeal.
- 0202. Eviction matters in Second Appeal.
- 0203. Eviction matters of personal necessity.
- 0204. Eviction matters for re-building and material alteration.
- 0205. Eviction matters of sub-letting.
- 0206. Eviction matters of disclaimer of title.
- 0207. Matters relating to arrears of rent.
- 0208. Matters relating to building requisition.
- 0209. Appeal under Section 32 of the C.G. Rent Control Act.
- 0210. Revision under Section 23 (E) of the Accommodation Control Act.
- 0211. Others and mixed bag ones.

* Published in C.G. Rajpatra (Asadharan) dated 12-5-2008 Pages 265-266(1-16).

3. Direct Taxes Matter :

- 0301. Income Tax References under Section 256 of the Income Tax Act, 1961.
- 0302. Applications u/s 256 of the Income Tax, 1961.
- 0303. Appeals u/s 260A of the Income Tax Act, 1961.
- 0304. Registration.
- 0305. Business Profits Tax Act, 1947.
- 0306. Agricultural Income Tax.
- 0307. Reference under Section 27A of Wealth Tax Act, 1957.
- 0308. Gift Tax Act, 1958.
- 0309. Property Tax.
- 0310. Valuation.
- 0311. Capital Gains.
- 0312. Income from Salaries.
- 0313. Income from House Property.
- 0314. Income from business/profession.
- 0315. Income from other sources.
- 0316. Deduction/Exemption.
- 0317. Penalties/Prosecution/Settlement Commission.
- 0318. Re-assessment/Revisional Power/Rectification.
- 0319. CBDT Circular.
- 0320. Others and mixed bag ones.

4. Indirect Taxes Matters :

- 0401. Interpretation of the Customs Act, Rules and Regulation.
- 0402. Interpretation of Exemption notification under Customs Act.
- 0403. Interpretation of other notifications under Customs Act.
- 0404. Valuation of goods under the Customs Act.
- 0405. Sales Tax Act (Central and Various States).
- 0406. Cess (Rubber, Coffee, Tea, Sugar, etc.).
- 0407. Entry Taxes.
- 0408. Motor Vehicles Taxation.
- 0409. Purchase Tax.
- 0410. Licence Fee.
- 0411. Classification under the Customs Tariff Act, 1975.
- 0412. Service Tax.
- 0413. Hotel Receipt Tax Act.
- 0414. Entertainment Tax Act.
- 0415. Terminal Tax.
- 0416. Octroi.
- 0417. Valuation.
- 0418. Toll Tax.
- 0419. Interpretation of the Central Excise Act and the Rules.
- 0420. Interpretation of Exemption Notification under the Central Excise Act.

- 0421. Interpretation of other Notifications under Central Excise Act.
 - 0422. Valuation of goods under the Central Excise Act.
 - 0423. Tariff Classification under the Central Excise Act, 1944 and Central Excise Tariff Act, 1985.
 - 0424. Import/Export Control Act, 1947.
 - 0425. Import Control Order.
 - 0426. Open General Licence.
 - 0427. Import/Export Policy.
 - 0428. Professional Tax.
 - 0429. Water and Sewage Tax.
 - 0430. Others and mixed bag ones.
- 5. Land Acquisition and Requisition Matters :**
- 0501. Matters challenging the acquisition proceedings.
 - 0502. Matters challenging compensations.
 - 0503. Requisition and Derequisition of property.
 - 0504. Others and mixed bag ones.
- 6. Service Matters :**
- 0601. Retiral Benefits.
 - 0602. Regularization of ad-hoc employees, etc.
 - 0603. Removal/Dismissal/Termination from service.
 - 0604. Suspension.
 - 0605. Compulsory retirement/retirement.
 - 0606. Disciplinary Proceedings.
 - 0607. Condition of service.
 - 0608. Promotion.
 - 0609. Seniority.
 - 0610. Pay Scales/increments/allowances.
 - 0611. Reservation in service for SC/ST/OBC.
 - 0612. Equal pay for equal work.
 - 0613. Compassionate appointment.
 - 0614. Selection, appointment and recruitment including examination, Interview.
 - 0615. Deputation matters.
 - 0616. Allocation matters.
 - 0617. Transfer matters.
 - 0618. Leave matters.
 - 0619. Increment matters.
 - 0620. Abolition of Posts.
 - 0621. Absorption.
 - 0622. Confidential Reports.
 - 0623. Date of Birth.
 - 0624. Punishment.
 - 0625. Reduction in Rank.
 - 0626. Resignation.

- 0627. Service residuary.
- 0628. Service reversion.
- 0629. Central Administrative Tribunal matters.
- 0630. Others and mixed bag ones.

7. Academic Matters :

- 0701. Matters relating to examination.
- 0702. Matters relating to syllabi.
- 0703. Matters relating to with-holding/cancellation of results, evaluation of marks and expulsion of students.
- 0704. Tuition fee.
- 0705. Matters relating to admission in medical and engineering institutions.
- 0706. Matters relating to admission in other educational institutions.
- 0707. Matters relating to affiliation and de-affiliation of educational institutions.
- 0708. Others and mixed bag ones.

8. Letter Petition and PIL Matters :

- 0801. Child Labour Matters including neglected children.
- 0802. Air Pollution.
- 0803. Water Pollution.
- 0804. Noise Pollution.
- 0805. Ecological Imbalance Protection and Conservation of forests, protection of wild life, ban of felling of trees and falling of underground water level.
- 0806. Bonded labour matters.
- 0807. Matters relating to custody harassment, Jails, complaint of harassment, custodial death, speedy trial, premature release, etc.
- 0808. Matters relating to harassment of SC/ST/OBC and women.
- 0809. Matters relating to unauthorized constructions including encroachments.
- 0810. Matters relating to Election Commissions.
- 0811. Scam matters.
- 0812. Others and mixed bag ones.

9. Election Matters :

- 0901. Matters relating to elections of Gram Panchayats.
- 0902. Matters relating to elections of Janpad Panchayats.
- 0903. Matters relating to elections of Zila Panchayats.
- 0904. Matters relating to elections of Mandi Samiti.
- 0905. Matters relating to elections of Educational Institutions.
- 0906. Matters under Representation of People's Act.
- 0907. Matters under Representation of People's Act involving corrupt practices.
- 0908. Matters relating to recounting of votes.
- 0909. Matters under the Co-operative Societies Act.

- 0910. Matters relating to delimitation of Constituency.
- 0911. Elections relating to Municipal Council/Corporations.
- 0912. Matters relating to disqualification to hold the posts in Panchayats.
- 0913. Election relating to Bar Council/Bar Association.
- 0914. Election relating to Government Employees Association.
- 0915. Election relating to Trade Union.
- 0916. Election relating to other societies.

10. Company Law, MRTP and Allied Matters :

- 1001. Matters relating to winding up.
- 1002. Matters relating to Sick Industries.
- 1003. Matters arising out of orders of Company Law Board under Sections 397 and 398 of Companies Act, 1956.
- 1004. Matters relating to disinvestments.
- 1005. Others and mixed bag ones.

11. Arbitration Matters :

- 1101. Petitions for appointment of Arbitrator under the scheme framed by Hon'ble the Chief Justice of the High Court.
- 1102. Civil Revisions arising out of arbitration proceedings under C.G. Madhyastham Adhikaran Adhiniyam.
- 1103. Others.

12. Compensation Matters :

- 1201. Motor accident claim matters involving death of persons.
- 1202. Motor accident claim matters relating to permanent disability/other injuries.
- 1203. Driver/owners liability matters.
- 1204. Matters relating to enhancement of compensation.
- 1205. Matters relating to appeals filed by Insurance Companies.
- 1206. Matters relating to Workmen Compensation Act.
- 1207. Matters relating to railway accident including other railway compensation matters.
- 1208. Matters relating to accidents other than those covered by M.V. Act.
- 1209. Matters relating to telephone, electricity, etc.
- 1210. Others and mixed bag ones.

13. Habeas Corpus Matters :

- 1301. Writ petitions relating to Habeas Corpus Matters.

14. Criminal Matters :

- 1401. Matters relating to capital punishment.
- 1402. Matters relating to maintenance under Sections 125 and 127 of the Cr. P.C.
- 1403. Matters relating to harassment, cruelty to woman for dowry, dowry death, eve-teasing etc.
- 1404. Matters relating to sexual harassment, kidnapping and abduction.

- 1406. Matters relating to Bank Scams, cheating, forgery etc.
 - 1407. Matters relating to Essential Commodities Act.
 - 1408. Criminal matters relating to State Excise Law.
 - 1409. Bail application under Section 438 of the Cr. P.C.
 - 1410. Bail application under Section 439 of the Cr. P.C.
 - 1411. Application under Section 482 of the Cr. P.C.
 - 1412. Application for cancellation of bail.
 - 1413. Criminal matters in which sentence awarded is upto one year.
 - 1414. Criminal matters in which sentence awarded is upto two years.
 - 1415. Criminal T.P. under Section 407 of the Cr. P.C.
 - 1416. Criminal matters relating to Drugs and Cosmetics, NDPS Act.
 - 1417. Criminal matters relating to Food Adulteration.
 - 1418. Criminal matters relating to National Security Act and C.G. Rajya Suraksha Adhiniyam, 1990.
 - 1419. Matters relating to SC and ST (Prevention of Atrocities) Act, 1989; Untouchability (Offences) Amendment & Misc. Provisions Act, 1976.
 - 1420. Scam Matters other than relating to the Banks.
 - 1421. Appeal under Section 378 of the Cr. P.C.
 - 1422. Criminal Revisions against the framing of charge.
 - 1423. Police Atrocities matters.
 - 1424. Matters challenging the fine only.
 - 1425. Matters under Juvenile Justice Act, 2000.
 - 1426. Matters relating to offence under Information and Technology Act and other cyber offences.
 - 1427. Matters relating to Section 138 of Negotiable Instruments Act.
 - 1428. Matters under Arms Act, 1959 and Explosive Act.
 - 1429. Matters relating to life imprisonment.
 - 1430. Criminal matter in which sentence awarded is more than 10 years.
 - 1431. Criminal Matter in which sentence awarded is more than 2 years and upto 10 years.
 - 1432. Appeals U/s 377 of the Cr. P.C. for enhancement of sentence.
 - 1433. Appeals U/s 499 of the Cr. P.C. against forfeiture of the bail bonds.
 - 1434. Appeal U/s 454 of the Cr. P.C. for Supurdnama.
 - 1435. Matter related to acquittal by giving benefit of Probation of Offenders Act.
 - 1436. Revision, if filed against acquittal.
 - 1437. Appeal U/s. 341 of the Cr. P.C. against dismissal of complaint.
 - 1438. Appeal U/s 351 of the Cr. P.C. relating to false evidence.
 - 1439. Appeal U/s 86 of the Cr. P.C. for release of attached property.
 - 1440. Others and mixed bag ones.
- 15. Family Law Matters :**
- 1501. Mutual consent divorce matters.

- 1502. Other divorce matters.
- 1503. Restitution of conjugal rights.
- 1504. Child custody matters.
- 1505. Adoption and Maintenance matters.
- 1506. Minority and Guardianship Matters.
- 1507. Matters under Hindu Marriage Act.
- 1508. Matters under Muslim Marriage Act.
- 1509. Matters under Christian Marriage Act.
- 1510. Alimony.
- 1511. Others.

16. Contempt of Court Matters :

- 1601. Suo Motu civil contempt matters.
- 1602. Suo Motu criminal contempt matters.
- 1603. Other civil contempt matters.
- 1604. Other criminal contempt matters.

17. Ordinary Civil Matters :

- 1701. T. P. under Section 24 of the C.P.C.
- 1702. Matters relating to specific performance of the contract.
- 1703. Matters relating to allotment, cancellation, fixation of prices of plots/flats.
- 1704. Market fee under the Local Acts.
- 1705. Dealership and distributorship of petroleum products.
- 1706. Benami Transactions.
- 1707. Matters relating to Coal supply.
- 1708. Matter relating to encroachments on Government land and demolition of buildings.
- 1709. State Carriage permits.
- 1710. Matters relating to Electricity Disputes (connection/disconnection etc.)
- 1711. Matters relating to Forest Act, 1927 and C.G. Kashth Chiran (Viniyam) Adhiniyam, 1984.
- 1712. Matters relating to recovery of Debts Recovery Tribunal.
- 1713. Appeal for declaration.
- 1714. Appeal for Partition.
- 1715. Appeal for injunction.
- 1716. Appeal for declaration and injunction.
- 1717. Appeal for declaration and possession.
- 1718. Appeal for declaration and partition.
- 1719. Appeal for declaration, partition and injunction.
- 1720. Appeal for possession.
- 1721. Appeal filed by indigent person.
- 1722. Revision under Section 115 of the C.P.C.
- 1723. Revision under Section 384 (3) of the Indian Succession Act.
- 1724. Revision under Section 441 of Municipal Corporation Act.

- 1725. Revision under Municipalities Act.
 - 1726. Revision under Insolvency Act.
 - 1727. Miscellaneous Appeal under Section 43 Rule 1 C.P.C.
 - 1728. Miscellaneous Appeal under Section 27 of the Guardians and Wards Act.
 - 1729. Miscellaneous Appeal under Section 384 of the Indian Succession Act.
 - 1730. Miscellaneous Appeal under Section 19 of the Contempt of Courts Act.
 - 1731. Miscellaneous Appeal under Section 27 of the Railway Claims Tribunal Act.
 - 1732. Matters Relating to restoration.
 - 1733. Matters relating to modification and clarification.
 - 1734. Matters relating to extension of time.
 - 1735. Matters relating to correction of order/judgment under section 152 of C.P.C.
 - 1736. Review Petition.
 - 1737. Matters relating to cinema.
 - 1738. Petitions relating to corruption matters.
 - 1739. Petitions relating to Civil Rights.
 - 1740. Petitions relating to drugs and medicine.
 - 1741. Petitions relating to Essential Commodities Act.
 - 1742. Matters relating to Court Fees Act.
 - 1743. Matters relating to Indian Stamp Act.
 - 1744. Matters relating to Suit Valuation Act.
 - 1745. Matters relating to Registration Act.
 - 1746. Matters relating to Insurance.
 - 1747. Matters relating to journalism.
 - 1748. Matters relating to Notaries Act.
 - 1749. Ultra Vires Matters.
 - 1750. Others and mixed bag ones.
- 18. Statutory Appointments :**
- 1801. Appointment of Chairman, Vice-Chairman and members of Statutory Corporations/Bodies.
 - 1802. Appointment of Vice-Chancellor of University.
 - 1803. Others and mixed ones.
- 19. Personal Law Matters :**
- 1901. Matters relating to inheritance and succession.
 - 1902. Matters relating to Gift.
 - 1903. Matters relating to Partition.
 - 1904. Matters relating to testamentary succession.
 - 1905. Others and mixed ones.
- 20. Religious and Charitable Endowments :**
- 2001. Matters relating to management, administrative disputes of Temples etc. (Priest, Pujari, Mahant etc.)

- 2002. WAKF Board Matters.
- 2003. Others and mixed ones.
- 21. Mercantile Laws, Commercial Transactions Including Banking :**
 - 2101. Partnership.
 - 2102. Sale of Goods Act.
 - 2103. Contract Act.
 - 2104. Trade Marks/Copy Rights/Patents/Design Act.
 - 2105. Negotiable Instruments Act.
 - 2106. Banks Mortgage disputes.
 - 2107. Hypothecation, Pledge.
 - 2108. Matters relating to recovery of debts/bank loans due under the banks and financial institutions.
 - 2109. Bank guarantee matters.
 - 2110. Others and mixed bag ones.
- 22. Simple Money and Mortgage Matters Etc. :**
 - 2201. Money lending Act.
 - 2202. Mortgage private.
 - 2203. Others.
- 23. Establishment and Recognition of Educational Institutions :**
 - 2301. Matters relating to Establishment of Educational Institutions.
 - 2302. Matters relating to Recognition of Educational Institutions.
- 24. Eviction under the Public Premises (Evidence) Act :**
 - 2401. Matters relating to Eviction under the Public Premises (Eviction) Act.
- 25. Mines, Minerals and Mining Leases :**
 - 2501. Matters relating to Mines, Minerals and Mining Leases.
- 26. Land Laws and Agricultural Tenancies :**
 - 2601. Matters relating to sale/transfer of land by SC/ST.
 - 2602. Matters relating to agricultural land ceiling.
 - 2603. Matters relating to Bhumiswami rights.
 - 2604. Others.
- 27. Matter relating to Leases, Govt. Contracts and Contract by Local Bodies and Public Undertakings :**
 - 2701. Matters relating to lease, Contracts by Government.
 - 2702. Matters relating to lease, Contracts by Local Bodies.
 - 2703. Matters relating to lease, Contracts by Public Undertakings.
- 28. State Excise Trading In Liquor-Privileges, Licences-Distilleries Breweries:**
 - 2801. Matters relating to State Excise Trading in Liquor-Privileges, Licences-Distilleries Breweries.
- 29. Division Bench Matters :**

(This should be deleted as redundant)
- 30. Full Bench Matters :**

(This should be deleted as redundant)

B : LISTING PROFORMA

The following listing proforma shall be used for urgent/out of turn listing of cases:

<ol style="list-style-type: none"> 1. Nature of Matter : 2. Name(s) of Petitioner(s)/Appellant(s) : 3. Name(s) of Respondent(s) : 4. Number of case : 5. Date of impugned order : 6. If it is fresh matter, please state the name of the Court and the Judge/Officer by whom impugned Judgment/Order passed. 7. Advocate(s) for petitioner(s)/appellant(s) : 8. Advocate(s) for respondent(s) : 9. Section : (Civil/Criminal/Writ) : 10. Nature of urgency : 11. In case it is a Tax Matter, the Tax amount involved in the matter : 12. Valuation of the Matter : 13. Classification of the matter : Number of subject category with full name. 14. Title of the Act involved. 15. (a) Sub-classification (indicate Section/Article of the Statute) (b) Sub-section involved : (c) Title of the Rule involved (d) Sub-classification (indicate rule/sub-rule of the Statute). 16. Question of Law raised : 17. Particulars of identical/similar cases, if any. <ol style="list-style-type: none"> a. Pending cases b. Decided cases c. When was Listed ? d. What was the Coram ? e. What was the direction of the Court ? 18. Whether the petition is against interlocutory/final order/decree. 19. Whether a date has already been fixed, either by Court or being mentioned, for the hearing of the matter ? If so, please indicate the date fixed. 20. Is there a Caveator ? If so, whether a notice has been issued to him ? 21. Whether date entered in Computer ? 22. If it is criminal matter, please state : <ol style="list-style-type: none"> a. Whether accused is in jail. 	
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b. Nature of offence i.e. convicted under section with Act :
c. Sentence awarded.
d. Sentence already undergone by the accused.
e. If a bail matter state :
i. Whether it is a fresh matter.
ii. If not, particulars of earlier petitions and decision thereon :
23. In case claim petition under Motor Vehicle Act:
i. Name of the Insurance Company involved in the matter.
ii. Company involved in the matter.
iii. Whether it is a case of death, fatal injury, minor injury.
iv. Whether it is an appeal for enhancement.
v. Whether the appellant desires to go to the Lok Adalat.

Advocate for the Petitioner(s)/Appellant(s)/Respondent(s)

Date :

C : CHECK LIST

Before registration of each case, the following points shall be checked :

- | | |
|--|--------|
| 1. Whether the contents of the petition/appeal, applications and accompanying documents are clear, legible and typed in double space on one side of the paper. | Yes/No |
| 2. Whether the particulars of the impugned order and the orders passed by the court(s) below are uniformly written in all the documents. | Yes/No |
| 3. Whether the addresses of the parties and their representatives are complete and set out properly. | Yes/No |
| 4. Whether the cause title of the petition/appeal corresponds to that of the impugned judgment. | Yes/No |
| 5. Whether detailed cause title has been mentioned in the impugned judgment and if not, whether memo of parties has been filed. | Yes/No |
| 6. Whether the petition/appeal and applications bear the signatures of the counsel/petitioner. | Yes/No |
| 7. Whether the prescribed court fee has been paid. | Yes/No |
| 8. Whether the affidavit of the petitioner in support of the petition/appeal and applications had been filed. | Yes/No |

- | | |
|---|--------|
| 9. Whether the Vakalatnama has been properly executed by the petitioners/appellants and accepted by the Advocate and Memo of Appearance filed. | Yes/No |
| 10. Whether the Annexures referred to in the petition/list of dates are true copies of the documents before the Court below and are filed in chronological order. | Yes/No |
| 11. If the petition/appeal is time barred, whether application for condonation of delay mentioning the number of days of delay with affidavit and court fee has been filed. | Yes/No |
| 12. If a party in the court below has died, whether application for bringing LRs on record indicating the date of death, relationship, age and addresses along with affidavit and court fee has been filed. | Yes/No |
| 13. Whether paragraphs and pages of paper books have been numbered consecutively and correctly noted in Index. | Yes/No |
| 14. If any identical matter is pending in/disposed of by the High Court, whether complete particulars of such matters have been given. | Yes/No |

D : MANDATORY POINTS TO BE CHECKED

1. Certified copy of the impugned judgment has been filed and if certified copy is not available, application for exemption from filing certified copy has been filed.
2. The petition and the applications have been signed by the advocates/petitioner in person.
3. An affidavit of the petitioner properly attested and identified has been filed.
4. Memo of Appearance has been filed.
5. Vakalatnama properly executed by the petitioner and duly accepted by the Advocate has been filed.
6. Proper court fee has been paid.
7. Proper and required number of sets have been filed.
8. Brief list of dates/events has been filed.
9. An application for condonation of delay has been filed if the matter is barred by limitation.
10. Typed copies of hand written/illegible documents, annexures.

(I) WRIT MATTERS

1. Whether Writ Petition has been drafted in accordance with these rules..... i.e. separate synopsis with date in chronological order, and whether grounds have been raised separately. Index with proper pagination.
2. Whether the Writ Petition has been filed forming Part I and Part II as per rule.

3. In P.I.L. matter; whether—
 - (a) The petition is accompanied by an application seeking leave for waiver of locus standi.
 - (b) The petitioner has made a statement to the effect that he has no personal/individual interest in the subject, and if he has personal/ individual interest, he has disclosed it i.e. the petitioner falls within the group or society or community for whose benefit the PIL has been filed.
 - (c) Earlier public spirited antecedents of the petitioner, if any.
 - (d) The petitioner has submitted proof of deposit of the security amount of Rs. 5,000/- if not, application for exemption from depositing security amount.

(II) CRIMINAL MATTERS

1. Whether—
 - (a) Appeal/application/revision has been drafted in accordance with the rules.
 - (b) In case of appeal/revision against sentence the accused has surrendered to sentence.
 - (c) Has been accompanied by certified copy of order appealed against and spare copy as per rule except where the accused person is in duress.
 - (d) In case of revision against charge :—Whether the petition is accompanied by :—
 - (i) Copy of charge sheet/copy of F.I.R.
 - (ii) Copy of order.
 - (iii) Copies of statement recorded under Sections 161 and 164 of the Cr. P.C.
 - (iv) Medical report in case of bodily injury.
 - (v) Copy of any other material document.

(III) BAIL MATTERS

Anticipatory bail application

1. Affidavit of the petitioner or of any person acquainted with the facts, ventilating "Reasonable belief".
2. Certified copy of earlier order (in case of subsequent bail petition).
3. Certified copy of order of Sessions Judge.

Petition under Section 439

1. Name of Police Station.
2. Crime Number.
3. Offence punishable under Section.
4. Certified copy of order passed by Sessions Judge.

Arising out of Order passed in pending case

1. Certified copy of order passed by the Trial Court.

Application disposed of with a direction to approach again

1. Earlier order passed by the High Court.
2. Copy of order passed by the Trial Court.

(IV) Petition under Section 482 of the Code of Criminal Procedure**For quashing :—**

- (A) Copy of F.I.R.
- (B) Copy of Challan.
- (C) Copy of proceedings.

(V) Criminal Revision (Against Charge)

1. Certified copy of order.
2. Copy of charge.
3. Medical report (in bodily injury case)
4. Document submitted by prosecution alongwith challan.
5. Copies of statement of prosecution witness.
6. Copy of F.I.R.
7. Copy of charge-sheet.

Arising out of private complaint

1. Copy of order sheets.
2. Copy of complaint.
3. Copies of documents filed alongwith complaint.

(VI) Criminal Appeal

1. Certified copy of judgment of conviction and order of sentence.
In case appeal is barred by limitation : Affidavit in support of application.

(VII) Leave to Appeal

1. Copy of Judgment.
2. Copy of statement of P.Ws.
3. Other relevant exhibited documents.
- I. Every application for restoration of appeal or application, dismissed for default of appearance, shall be accompanied by an affidavit stating the circumstances in which such default was made, and whether or not the party whose appeal or application was dismissed had previously to such dismissal, engaged an advocate to conduct the appeal or application.

(VIII) Second Appeal

- (a) Certified copy of judgment and decree of the first appellate Court.
- (b) Judgment and decree of the trial Court.

(IX) First Appeal

1. Certified copy of judgment and decree appealed from :
 - (a) M.A. (For enhancement) : certified copy of award.
 - (b) M.A. (appeal against award by a party against whom award is passed) : Certified copy of the award : Receipt of deposit of 50% of award or Rs. 25,000/- whichever is less.
 - (c) If the appeal is by Insurance Company then certified copy of order passed under Section 170 of the Motor Vehicles Act.

(X) Civil Revision

1. Certified copy of the order.

The Chhattisgarh High Court (Appeal to Division Bench) Act, 2006

No. 1 of 2007*

[Received the assent of the President on the 28th December, 2006 and the Governor on the 13th September, 2006; assent first published in the Chhattisgarh Rajpatra (Asadharan) dated the 6th January, 2007.]

An Act to provide for an appeal from a judgment or order passed by one Judge of the High Court in exercise of the original jurisdiction, to a Division Bench of the same High Court.

Be it enacted by the Chhattisgarh Legislature in the fifty-seventh year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Chhattisgarh High Court (Appeal to Division Bench) Act, 2006.

(2) It shall come into force from the date of its publication in the Official Gazette.

2. Appeal to the Division Bench of the High Court from a Judgment or order of one judge of the High Court made in exercise of original jurisdiction.—(1) An appeal shall lie from a judgment or order passed by one Judge of the High Court in exercise of original Jurisdiction under Article 226 of the Constitution of India, to a Division Bench comprising of two Judges of the same High Court :

Provided that no such appeal shall lie against an interlocutory order or against an order passed in exercise of supervisory jurisdiction under Article 227 of the Constitution of India.

Explanation.——[* * *]

(2) An appeal under sub-section (1) shall be filed within 45 days from the date of order passed by a single Judge :

* Published in C.G. Rajpatra (Asadharan) dated 6-1-2007 Page 12(1).

1. Omitted by Chhattisgarh Act No. 25 of 2016, w.r.e.f 6-8-2015. Earlier this explanation was added by Chhattisgarh Act No. 2 of 2014, w.e.f. 18-2-2014, which was under :—

“Explanation.—Where points raised in the petition before the Division Bench against the order or judgment of the Single Judge were adjudicated upon, by the Sub-ordinate Court, Tribunal or Quasi-Judicial Authority, as the case may be, it shall be presumed that such order or judgment by the Single Judge of the High Court has been passed in exercise of the supervisory jurisdiction under Article 227 of the Constitution of India.”.

Provided that any appeal may be admitted after the prescribed period of 45 days, if the petitioner satisfies the Division Bench that he had sufficient cause for not preferring the appeal within such period.

Explanation.—The fact that the petitioner was misled by any order, practice or judgment of the High Court in ascertaining or computing the prescribed period may by sufficient cause within the meaning of this sub-section.

(3) An appeal under sub-section (1) shall be filed, heard and decided in accordance with the procedure as may be prescribed by the High Court.

Notes

Appeal to Division Bench of High Court—against order or judgment of single Judge of High Court—maintainability—two conditions for its non-maintainability—mentioned in proviso to Section 2(1)—not applicable in this appeal—because order passed by High Court in writ petition was not an interlocutory order—further, while examining order passed by High Power Caste Scrutiny Committee, which is neither adjudicating authority nor Tribunal but simply administrative body which verifies facts relating to claim of caste/tribe by a person, High Court exercised its jurisdiction under Article 226—consequently, Appeal to Division Bench is maintainable—apart from this legal aspect, there is one more legal aspect which gives right to file appeal to Division Bench—this legal aspect is that what was nature of jurisdiction exercised by High Court—in this case, High Court while entertaining writ petition exercised its jurisdiction under Article 226 and passed impugned order—this order is appealable and this right to appeal cannot be taken away by judicial order. **Chandra Shekhar Kotriwar v. State of Chhattisgarh and others, 2013(3) CG.L.R.W. 92 (DB).**

3. Power to make rules.—(1) The High Court may, from time to time, make rules for carrying out all or any of the purpose of the Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for the procedure of filing, hearing and disposal of appeal under sub-section (3) of section 2.

4. Repeal and Saving.—(1) The Chhattisgarh Uchcha Nyayalaya (Letter Patent Appeals Samapti) Adhiniyam, 1981 (No. 29 of 1981) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under or in pursuance of the said Act and which has attained finality shall not be reopened in any court of law.

The Chhattisgarh High Court Right to Information Rules, 2005

Notification No. 10183/3234/21-B/05 dated the 30th December, 2005*.—In exercise of powers conferred under Section 28 of Right to Information Act, 2005, the Chief Justice of High Court of Chhattisgarh makes the following rules to enforce the provisions of Right to Information Act, 2005.

CHAPTER I

General

1. Short title and commencement.—(i) Under Right to Information Act these Rules for High Court may be called as **Chhattisgarh High Court Right to Information Rules, 2005.**

(ii) These Rules shall come into force from the date of its publication in the Gazette.

2. Office Hours.—In general, office hours shall be from 10.00 A.M. till 5.00 P.M.

CHAPTER II

Procedure for Application and its Disposal

[3. To get information under the Right to Information Act, a self-signed application in Form-A shall be produced before the Public Information Officer affixing²[enclosing,]court fees/²[demand draft or bankers cheque or Indian Postal Order payable to the District Judge of respective District] of Rs. 12/- (Rupees Twelve only) on the said application. A request in writing for information under this rule shall relate to one subject matter and it shall not exceed one hundred and fifty words. If an application wishes to seek information on more than one subject matter, he shall make separate applications. If the applicant desires to get the information by post, he shall send self addressed registered envelope, bearing necessary postal stamps, along with the application.]

Procedure to be adopted after presentation of application

4. The application submitted before the Public Information Officer shall be registered in the register available in the office, the records regarding the information, desired in the application shall be requisitioned in his office and the applicant shall be instructed to appear on the 5th day from the date of submission of application. After receipt of record from the concerning section and after

* Published in C.G. Rajpatra (Asadharan) dated 2-1-2006 Pages 5-5(8).

1. Substituted by Notification No. 9003/R.G./2013 dated 16th December, 2013. Notification published in C.G. Rajpatra (Asadharan) dated 24-12-2013 Page 1119.

having confirmed that the desired information can/cannot be given to the applicant, the Public Information Officer shall accordingly inform.

5. In the information desired by the applicant can be provided or the inspection of record can be carried out as per rules, the Public Information Officer shall inform the applicant in Form-B about the fee prescribed for supplying of such information before providing the desired information. In case the application is received by post, the Public Information Officer shall inform the applicant about the prescribed fee in Form-B through the envelope received along with the application and the desired information or record shall be supplied for inspection only after the deposit of requisite fees as per rule 14. (To get the information by post, applicant shall submit self-addressed Registered envelope with necessary postal stamps along with the requisite fees). But, if the said fee is not deposited within 15 days, the application shall stand rejected.

6. After receipt of fee, as date not exceeding seven days shall be fixed for preparation and providing information to the applicant. So far as possible, arrangement shall be made to provide the desired information by the said date. If, for any reason the information could not be provided on the prescribed date, next date shall be given to the applicant, and the intervening period of above two dates shall not exceed 7 days. If, even on the said date, due to any reason, the information could not be supplied to the applicant. Public Information Officer shall fix another date, but the total extended period shall not be more than 30 days. The information shall necessarily be provided within 30 days from the date of receipt of fees. With respect to application received by post, the information shall necessarily be sent within 30 days of receipt of fee.

If, in respect of furnishing information, the Public Information Officer finds that it is not possible to give information under Section 8 and 9 of the Act, he shall inform the applicant about rejection of said application, in Form C.

But, if the information is to be sent by post, the applicant shall bear the postal expenses.

7. If the applicant is illiterate and is unable to present the application in writing, the Public Information Officer shall help him to the extent and shall get the application produced in writing.

8. In this regard a Register shall be maintained in the office of Public Information Officer which shall be in Form D containing following particulars :—

1. Registration No. of application.
2. Date of Receipt of application.
3. Name and complete address of the applicant.
4. Date of appearance of the applicant.
5. Details of the desired information.
6. Source of information.
7. Date of dispatch of application to the concerning department.
8. Date of receipt of information.
9. Date of disposal of application.
10. Decision/note of Public Information Officer on the application.
11. Mention of fee affixed on the application.
12. Applicant's signature, which shall be the acknowledgment.
13. Order of First Appeal.

14. Order of Second Appeal.**15. Remarks.**

After preparation of the desired information, Public Information Officer shall certify it by putting his signature. Seal along with following details and information shall be supplied to the applicant after taking entries in it.

1. No. and date of submission of application.
2. The date fixed for appearance of the applicant.
3. Date of appearance of applicant.
4. Date of preparation of information.
5. Date of supply of information.
6. Details of fee.
7. Signature of officer preparing information.

9. If, the applicant seeks any information with respect to Third party (other person) he shall send/submit an application with said details, bearing court fee stamp of Rs. 12/- (Rs. Twelve only) along with a registered envelope bearing necessary postal stamps, name and complete address of the said other person to the Public Information Officer. On receipt or such application. Public Information Officer shall register the application in the register maintained in his office for that purpose. The Public Information Officer shall then send the copy of said application to that other person and on receipt of his reply, shall dispose of the application after providing opportunity of hearing to both the parties. If the information desired by the applicant can be provided, the public Information Officer shall inform the applicant about necessary fee for the desired information and on receipt of necessary fee along with the registered envelope bearing address of the applicant, the information shall necessarily be sent to applicant within 30 days if not present in person. If it is not possible to supply the information desired by the applicant, the applicant shall be intimated in Form C, for which the applicant has to give self-addressed envelope :

Provided, that if information, which includes certified copy desired by the applicant, is regarding judicial procedure or record, he shall obtain the information as per Chapter 10 of M.P. High Court Rules and Orders and in accordance with the Madhya Pradesh Civil Court Rules and orders.

Procedure for inspection of Records

10. If after having considered the application filed by applicant, the Public Information Officer finds appropriate that the applicant can be granted permission to inspect the records and if he grants permission, the Public Information Officer shall requisition the record, desired by applicant for perusal, from the concerning sections and shall give to applicant to inspect in his presence, in the office hours, between 2.00 P.M. and 4.00 P.M. During inspection of record, applicant shall be allowed to use the pencil only. Information desired by the applicant shall be noted by pencil only. If the applicant brings any other writing instrument other than pencil, he shall deposit the same with Public Information Officer thereafter he shall initiate the inspection of record.

11. During inspection, applicant shall not have any right to make any note or put any mark on the record. During inspection of record, if applicant wishes to make notes he shall note on plain paper and after inspection he shall show the note to Public Information Officer, who after being satisfied that applicant has not tampered the record in any way, shall return the note of applicant to him :

Provided, the applicant shall submit application for inspection of record related to Court, as per Chapter 11 of M.P. High Court Rules and Orders.

CHAPTER III

Appeal

12. Any person who does not get any decision within the time prescribed in provision (a) of sub-section (3) or sub-section (1) of Section 7, as the case may be, or who is aggrieved with the decision of Public Information Officer or Assistant Public Information Officer, as the case may be, can prefer appeal in writing to the Registrar General, High Court of Chhattisgarh, Bilaspur who is the First Appellate Authority. The memo of said appeal shall contain in brief, the particulars regarding the case, and the grounds of appeal. With the appeal filed in such manner, certified copy of order passed by Public Information Officer shall be annexed, which shall be disposed of by the Registrar General, after providing opportunity of hearing to the parties. The order of appeal shall be intimated to the appellant.

13. A register (Form-E) shall be maintained in the office of Registrar General, for this, the appeal preferred by applicant shall be registered and following details shall be entered in it.

1. Registration No.
2. Name and particulars of applicant/appellant.
3. Name and particulars of respondent/non-applicant.
4. Details of the order of Public Information Officer against which appeal is preferred.
5. Date of order.
6. Decision.
7. Remark.

After the disposal of appeal preferred by applicant/appellant, he shall be made aware of the decision in appropriate manner.

14. The applicant shall affix ¹[enclose] court fees stamp/¹[demand draft or bankers cheque or Indian Postal Order payable to the District Judge of respective District] of Rs. 12/- on the application submitted to the Public Information Officer for obtaining information under Right to Information Act :

S. No.	Particulars of documents	Fees
1.	In the memorandum of First Appeal,	Rs. 40/- in the form of court fees stamp/ ¹ [demand draft or bankers cheque or Indian Postal Order payable to the District Judge of respective District].
2.	For inspection of records.	Rs. 10/- per hours in the form of court fees stamp/ ¹ [demand draft or bankers cheque or Indian Postal Order payable to the District Judge of respective District].
3.	On providing information through Xerox.	² [Rs. 5]/- per page ¹ [In cash or in the form of demand draft or bankers cheque or Indian Postal Order payable to the District Judge of respective District].
4.	For typed information	Rs. 10/- per page ¹ [In cash or in the form of demand draft or bankers cheque or Indian Postal Order payable to the District Judge of respective District].
5.	On computer printing.	Rs. 15/- per page ¹ [In cash or in the form of demand draft or bankers cheque or Indian Postal Order payable to the District Judge of respective District].

Above fees (mentioned in No. 3 to 5 shall be received in cash/¹[demand draft or bankers cheque or Indian Postal Order payable to the District Judge of respective District] and credited to treasury under following head :

“गुरुगं शीर्ष-0070-उप गुरुगं-800-अन्य प्राप्तियों”

15. Cash Register shall be maintained by the Public Information Officer with following details :

1. Ins. by Notification No. 8377/Rules/2020, Sec. 3-B, dated 1st October 2020, [w.e.f. 1.10.2020].
2. Subs. by Notification No. 8377/Rules/2020, Sec. 9, for “Rs. 10”, dated 1st October 2020, [w.e.f. 1.10.2020].

Name and address of the applicant (1)	Date of application (2)	Date of deposit of amount with challan (3)	Particulars of fees (4)	Refund, if any (5)	Remarks (6)

16. The applicants living below poverty line shall, on production of the copy of certificate issued by competent authority along with application, be provided desired information and copies free of cost under this Rule.

17. Removal of doubts.—If any doubt arises as to the interpretation of any of the provisions of these Rules, the matter shall be referred to the Hon'ble Chief Justice who shall be the authority to decide the same.

Note—Fees, which shall be deposited in the form of court fees shall be cancelled by the Public Information Officer with a rubber stamp.

CHAPTER IV

Miscellaneous

1. The applications, received for information shall be kept safe for 6 months from the date of application, after the said period, it shall be destroyed by burning after receiving order from the Public Information Officer.

2. The information/copy/inspection with respect to the cases pending in Court shall be obtained from the Court, as per M.P. High Court Rules and Orders.

3. The Public Information Officer shall have the right to make the work distribution amongst the Assistant Public Information Officer.

FORM A

Application for Information under Section 6 (1) of the Act

To,

The Public Information Officer
(Name of the office with address)

1. Full name of the applicant.
 2. Father/Spouse name.
 3. Permanent address.
 4. Particulars of information solicited.
-
-

5. Address to which information will be sent & in which form.
6. Is this information not made available by the Public Authority.
7. Do you agree to pay the required fee.
8. Whether belongs to BPL category, have you furnished the proof of the same.
9. Whether information is solicited through the registered post, if yes, please attach registered envelope along with required postal stamp.

Place :
Date

Full Signature of the applicant
Address

FORM B
Information for Payment

From :

Name & Designation of the Public Information Officer.

To,

Name of the applicant

Address

Sir,

Please refer to your application datedaddressed to the undersigned requesting information on, I am to inform you that the following amount towards cost for providing information may be deposited in case to enable the undersigned to furnish information sought for.

Please make payment within a period of fifteen days from the date of receipt of this intimation failing which the application shall be rejected.

Fee.....

Yours faithfully

Public Information Officer

Seal

Place :

Date :

FORM C
Intimation of rejection

To,

Name of applicant

Address

Sir,

The undersigned regrets to express his inability to furnish the information asked for on account of the following reasons :

1. It comes under the exempted category covered under Sections 8 and 9 of the Act.
2. Your application was not complete in all respect.
3. The information is contained in published material available to public.
4. You did not pay the required cost for providing information within the prescribed time.
5. The information sought for is prohibited as per Section 24 (4) of the Act.
6. The information would cause unwarranted invasion of the privacy of any person.
7. The information as sought for by you is available in our Website..... you may download the information.
8. For any other reason, please specify.

.....
However, if you feel aggrieved for the above said refusal you may file an appeal before thewithin 30 days of the receipt of this letter.

Place

Date

Name & Designation of
Public Information Officer

FORM D**Format for the Information Register**

Registration No. of application	Date of Receipt of application	Name and complete address of the applicant	Date of appearance of the applicant	Details of the desired information
(1)	(2)	(3)	(4)	(5)
Source of information	Date of dispatch of application to the concerning department	Date of receipt of information	Date of disposal of application	Decision/note of Public Information Officer on the application
(6)	(7)	(8)	(9)	(10)
Mention of fee affixed on the application	Applicant's Signature, which shall be the acknowledgment	Order of First Appeal	Order of Second Appeal	Remarks
(11)	(12)	(13)	(14)	(15)

FORM E**Format of the Register for Registration of Appeal**

Registration Number	Name and particulars of applicant/appellant	Name and particulars of respondent/non-application	
(1)	(2)	(3)	
Details of the order of Public Information Officer against which appeal is preferred	Date of order	Decision	Remarks
(4)	(5)	(6)	(7)

Scheme for Appointment of Arbitrators by the Chief Justice Chhattisgarh High Court, 2002

Notification No. 5032/II-15-22/2001 dated the 23rd September, 2002*.—In exercise of the powers conferred by sub-section (10) of Section 11 of the **Arbitration and Conciliation Act, 1996** (hereinafter referred to as the Act), Hon'ble the Chief Justice of the High Court of Chhattisgarh hereby makes the following Scheme :—

- 1. Short title.**—This Scheme may be called the **Scheme for Appointment of Arbitrators by the Chief Justice Chhattisgarh High Court, 2002**.
- 2. Submission of request.**—The request under sub-section (4) or sub-section (5) or sub-section (6) of Section 11 of the Act shall be made in writing, signed and verified and accompanied by :—
 - (a) Original arbitration agreement or a duly certified copy thereof;
 - (b) the names and addresses of the parties to the arbitration agreement;
 - (c) the names and addresses of the arbitrators, if any, already appointed;
 - (d) the name and address of the person or institution, if any, to whom or which any function has been entrusted by the parties to the arbitration agreement under the appointment procedure agreed upon by them;
 - (e) the qualification required, if any, of the arbitrators by the agreement of the parties;
 - (f) a brief written statement describing the general nature of the dispute and the points at issue;
 - (g) the relief or remedy sought; and
 - (h) an affidavit, supported by the relevant documents to the effect that the condition to be satisfied under sub-section (4) or sub-section (5) or sub-section (6) of Section 11 of the Act, as the case may be, before making the request has been satisfied and how it has been so satisfied.
- 3. Authority to deal with the request.**—(1) For the purpose of dealing with the request made under paragraph 2 the Chief Justice hereby designates the District Judge/Additional District Judges, where the value of the subject matter does not exceed 25 lakh rupees.

* Published in the C.G. Rajpatra Part I dated 25-10-2002 Pages 1511-1513.

(2) The request involving the subject matter exceeding 25 lakh rupees shall be dealt with by the Chief Justice himself or he may designate any Judge of the High Court for this purpose by a general or special order.

(3) The request falling under sub-para (1) shall be placed before the District Judge for appropriate allotment and the requests falling under sub-para (2) shall be placed before the Chief Justice or his designate.

4. Request and communications to be sent to Additional Registrar (Judicial).—(1) All requests under this Scheme and communications relating thereto, which are addressed to the Chief Justice, shall be presented to the Additional Registrar (Judicial) of the High Court, who shall maintain a separate Register of such requests and communications.

(2) The Additional Registrar (Judicial) shall examine the memo of request and submit report to the Chief Justice or to his designate, as the case may be, as to whether the request has been made in accordance with paragraph 2 and payment of Court fee in accordance with paragraph 10.

5. Seeking further information.—The Chief Justice or his designate may seek such further information or clarification or documents from the party making the request under this Scheme as he may deem fit and the party making the request shall file as many copies of the written information or clarifications or copies of documents as may be required.

6. Rejection of.—Where the request made by any party is not in accordance with the provisions of this Scheme, the Chief Justice or his designate may reject the same.

7. Notice to affected persons.—Where the request is not rejected under paragraph 6, the Chief Justice or his designate shall direct that a notice of the application be given to all the parties to the arbitration agreement and to such other person or persons likely to be affected by such request to show cause within the time specified in the notice as to why the appointment of the arbitrator(s) or the measures proposed to be taken should not be made or taken and such notice shall be accompanied by copies of all documents referred to in paragraph 2 or, the information or clarification or copies of documents, if any, sought under paragraph 5, as the case may be.

8. Intimation of action taken on request.—The appointment made or measures taken by the Chief Justice or his designate shall be communicated in writing to :—

- (a) the parties to the arbitration agreement;
- (b) the arbitrator, if any, already appointed by the parties to the arbitration agreement;
- (c) the person or the institution referred to in paragraph 2(d); and
- (d) the arbitrator appointed in pursuance of the request.

9. Delivery & Receipt of Written Communication.—The provisions of sub-sections (1) and (2) of Section 3 of the Act shall, so far as may be, apply to all written communications received or sent under this Scheme.

10. Costs for processing requests.—A request under paragraph 3(1) shall be accompanied by court fees stamps or Rs. 1,000/- and under paragraph 3(2) by Rs. 2,000/-.

11. Interpretations.—If any question arises with reference to the interpretation of any of the provisions of this Scheme, the question shall be referred to the Chief Justice whose decision shall be final.

12. Power to amend the Scheme.—The Chief Justice may from time to time amend by way of addition or variation, any provision of this Scheme.

The Chhattisgarh High Court Lawyers Chambers (Allotment & Occupancy) Rules, 2011

Notification No. 2006/R.G./2011 dated the 6th April, 2011*.—In exercise of the powers conferred by Article 225 of the Constitution of India, the High Court of Chhattisgarh, in relation to allotment and for other matters connected and incidental thereto in respect of Advocate's chambers, hereby makes the following rules, namely :—

1. These Rules shall be called "The Chhattisgarh High Court Lawyers Chambers (Allotment & Occupancy) Rules, 2011".
2. Allotment of Chambers shall be made by Hon'ble the Chief Justice of the High Court of Chhattisgarh on the receipt of an application in the prescribed format (annexed as Schedule 'A') and on the recommendation of a committee of Judges of the High Court of Chhattisgarh, hereinafter called "The Allotment Committee".
3. Only advocates practicing in the High Court of Chhattisgarh and who are the members of the Chhattisgarh High Court Bar Association and are also ordinarily residing in the State of Chhattisgarh, shall be considered eligible for allotment of Chambers as per criteria laid down by Hon'ble Chief Justice on the recommendation of the Allotment Committee from time to time, subject to conditions contained in Rule 5.
4. Hon'ble the Chief Justice in consultation with the Allotment Committee, may allot a Chamber to an Advocate who is physically handicapped or is otherwise deserving.
5. (a) Notwithstanding anything contained in Rule 4, out of the eligible advocates, father/mother and son(s)/daughter(s) or spouse would be eligible for allotment of only one Chamber.
(b) Where more than one eligible Advocate have formed a partnership firm or an association of Advocates, they may be allotted, only one Chamber as Joint Allottee.

Provided that Hon'ble the Chief Justice on the recommendation of the Allotment Committee, may in appropriate cases, release the bar contained in clauses (a) and (b) above, in case of otherwise eligible Advocates.

* Published in C.G. Rajpatra Part I dated 6-5-2011 Pages 717-719.

6. Two or more eligible Advocates may jointly apply for the allotment of a single Chamber and on each allotment being made, the said allottee(s) shall be jointly and severally liable for the due performance of all the terms and conditions of these Rules :

Provided, however, that if the allotment in respect of any one of the joint allottees is to be cancelled or terminated under these rules, the continuing joint allottees may have a preferential right, having regard to his/their standing at the Bar and his/their need for a Chamber, for continuing as an allottee/joint allottee.

Provided further that the said continuing allottee(s) shall remain in occupation and shall not be liable for eviction till fresh allotment of the Chamber under his/their occupancy is made.

7. Where a Chamber has been exclusively allotted to an individual advocate, he/she may, subsequent to such allotment, apply for the re-allotment of the said Chamber to him/her jointly with another eligible advocate(s), Hon'ble the Chief Justice of the High Court of Chhattisgarh may, on the recommendation of the Allotment Committee, order the same to such other Advocate or Advocates, who are otherwise found eligible for allotment, if the request is *bona fide*.

8. The allotment of accommodation in Lawyer's Chamber Block to counsel representing various agencies of Central Government, State Government, Statutory bodies and other agencies, if not allotted elsewhere, may be considered and made by Hon'ble the Chief Justice of the High Court of Chhattisgarh on the recommendation of the Allotment Committee, on such terms and conditions as may be prescribed.

9. The licence fee and other charges shall be payable also for the period during which the Court remains closed.

10. The licence fee and charges shall be payable, initially at the rate of 2,000/- (Rupees Two Thousand only) per month per chamber. In case, however, one chamber is allotted to two or more advocates jointly, the said charges shall be shared by all the allottees in equal sum. The aforestated charges may vary from time to time, as determined by the High Court.

11. The allottee shall deposit 12 months licence fee and other utility charges in advance for the due fulfillment and performance by him of the terms and conditions herein contained. In the event of the allottees committing any breach of the terms and conditions herein contained and of his part to be observed and performed, Hon'ble the Chief Justice may, without prejudice to other rights and remedies, direct to forfeit the same or any part thereof and on such an event, he shall pay such additional sum immediately as may be called upon by Hon'ble the Chief Justice to pay so that 12 months licence fee and utility charges shall at all times be maintained during the continuance of the allotment. On the expiration or earlier determination of the licence, the said amount shall be settled and then, the said amount or part thereof, shall be refunded to the allottee, without interest.

12. The allottee shall have no right to claim suspension of licence fee and utilities charges in whole or in part for any reason whatsoever.

13. The allottee shall use the Chamber only as a Lawyers' Office and for no other purpose whatsoever.

14. The Licence Fee and all other charges for each month shall be payable in advance by the Seventh Day of the instant month in Cash or by a cross cheque drawn on a local bank.

15. The allottee shall not part with, in any manner, the user and consequent occupation or possession of the premises to any other person or grant any special user or licence etc. to any person or to transfer or assign the whole or any part of Chamber in favour of any other person. It is expressly intended and meant that the permission given hereunder shall in no event be assignable, or transferable in any form, device, method or arrangement.

16. The allottee shall not make any structural additions or alterations in the Chamber without the consent in writing of Hon'ble the Chief Justice of the High Court of Chhattisgarh or his nominee.

17. The allottee shall, during the currency of the allotment, be responsible for the proper up-keep and maintenance of the Chamber in accordance with the Municipal and Sanitary regulations, which may be applicable and such directions as may be issued by Hon'ble the Chief Justice or his nominee, time to time.

18. The allottee shall, during the currency of the allotment, be responsible for any damage caused to the Chamber or to the service provided therein beyond fair wear and tear and Act of God.

19. No such allottee may use his Chamber before 7.30 a.m. and/or after 6.30 p.m. on any day. The timing may be changed by Hon'ble the Chief Justice on the recommendation of the Allotment Committee.

20. The allottee shall indemnify Hon'ble the Chief Justice/the High Court of Chhattisgarh against any loss or claim preferred against him/it by third parties as a result of acts/omissions by the allottee or his agents.

21. The allottee shall not cause or permit to be caused any damage to the Chamber or to the main Building or any part thereof.

22. The allottee shall not conduct himself in a manner which causes nuisance and annoyance to any adjoining neighbouring allottee, or otherwise.

23. If the allottee at any time fails or neglects to perform and observe any of the terms and conditions of the Rules therein contained, and on his part to be observed and performed, then in any such case, or for any reason whatsoever. Hon'ble the Chief Justice, may in consultation with the Allotment Committee, without prejudice to other rights and remedies, by giving fifteen days notice in writing to him, determine the licence and the allottee shall, upon such determination make/hand over vacant possession of the Chamber forthwith, without any right to refund of the advance licence fee or a part thereof whatsoever.

24. The allottee shall not impede, in any way, the officers, servants or agents of the High Court in the exercise by them of High Court's rights of possession and control of the Chamber and in particular, shall give reasonable assistance and facility to such officers, servants or agents for the general up-keep and maintenance of the layout decorations, fittings and fixtures of the Chambers.

25. The allotment shall, in no event operate, nor shall be construed so to create, confer or grant any lease or sub-lease, tenancy or sub-tenancy or any right, title or interest into or upon the Chamber in favour of the allottee. The allottee shall, in no circumstances, claim or plead any right to tenancy or sub-tenancy, lease or sub-lease into or upon the chamber or any right in the nature or any right other than of bare-user.

26. The allotment shall be effective from the date on which the chamber is made available for occupation, in pursuance of an order of allotment. If the

Chamber is not occupied within a week of the availability, the allotment, shall be deemed to be cancelled.

27. The allotment shall terminate :—

- (a) on its cancellation by Hon'ble the Chief Justice ; or
- (b) on its surrender by the allottee concerned; or
- (c) on the allottee's ceasing to be a member of the High Court Bar Association; or
- (d) on the allottee's name being removed from the roll of Bar Council;
or
- (e) on death.

28. the allottee shall not install in the Chamber any additional electric appliance without the prior permission in writing of Hon'ble the Chief Justice or his nominee.

29. Hon'ble the Chief Justice of the High Court of Chhattisgarh or his nominee may grant permission to any allottee to install and use in the Chamber any additional electric appliances additionally on such condition and on payment of additional charges, as may be determined by him.

30. Hon'ble the Chief Justice of the High Court of Chhattisgarh may, from time to time and on the advice of the Allotment Committee, make such amendments and additions to these Rules even with retrospective effect, as may be necessary and expedient.

31. If any question arises as to the interpretation of these Rules, the decision of Hon'ble the Chief Justice shall be final and shall not be called in question.

32. Arrears of licence fee etc. may entail cancellation of allotment of Chamber, as determined by Hon'ble the Chief Justice.

33. The Chamber shall be completely under control of the High Court of Chhattisgarh.

[SCHEDULE-A

[As per Rule 2 of the Chhattisgarh High Court Lawyers Chambers
(Allotment & Occupancy) Rules, 2011]

APPLICATION FOR ALLOTMENT OF ADVOCATE'S CHAMBER

1. Name of Advocate :
 2. Father's/Husband's Name :
 3. Address :— (a) Present Address :
 - (b) Permanent Address :
 - (c) Contact Number :
 4. Whether the applicant(s) is/are ordinarily :
- resident of Chhattisgarh State (if yes,
please enclose appropriate certificate
issued by competent authority)

1. Added by Notification No. 2880/R.G/2011 dated the 13th May, 2011. Notification published in C.G. Rajpatra (Asadharan) dated 27-5-2011 Pages 371-372.

5. Enrolment number and date as an advocate :
in State Bar Council
6. Membership No. & Date of Registration in :
High Court Bar Association, Bilaspur
(Please enclose the documentary proof)
7. Name of the father/mother/son(s)/daughter(s) or spouse, who is/are practicing in this High Court as an advocate(s) with enrolment number (if any) and have also applied for allotment of chamber.
(i)
(ii)
(iii)
8. In case of Association/Law Firms
(a) Name of Association/Law Firm :
(b) Name of associates/partners in Association/Law Firm :
(i)
(ii)
(iii)
(iv)
- (c) Address of Association/Law Firm :
9. Whether the applicant is/are standing :
counsel of any institution, if yes, give details.
10. Total number of cases, in which appeared :
in this High Court on behalf of parties.
(a) For Petitioner/
Applicant/
Appellant.....
(b) For Respondents/
Non-Applicants

DECLARATION

I, hereby declare that all the information stated above are true, complete and correct as per my knowledge and belief. If any information is found false, incorrect or misleading, I shall have no claim for allotment of chamber.

Place :

APPLICANT]

Date :

The Chhattisgarh High Court (Appointment & Conditions of Service of Court Managers) (Chhattisgarh) Rules, 2012

Notification No. 190/R.G./2013 dated the 7th January, 2013*.—In exercise of powers conferred by Article 229 (1) and (2) of the Constitution of India and all other powers enabling him, Hon'ble the Chief Justice of the High Court of Chhattisgarh is pleased to make the following Rules in relation to the Chhattisgarh High Court (Appointment & Conditions of Service of Court Managers) (Chhattisgarh) Rules, 2012.

1. Short title and Commencement.—(i) These Rules may be called the Chhattisgarh High Court (Appointment and Conditions of Service of Court Managers) (Chhattisgarh) Rules, 2012 and applicable to the holders of the temporary post of Court Manager created and sanctioned by the Government of Chhattisgarh under the 13th Finance Commission Grant-in-aid Scheme.

(ii) These Rules shall come into force from the date of its notification.

2. Definitions.—In these Rules, unless the context otherwise requires :—

- (a) "Appointing Authority" means the Chief Justice of the High Court.
- (b) "Chief Justice" means the Chief Justice of the High Court.
- (c) "Court Manager" means a person appointed under these Rules.
- (d) "District Court" means the Subordinate Courts in various civil districts in the State of Chhattisgarh under the jurisdiction of the Chhattisgarh High Court.
- (e) "District and Sessions Judge" means a Judicial Officer who holds the post of the District and Sessions Judge in a District Court.
- (f) "Government" means the Government of Chhattisgarh.
- (g) "High Court" means the Chhattisgarh High Court.
- (h) "Civil District" means the territorial area over which a District Court exercises jurisdiction.
- (i) "Selection Committee" means the Committee constituted by the Chief Justice for selection to the post of Court Manager.
- (j) "State" means the State of Chhattisgarh.
- (k) "Registrar General" means Registrar General of the High Court.

* Published in C.G. Rajpatra (Asadharan) dated 10-1-2013 Pages 17-18(1-3).

3. Appointment of Court Managers.—(i) There shall be 2 (two) Court Managers for the High Court and one Court Manager for every District Court in the Civil Districts in the State.

¹[(ii) The posts of Court Managers are tenure posts, created under the award of 13th Finance Commission: After completion of the period of 13th Finance Commission, the posts may continue with the financial assistance of the State.]

(iii) Appointment to the posts of Court Manager shall be made by direct recruitment, conducted by the Chhattisgarh High Court, in the manner to be notified in the advertisement, as and when, published.

(iv) The appointment is on full time basis and during the terms of appointment, the Court Manager will not be entitled to take up any other employment, even on part time basis.

(v) The appointment will not confer any right on the person appointed for regularization of service as Court Manager or in any other posts in the Chhattisgarh High Court service or in any other Court.

4. Qualification.—No person shall be eligible for appointment to the post of Court Manager by direct recruitment, unless he/she possesses the following qualifications :

- (i) A Bachelor Degree with Masters in Business Administration or Advanced Diploma in General Management from a UGC recognized University or Institution in India.
- (ii) 5 (five) years experience/training in systems and process management or 5 (five) years experience/training in I.T. Systems Management/Human Resources management/Financial Management.
- (iii) Excellent communication skills in Hindi, English and official languages of the State of Chhattisgarh.
- (iv) Excellent Social skills.
- (v) Excellent computer application skills and
- (vi) Preference will be given to Candidates having qualification and experience in the field of Law.

5. Age.—Between 25 (twenty-five) to 35 (thirty-five) years as on the last date fixed for receipt of applications. The upper age limit for candidates belonging to Scheduled Castes and Scheduled Tribes of the State of Chhattisgarh, as per circular issued by State Government of Chhattisgarh from time to time.

6. Recruitment.—(1) The Chief Justice of the High Court shall be appointing authority.

(2) The Selection Committee shall prepare the list of selected candidates in the order of merit after holding appropriate examination. The names of selected candidates shall be recommended to the Chief Justice for appointment.

Explanation.—It will be open the selection committee to select the candidates on the basis of written examination and interview or on the basis of interview only.

(3) The person selected by the Selection Committee shall not be appointed—

1. Substituted by Notification No. 2895/R.V. dated the 10th April, 2015, published in C.G. Rajpatra (Asadharan) dated 5-5-2015 Page 537.

- (i) Unless he/she is of good character and is in all respect suitable for appointment to the service; and
- (ii) Unless he/she is certified by the medical authority specified by the High Court that he/she is medically fit to discharge the duties of the post for which he/she is selected.

7. Tenure.—(i) All appointments to the post of Court Manager shall be purely on contract basis, which can be terminated at any time without any prior notice.

¹[(ii) The tenure of service of Court Managers for the plan period of 13th Finance Commission i.e. 31-3-2015 may be extended by the Chief Justice on the extension of financial assistance by the State.]

8. Relinquishing Service.—(i) In case the Court Manager absents himself from duty continuously for 15 days or more without any information or prior sanction of leave, it shall be deemed that the Court Manager has left or relinquished/abandoned the service.

9. Staff of Court Manager.—(i) The staff of the Court Manager may comprise of one Stenographer, one Clerk and one Peon.

(ii) The staff will be appointed temporarily on contractual basis by the Chief Justice in the High Court and by the District Judge in the district court on fixed salary of Rs. 10,000/- per month to the Stenographers, Rs. 9000/- per to the Clerks and Rs. 7000/- to the Peon without any special pay and allowances.

(iii) The service of staff of Court Manager may be terminated at any time by the Chief Justice or the District Judge after giving one month notice or payment of one month salary in advance.

(iv) Staff of the Court Manager may also resign from service after giving one month notice or payment of one month salary in advance.

10. Leave.—(i) The Court Manager will be allowed 14 days leave other than weekly and national holidays in a year. The Court Manager shall not be entitled to avail winter and summer vacation.

11. Duties and Responsibilities.—A. (I) The Court Manager shall assist the Registrar General and other Registrars and Officers of the High Court and the District Courts in the respective Civil Districts, as the case may be, in administrative functioning of the Courts to enhance the efficiency of the Court Management.

(II) While performing such function, the Court Manager shall work under the control of the Registrar General in case of appointment in the High Court or of a District and Sessions Judge in case of appointment in a District Court, as the case may be.

(III) The incumbent appointed as Court Manager shall maintain professional secrecy and shall not divulge any Information which may come to his knowledge to anyone under any circumstances. Breach of this condition shall make him liable to be removed, forthwith.

(IV) The Court Manager, apart from any other work that may be assigned to him/her by the Registrar General or District & Sessions Judge, may be entrusted with the following responsibilities.—

1. Substituted by Notification No. 2895/R.V. dated the 10th April, 2015, published in C.G. Rajpatra (Asadharan) dated 5-5-2015 Page 537.

B. Policies and Standards.—(I) Based on applicable directives of Superior Courts, establish the performance standards applicable to the Court (including on timeliness, efficiency, quality of Court performance; infrastructure; and human resources; access to justice; as well as for systems for court management and case management).

(II) Carryout an evaluation of the compliance of the court with such standards, identify deficiencies and deviations; identify steps required to achieve compliances; maintain such an evaluation on a current basis through annual updates.

C. Planning.—(I) In consultation with the stakeholders of a court (including the Bar, Ministerial Staff, Executive Agencies supporting judicial functions such as prosecutors/ police/process serving agencies and court users), prepare and update annually a 5 year Court wise Court Development Plan (CDP);

(II) Monitor the Implementation of the CDP and report to superior authorities on progress.

D. Information and Statistics.—(I) Ensure that statistics on all aspects of functioning of the Court are complied and reported accurately and promptly in accordance with system established by the High Court.

(II) Ensure that reports on statistics are duly completed and provided as required;

E. Court Management.—Ensure that the processes and procedures of the Court (including for filing, certified copies, scheduling, conduct of adjudication, access to information and documents and grievance redressal) are fully complied with the policies and standards established by the High Court for Court management and that they safeguard quality, ensure efficiency and timeliness, and minimize costs to litigants and to the State; and enhance access to justice.

(Note: standard systems for Court management should be developed at the High Court level).

F. Case Management.—Ensure that case management systems are fully complied with the policies and standards established by the High Court for case management and that they address the legitimate needs of each individual litigant in term of quality, efficiency and timeliness costs to litigants and to the State.

(Note : standard systems for Court management should be developed at the High Court level).

G. Responsiveness Management-Access to Justice-Legal Aid and User Friendliness.—Ensure that the Court meets standards established by the High Court on access to justice, Legal Aid and ADR methods and user friendliness.

H. Quality Management.—Ensure that all directions issued by the High Court from time-to-time are complied with.

I. Human Resource Management.—Ensure that Human Resource Management of Ministerial Staff in the Court comply with the Human Resource Management standards established by the High Court.

J. Core Systems Management.—Ensure that the core systems of the Court are established and function effectively (documentation management; utilities management; Infrastructure and facilities management; financial system management) (Audits; accounts; payments) in co-ordination with PDJ.

K. It Systems Management.—(1) Ensure that the IT systems of the Court comply with standards established by the High Court and are fully functional.

(2) Feed the proposed National Arrears Grid to be set up to monitor the disposal of cases in all Courts, as and when it is set up.

12. Pay &/Allowances.—A Court Manager shall be entitled to a consolidated pay of Rs. 50,000/- (Rupees fifty thousand) per month, with increase of 10% after 12 (twelve) months of continuous service.

13. Transfer.—(I) The post of Court Manager shall be transferable throughout the State of Chhattisgarh.

(II) The appointing authority shall have the prerogative to transfer a Court Manager from one place to another, at any time.

(III) The Court Managers may be transferred from one district court to another or from High Court to Subordinate District Court or vice versa by the Chief Justice or any other Judge nominated by the Chief Justice.

14. Lien.—The holder of the post of Court Manager cannot claim lien over any of the posts in any service including the High Court Services.

15. Reservation.—The reservation policy as applicable to the High Court service under the Chhattisgarh High Court (Appointment, Conditions of Service & Condition) Rules, 2003 shall be applicable.

16. Training.—Every person appointed to the post of Court Manager shall undergo training as may be prescribed by the High Court from time to time.

17. Residuary Provision.—Any other matter which is not specifically provided herein shall be within the absolute discretion of the Chief Justice.

The High Court of Chhattisgarh (Designation of Senior Advocates) Rules, 2018

Notification No. 10151 dated the 25th October, 2018*.—In exercise of powers conferred by Section 34(1) read with Section 16(2) of the Advocates Act, 1961 and in accordance with the guidelines laid down by the Supreme Court of India in its Judgment dated 12-10-2017 in Writ Petition (C) No. 454 of 2015†, the High Court of Chhattisgarh framed the following rules for Designation of Senior Advocate and the matters incidental thereto.

1. Short title, extent and Commencement.—(i) These Rules shall be called '**High Court of Chhattisgarh (Designation of Senior Advocate) Rules, 2018.**

(ii) These Rules shall extend to the whole jurisdiction of the High Court of Chhattisgarh.

(iii) These Rules shall come into force immediately.

2. Definitions.—In these rules, unless the context otherwise requires :—

- (a) "Acting" means filling an appearance or any pleadings or applications in any Court, Tribunal or Authority in India, or any act (other than pleading) required or authorized by law to be done by a party in such Court or Tribunal either in person or by his recognized agent or by an advocate or attorney on his behalf;
- (b) "Advocate" means an advocate defined in the Advocates Act, 1961;
- (c) "Chief Justice" means the Chief Justice of the High Court of Chhattisgarh;
- (d) "Committee" means the Permanent Committee for Designation of Senior Advocates as constituted under sub-rule (i) Rules 5 of these Rules;
- (e) "High Court" means the High Court defined in Section 2 (g) of the Advocates Act, 1961;
- (f) "Roll" means the roll of Advocates prepared and maintained under the Advocates Act, 1961;

* Source : highcourt.cg.gov.in/rule/10151_25102018.pdf

† *Indira Jaising v. Supreme Court of India, Through Secretary General and others, AIR 2017 SC 5017 : (2017) 9 SCC 766.*

- (g) "Secretariat" means the Secretariat established by the Chief Justice of the High Court of Chhattisgarh under sub-rule (ii) of Rule 5 of these Rules;
- (h) "Instructing Advocate" means an advocate other than a Senior Advocate, who has been instructed by the party in the matter;
- (i) "Registrar General" means Registrar General of the High Court of Chhattisgarh;
- (j) "Tribunal" includes any authority or person, legally authorized to take evidence and before whom advocates are by or under any law for the time being in force, entitled to practice.

3. Power to designate a Senior Advocate.—

- (i) The High Court may designate an Advocate as Senior Advocate, if in its opinion, by virtue of his ability and standing at the Bar, the said Advocate deserves such distinction.

Explanation.—The term 'standing at the Bar' means the positions of eminence attained by an advocate at the Bar by virtue of his seniority, legal acumen and high ethical standards maintained by him, both inside and outside the court.

- (ii) No person shall be eligible to be designated as Senior Advocate unless he :
 - (a) has a minimum of ten years of regular practice as an Advocate in the High Court of Chhattisgarh.
 - (b) has appeared and actually argued in some reported cases.

4. Motion for designation as Senior Advocate.—

- (i) Designation of an advocate as Senior Advocate by the High Court of Chhattisgarh be considered on the written proposal made by :

- (a) the Chief Justice or any sitting Judge of the High Court of Chhattisgarh; or
- (b) the Advocate General of the State of Chhattisgarh; or
- (c) three Senior Advocates of the High Court of Chhattisgarh :

Provided that every such proposal shall be made, as far as possible, in Form No. 1 of Appendix 'A' appended to these Rules and shall carry a written consent of the Advocate concerned to be designated as Senior Advocate.

- (ii) Designation of an Advocate as Senior Advocate by the High Court of Chhattisgarh may also be considered on the written application of the Advocate concerned that shall be made, as far as possible, in Form No. 2 of Appendix 'A' appended to these Rules.
- (iii) Along with the proposal or application, as the case may be, the Advocate concerned shall append his certificate that he has not applied to any other High Court for being designated as Senior Advocate and that his application has not been rejected by the High Court within a period of two years prior to the date of the proposal or application.

5. Permanent Committee for Designation of Senior Advocate.—

- (i) All the matters relating to designation of Senior Advocate in the High Court of Chhattisgarh shall be dealt with by a permanent Committee (to be known as "Committee for Designation of Senior Advocate") which will be headed by the Chief Justice and consist of:
 - (a) two senior most sitting Judges of the High Court of Chhattisgarh;
 - (b) the Advocate General of the State of Chhattisgarh; and
 - (c) a member of the Bar, to be nominated by other members in the first meeting of the Committee.
- (ii) The Committee constituted under sub-rule (i) above shall have a Secretariat, the composition of which will be decided by the Chief Justice of the High Court of Chhattisgarh in consultation with the other members of the Committee.
- (iii) The Committee may issue such directions from time to time as deemed necessary as regards functioning of the Secretariat, including the manner in which, and the sources from which, the necessary data and information are to be collected, complied and presented.

6. Procedure for designation.—

- (i) All the applications and written proposals for designation of an Advocate as Senior Advocate shall be submitted to the Secretariat.
- (ii) On receipt of any application or proposal for designation of an Advocate as Senior Advocate, the Secretariat shall compile the relevant data and information with regard to the reputation, conduct, integrity of the Advocate concerned including his participation in pro-bono work; reported judgment for the last five years in which the concerned Advocate has appeared and actually argued.
- (iii) The Secretariat will publish the application/proposal for designation of a particular Advocate as Senior Advocate in the official website of High Court of Chhattisgarh, inviting the suggestions/views of other stakeholders in the proposed designation within such time as may be directed by the Committee.
- (iv) After the data-base in terms of the above is complied and all such information as may be specifically directed by the Committee to be obtained in respect of any particular candidate is collected; and the suggestions/views of the other stakeholders have been received, the Secretariat shall put up the case before the Committee for scrutiny.
- (v) Upon submission of the case by the Secretariat, the Committee shall examine the same in the light of the data provided and shall interview the concerned Advocate; and shall, thereafter, make its overall assessment on the basis of the point-based format provided in Appendix 'B' appended to these Rules.

- (vi) After the overall assessment by the Committee, all the names listed before it will be submitted to the Full Court along with the assessment report.
- (vii) Voting by secret ballot will not be normally resorted to in the Full Court except when unavoidable. In the event of resort to secret ballot, decisions will be carried by a majority of the Judges who have chosen to exercise their preference/choice.
- (viii) On the approval of the Full Court, an Advocate shall be designated as Senior Advocate.

7. Designation of Senior Advocate.—On approval by Full Court, the concerned advocate shall be designated as Senior Advocate by the High Court. On such designation the Registrar General shall notify the fact to the Secretary General, Supreme Court, the Bar Council of Chhattisgarh, the Bar Council of India and also to all the District and Sessions Judges subordinate to the High Court.

8. The name not to be reconsidered for next two years.—If the name of an Advocate has been considered and not approved by the Full Court, it shall not be reconsidered for next two years.

9. Restriction on Senior Advocates.—A Senior advocate shall not :

- (a) file a Vakalatnama or Memo of Appearance or act in any Court or Tribunal;
- (b) appear before a Court or Tribunal without an instructing advocate;
- (c) accept instruction to draw pleadings or affidavits, advise on evidence or do any drafting work of an analogous kind in any Court or Tribunal or undertake conveyancing work of any kind whatsoever. However, these prohibitions shall not extend to settling any such matter as aforesaid in consultation with an instructing advocate;
- (d) accept directly from a party any brief or instructions to appear in any Court or Tribunal;
- (e) enter into direct professional correspondence with a litigant;
- (f) be a standing counsel for any government, public sector undertaking, institution or local or corporate body and if he holds such a position, he shall resign or relinquish the same upon being designated as senior advocate :

Provided that, for the purpose of this sub-rule, holding of the office of the Advocate General, Attorney General, Solicitor General or Additional Solicitor General shall not amount to being a standing counsel.

10. Canvassing.—Canvassing in any manner by a nominee/applicant for designation as Senior Advocate shall disqualify him for being designated.

11. Withdrawal of the conferment of Senior Advocate :—

- (a) The designation of Senior Advocate may be withdrawn by the High Court in the event it is found that after being designated as a Senior Advocate, he has violated any or all provisions of this Rule or the Rules prescribed by the Bar council of India under sub-section (3) of Section 16 of the Advocates Act, 1961.

(2) The request involving the subject matter exceeding 25 lakh rupees shall be dealt with by the Chief Justice himself or he may designate any Judge of the High Court for this purpose by a general or special order.

(3) The request falling under sub-para (1) shall be placed before the District Judge for appropriate allotment and the requests falling under sub-para (2) shall be placed before the Chief Justice or his designate.

4. Request and communications to be sent to Additional Registrar (Judicial).—(1) All requests under this Scheme and communications relating thereto, which are addressed to the Chief Justice, shall be presented to the Additional Registrar (Judicial) of the High Court, who shall maintain a separate Register of such requests and communications.

(2) The Additional Registrar (Judicial) shall examine the memo of request and submit report to the Chief Justice or to his designate, as the case may be, as to whether the request has been made in accordance with paragraph 2 and payment of Court fee in accordance with paragraph 10.

5. Seeking further information.—The Chief Justice or his designate may seek such further information or clarification or documents from the party making the request under this Scheme as he may deem fit and the party making the request shall file as many copies of the written information or clarifications or copies of documents as may be required.

6. Rejection of.—Where the request made by any party is not in accordance with the provisions of this Scheme, the Chief Justice or his designate may reject the same.

7. Notice to affected persons.—Where the request is not rejected under paragraph 6, the Chief Justice or his designate shall direct that a notice of the application be given to all the parties to the arbitration agreement and to such other person or persons likely to be affected by such request to show cause within the time specified in the notice as to why the appointment of the arbitrator(s) or the measures proposed to be taken should not be made or taken and such notice shall be accompanied by copies of all documents referred to in paragraph 2 or, the information or clarification or copies of documents, if any, sought under paragraph 5, as the case may be.

8. Intimation of action taken on request.—The appointment made or measures taken by the Chief Justice or his designate shall be communicated in writing to :—

- (a) the parties to the arbitration agreement;
- (b) the arbitrator, if any, already appointed by the parties to the arbitration agreement;
- (c) the person or the institution referred to in paragraph 2(d); and
- (d) the arbitrator appointed in pursuance of the request.

9. Delivery & Receipt of Written Communication.—The provisions of sub-sections (1) and (2) of Section 3 of the Act shall, so far as may be, apply to all written communications received or sent under this Scheme.

10. Costs for processing requests.—A request under paragraph 3(1) shall be accompanied by court fees stamps or Rs. 1,000/- and under paragraph 3(2) by Rs. 2,000/-.

11. Interpretations.—If any question arises with reference to the interpretation of any of the provisions of this Scheme, the question shall be referred to the Chief Justice whose decision shall be final.

12. Power to amend the Scheme.—The Chief Justice may from time to time amend by way of addition or variation, any provision of this Scheme.

The Chhattisgarh High Court Lawyers Chambers (Allotment & Occupancy) Rules, 2011

Notification No. 2006/R.G./2011 dated the 6th April, 2011*.—In exercise of the powers conferred by Article 225 of the Constitution of India, the High Court of Chhattisgarh, in relation to allotment and for other matters connected and incidental thereto in respect of Advocate's chambers, hereby makes the following rules, namely :—

1. These Rules shall be called "The Chhattisgarh High Court Lawyers Chambers (Allotment & Occupancy) Rules, 2011".
2. Allotment of Chambers shall be made by Hon'ble the Chief Justice of the High Court of Chhattisgarh on the receipt of an application in the prescribed format (annexed as Schedule 'A') and on the recommendation of a committee of Judges of the High Court of Chhattisgarh, hereinafter called "The Allotment Committee".
3. Only advocates practicing in the High Court of Chhattisgarh and who are the members of the Chhattisgarh High Court Bar Association and are also ordinarily residing in the State of Chhattisgarh, shall be considered eligible for allotment of Chambers as per criteria laid down by Hon'ble Chief Justice on the recommendation of the Allotment Committee from time to time, subject to conditions contained in Rule 5.
4. Hon'ble the Chief Justice in consultation with the Allotment Committee, may allot a Chamber to an Advocate who is physically handicapped or is otherwise deserving.
5. (a) Notwithstanding anything contained in Rule 4, out of the eligible advocates, father/mother and son(s)/daughter(s) or spouse would be eligible for allotment of only one Chamber.
(b) Where more than one eligible Advocate have formed a partnership firm or an association of Advocates, they may be allotted, only one Chamber as Joint Allottee.

Provided that Hon'ble the Chief Justice on the recommendation of the Allotment Committee, may in appropriate cases, release the bar contained in clauses (a) and (b) above, in case of otherwise eligible Advocates.

* Published in C.G. Rajpatra Part I dated 6-5-2011 Pages 717-719.

6. Two or more eligible Advocates may jointly apply for the allotment of a single Chamber and on each allotment being made, the said allottee(s) shall be jointly and severally liable for the due performance of all the terms and conditions of these Rules :

Provided, however, that if the allotment in respect of any one of the joint allottees is to be cancelled or terminated under these rules, the continuing joint allottees may have a preferential right, having regard to his/their standing at the Bar and his/their need for a Chamber, for continuing as an allottee/joint allottee.

Provided further that the said continuing allottee(s) shall remain in occupation and shall not be liable for eviction till fresh allotment of the Chamber under his/their occupancy is made.

7. Where a Chamber has been exclusively allotted to an individual advocate, he/she may, subsequent to such allotment, apply for the re-allotment of the said Chamber to him/her jointly with another eligible advocate(s), Hon'ble the Chief Justice of the High Court of Chhattisgarh may, on the recommendation of the Allotment Committee, order the same to such other Advocate or Advocates, who are otherwise found eligible for allotment, if the request is *bona fide*.

8. The allotment of accommodation in Lawyer's Chamber Block to counsel representing various agencies of Central Government, State Government, Statutory bodies and other agencies, if not allotted elsewhere, may be considered and made by Hon'ble the Chief Justice of the High Court of Chhattisgarh on the recommendation of the Allotment Committee, on such terms and conditions as may be prescribed.

9. The licence fee and other charges shall be payable also for the period during which the Court remains closed.

10. The licence fee and charges shall be payable, initially at the rate of 2,000/- (Rupees Two Thousand only) per month per chamber. In case, however, one chamber is allotted to two or more advocates jointly, the said charges shall be shared by all the allottees in equal sum. The aforesaid charges may vary from time to time, as determined by the High Court.

11. The allottee shall deposit 12 months licence fee and other utility charges in advance for the due fulfillment and performance by him of the terms and conditions herein contained. In the event of the allottees committing any breach of the terms and conditions herein contained and of his part to be observed and performed, Hon'ble the Chief Justice may, without prejudice to other rights and remedies, direct to forfeit the same or any part thereof and on such an event, he shall pay such additional sum immediately as may be called upon by Hon'ble the Chief Justice to pay so that 12 months licence fee and utility charges shall at all times be maintained during the continuance of the allotment. On the expiration or earlier determination of the licence, the said amount shall be settled and then, the said amount or part thereof, shall be refunded to the allottee, without interest.

12. The allottee shall have no right to claim suspension of licence fee and utilities charges in whole or in part for any reason whatsoever.

13. The allottee shall use the Chamber only as a Lawyers' Office and for no other purpose whatsoever.

14. The Licence Fee and all other charges for each month shall be payable in advance by the Seventh Day of the instant month in Cash or by a cross cheque drawn on a local bank.

15. The allottee shall not part with, in any manner, the user and consequent occupation or possession of the premises to any other person or grant any special user or licence etc. to any person or to transfer or assign the whole or any part of Chamber in favour of any other person. It is expressly intended and meant that the permission given hereunder shall in no event be assignable, or transferable in any form, device, method or arrangement.
16. The allottee shall not make any structural additions or alterations in the Chamber without the consent in writing of Hon'ble the Chief Justice of the High Court of Chhattisgarh or his nominee.
17. The allottee shall, during the currency of the allotment, be responsible for the proper up-keep and maintenance of the Chamber in accordance with the Municipal and Sanitary regulations, which may be applicable and such directions as may be issued by Hon'ble the Chief Justice or his nominee, time to time.
18. The allottee shall, during the currency of the allotment, be responsible for any damage caused to the Chamber or to the service provided therein beyond fair wear and tear and Act of God.
19. No such allottee may use his Chamber before 7.30 a.m. and/or after 6.30 p.m. on any day. The timing may be changed by Hon'ble the Chief Justice on the recommendation of the Allotment Committee.
20. The allottee shall indemnify Hon'ble the Chief Justice/the High Court of Chhattisgarh against any loss or claim preferred against him/it by third parties as a result of acts/omissions by the allottee or his agents.
21. The allottee shall not cause or permit to be caused any damage to the Chamber or to the main Building or any part thereof.
22. The allottee shall not conduct himself in a manner which causes nuisance and annoyance to any adjoining neighbouring allottee, or otherwise.
23. If the allottee at any time fails or neglects to perform and observe any of the terms and conditions of the Rules therein contained, and on his part to be observed and performed, then in any such case, or for any reason whatsoever. Hon'ble the Chief Justice, may in consultation with the Allotment Committee, without prejudice to other rights and remedies, by giving fifteen days notice in writing to him, determine the licence and the allottee shall, upon such determination make/hand over vacant possession of the Chamber forthwith, without any right to refund of the advance licence fee or a part thereof whatsoever.
24. The allottee shall not impede, in any way, the officers, servants or agents of the High Court in the exercise by them of High Court's rights of possession and control of the Chamber and in particular, shall give reasonable assistance and facility to such officers, servants or agents for the general up-keep and maintenance of the layout decorations, fittings and fixtures of the Chambers.
25. The allotment shall, in no event operate, nor shall be construed so to create, confer or grant any lease or sub-lease, tenancy or sub-tenancy or any right, title or interest into or upon the Chamber in favour of the allottee. The allottee shall, in no circumstances, claim or plead any right to tenancy or sub-tenancy, lease or sub-lease into or upon the chamber or any right in the nature or any right other than of bare-user.
26. The allotment shall be effective from the date on which the chamber is made available for occupation, in pursuance of an order of allotment. If the

Chamber is not occupied within a week of the availability, the allotment, shall be deemed to be cancelled.

27. The allotment shall terminate :—

- (a) on its cancellation by Hon'ble the Chief Justice ; or
- (b) on its surrender by the allottee concerned; or
- (c) on the allottee's ceasing to be a member of the High Court Bar Association; or
- (d) on the allottee's name being removed from the roll of Bar Council; or
- (e) on death.

28. the allottee shall not install in the Chamber any additional electric appliance without the prior permission in writing of Hon'ble the Chief Justice or his nominee.

29. Hon'ble the Chief Justice of the High Court of Chhattisgarh or his nominee may grant permission to any allottee to install and use in the Chamber any additional electric appliances additionally on such condition and on payment of additional charges, as may be determined by him.

30. Hon'ble the Chief Justice of the High Court of Chhattisgarh may, from time to time and on the advice of the Allotment Committee, make such amendments and additions to these Rules even with retrospective effect, as may be necessary and expedient.

31. If any question arises as to the interpretation of these Rules, the decision of Hon'ble the Chief Justice shall be final and shall not be called in question.

32. Arrears of licence fee etc. may entail cancellation of allotment of Chamber, as determined by Hon'ble the Chief Justice.

33. The Chamber shall be completely under control of the High Court of Chhattisgarh.

¹[SCHEDULE-A

[As per Rule 2 of the Chhattisgarh High Court Lawyers Chambers
(Allotment & Occupancy) Rules, 2011]

APPLICATION FOR ALLOTMENT OF ADVOCATE'S CHAMBER

1. Name of Advocate :
 2. Father's/Husband's Name :
 3. Address :—
 - (a) Present Address :
 - (b) Permanent Address :
 - (c) Contact Number :
 4. Whether the applicant(s) is/are ordinarily :
- resident of Chhattisgarh State (if yes,
please enclose appropriate certificate
issued by competent authority)
-
1. Added by Notification No. 2880/R.G./2011 dated the 13th May, 2011. Notification published in C.G. Rajpatra (Asadharan) dated 27-5-2011 Pages 371-372.

5. Enrolment number and date as an advocate :
in State Bar Council
6. Membership No. & Date of Registration in :
High Court Bar Association, Bilaspur
(Please enclose the documentary proof)
7. Name of the father/mother/son(s)/daughter(s) or spouse, who is/are practicing in this High Court as an advocate(s) with enrolment number (if any) and have also applied for allotment of chamber.
(i)
(ii)
(iii)
8. In case of Association/Law Firms
(a) Name of Association/Law Firm :
(b) Name of associates/partners in Association/Law Firm :
(i)
(ii)
(iii)
(iv)
- (c) Address of Association/Law Firm :
9. Whether the applicant is/are standing :
counsel of any institution, if yes, give details.
10. Total number of cases, in which appeared :
in this High Court on behalf of parties.
(a) For Petitioner/
Applicant/
Appellant.....
(b) For Respondents/
Non-Applicants

DECLARATION

I, hereby declare that all the information stated above are true, complete and correct as per my knowledge and belief. If any information is found false, incorrect or misleading, I shall have no claim for allotment of chamber.

Place :
Date :

APPLICANT]

The Chhattisgarh High Court (Appointment & Conditions of Service of Court Managers) (Chhattisgarh) Rules, 2012

Notification No. 190/R.G./2013 dated the 7th January, 2013*.—In exercise of powers conferred by Article 229 (1) and (2) of the Constitution of India and all other powers enabling him, Hon'ble the Chief Justice of the High Court of Chhattisgarh is pleased to make the following Rules in relation to the Chhattisgarh High Court (Appointment & Conditions of Service of Court Managers) (Chhattisgarh) Rules, 2012.

1. Short title and Commencement.—(i) These Rules may be called the Chhattisgarh High Court (Appointment and Conditions of Service of Court Managers) (Chhattisgarh) Rules, 2012 and applicable to the holders of the temporary post of Court Manager created and sanctioned by the Government of Chhattisgarh under the 13th Finance Commission Grant-in-aid Scheme.

(ii) These Rules shall come into force from the date of its notification.

2. Definitions.—In these Rules, unless the context otherwise requires :—

- (a) "Appointing Authority" means the Chief Justice of the High Court.
- (b) "Chief Justice" means the Chief Justice of the High Court.
- (c) "Court Manager" means a person appointed under these Rules.
- (d) "District Court" means the Subordinate Courts in various civil districts in the State of Chhattisgarh under the jurisdiction of the Chhattisgarh High Court.
- (e) "District and Sessions Judge" means a Judicial Officer who holds the post of the District and Sessions Judge in a District Court.
- (f) "Government" means the Government of Chhattisgarh.
- (g) "High Court" means the Chhattisgarh High Court.
- (h) "Civil District" means the territorial area over which a District Court exercises jurisdiction.
- (i) "Selection Committee" means the Committee constituted by the Chief Justice for selection to the post of Court Manager.
- (j) "State" means the State of Chhattisgarh.
- (k) "Registrar General" means Registrar General of the High Court.

* Published in C.G. Rajpatra (Asadharan) dated 10-1-2013 Pages 17-18(1-3).

3. Appointment of Court Managers.—(i) There shall be 2 (two) Court Managers for the High Court and one Court Manager for every District Court in the Civil Districts in the State.

[(ii) The posts of Court Managers are tenure posts, created under the award of 13th Finance Commission. After completion of the period of 13th Finance Commission, the posts may continue with the financial assistance of the State.]

(iii) Appointment to the posts of Court Manager shall be made by direct recruitment, conducted by the Chhattisgarh High Court, in the manner to be notified in the advertisement, as and when, published.

(iv) The appointment is on full time basis and during the terms of appointment, the Court Manager will not be entitled to take up any other employment, even on part time basis.

(v) The appointment will not confer any right on the person appointed for regularization of service as Court Manager or in any other posts in the Chhattisgarh High Court service or in any other Court.

4. Qualification.—No person shall be eligible for appointment to the post of Court Manager by direct recruitment, unless he/she possesses the following qualifications :

- (i) A Bachelor Degree with Masters in Business Administration or Advanced Diploma in General Management from a UGC recognized University or Institution in India.
- (ii) 5 (five) years experience/training in systems and process management or 5 (five) years experience/training in I.T. Systems Management/Human Resources management/Financial Management.
- (iii) Excellent communication skills in Hindi, English and official languages of the State of Chhattisgarh.
- (iv) Excellent Social skills.
- (v) Excellent computer application skills and
- (vi) Preference will be given to Candidates having qualification and experience in the field of Law.

5. Age.—Between 25 (twenty-five) to 35 (thirty-five) years as on the last date fixed for receipt of applications. The upper age limit for candidates belonging to Scheduled Castes and Scheduled Tribes of the State of Chhattisgarh, as per circular issued by State Government of Chhattisgarh from time to time.

6. Recruitment.—(1) The Chief Justice of the High Court shall be appointing authority.

(2) The Selection Committee shall prepare the list of selected candidates in the order of merit after holding appropriate examination. The names of selected candidates shall be recommended to the Chief Justice for appointment.

Explanation.—It will be open the selection committee to select the candidates on the basis of written examination and interview or on the basis of interview only.

(3) The person selected by the Selection Committee shall not be appointed—

1. Substituted by Notification No. 2895/R.V. dated the 10th April, 2015, published in C.G. Rajpatra (Asadharan) dated 5-5-2015 Page 537.

- (i) Unless he/she is of good character and is in all respect suitable for appointment to the service; and
- (ii) Unless he/she is certified by the medical authority specified by the High Court that he/she is medically fit to discharge the duties of the post for which he/she is selected.

7. Tenure.—(i) All appointments to the post of Court Manager shall be purely on contract basis, which can be terminated at any time without any prior notice.

[(ii) The tenure of service of Court Managers for the plan period of 13th Finance Commission i.e. 31-3-2015 may be extended by the Chief Justice on the extension of financial assistance by the State.]

8. Relinquishing Service.—(i) In case the Court Manager absents himself from duty continuously for 15 days or more without any information or prior sanction of leave, it shall be deemed that the Court Manager has left or relinquished/abandoned the service.

9. Staff of Court Manager.—(i) The staff of the Court Manager may comprise of one Stenographer, one Clerk and one Peon.

(ii) The staff will be appointed temporarily on contractual basis by the Chief Justice in the High Court and by the District Judge in the district court on fixed salary of Rs. 10,000/- per month to the Stenographers, Rs. 9000/- per to the Clerks and Rs. 7000/- to the Peon without any special pay and allowances.

(iii) The service of staff of Court Manager may be terminated at any time by the Chief Justice or the District Judge after giving one month notice or payment of one month salary in advance.

(iv) Staff of the Court Manager may also resign from service after giving one month notice or payment of one month salary in advance.

10. Leave.—(i) The Court Manager will be allowed 14 days leave other than weekly and national holidays in a year. The Court Manager shall not be entitled to avail winter and summer vacation.

11. Duties and Responsibilities.—A. (I) The Court Manager shall assist the Registrar General and other Registrars and Officers of the High Court and the District Courts in the respective Civil Districts, as the case may be, in administrative functioning of the Courts to enhance the efficiency of the Court Management.

(II) While performing such function, the Court Manager shall work under the control of the Registrar General in case of appointment in the High Court or of a District and Sessions Judge in case of appointment in a District Court, as the case may be.

(III) The incumbent appointed as Court Manager shall maintain professional secrecy and shall not divulge any Information which may come to his knowledge to anyone under any circumstances. Breach of this condition shall make him liable to be removed, forthwith.

(IV) The Court Manager, apart from any other work that may be assigned to him/her by the Registrar General or District & Sessions Judge, may be entrusted with the following responsibilities.—

-
1. Substituted by Notification No. 2895/R.V. dated the 10th April, 2015, published in C.G. Rajpatra (Asadharan) dated 5-5-2015 Page 537.

B. Policies and Standards.—(I) Based on applicable directives of Superior Courts, establish the performance standards applicable to the Court (including on timeliness, efficiency, quality of Court performance; infrastructure; and human resources; access to justice; as well as for systems for court management and case management).

(II) Carryout an evaluation of the compliance of the court with such standards, identify deficiencies and deviations; identify steps required to achieve compliances; maintain such an evaluation on a current basis through annual updates.

C. Planning.—(I) In consultation with the stakeholders of a court (including the Bar, Ministerial Staff, Executive Agencies supporting judicial functions such as prosecutors/ police/process serving agencies and court users), prepare and update annually a 5 year Court wise Court Development Plan (CDP);

(II) Monitor the Implementation of the CDP and report to superior authorities on progress.

D. Information and Statistics.—(I) Ensure that statistics on all aspects of functioning of the Court are compiled and reported accurately and promptly in accordance with system established by the High Court.

(II) Ensure that reports on statistics are duly completed and provided as required;

E. Court Management.—Ensure that the processes and procedures of the Court (including for filing, certified copies, scheduling, conduct of adjudication, access to information and documents and grievance redressal) are fully complied with the policies and standards established by the High Court for Court management and that they safeguard quality, ensure efficiency and timeliness, and minimize costs to litigants and to the State; and enhance access to justice.

(Note: standard systems for Court management should be developed at the High Court level).

F. Case Management.—Ensure that case management systems are fully complied with the policies and standards established by the High Court for case management and that they address the legitimate needs of each individual litigant in term of quality, efficiency and timeliness costs to litigants and to the State.

(Note : standard systems for Court management should be developed at the High Court level).

G. Responsiveness Management-Access to Justice-Legal Aid and User Friendliness.—Ensure that the Court meets standards established by the High Court on access to justice, Legal Aid and ADR methods and user friendliness.

H. Quality Management.—Ensure that all directions issued by the High Court from time-to-time are complied with.

I. Human Resource Management.—Ensure that Human Resource Management of Ministerial Staff in the Court comply with the Human Resource Management standards established by the High Court.

J. Core Systems Management.—Ensure that the core systems of the Court are established and function effectively (documentation management; utilities management; Infrastructure and facilities management; financial system management) (Audits; accounts; payments) in co-ordination with PDJ.

K. It Systems Management.—(1) Ensure that the IT systems of the Court comply with standards established by the High Court and are fully functional.

(2) Feed the proposed National Arrears Grid to be set up to monitor the disposal of cases in all Courts, as and when it is set up.

12. Pay &/Allowances.—A Court Manager shall be entitled to a consolidated pay of Rs. 50,000/- (Rupees fifty thousand) per month, with increase of 10% after 12 (twelve) months of continuous service.

13. Transfer.—(I) The post of Court Manager shall be transferable throughout the State of Chhattisgarh.

(II) The appointing authority shall have the prerogative to transfer a Court Manager from one place to another, at any time.

(III) The Court Managers may be transferred from one district court to another or from High Court to Subordinate District Court or vice versa by the Chief Justice or any other Judge nominated by the Chief Justice.

14. Lien.—The holder of the post of Court Manager cannot claim lien over any of the posts in any service including the High Court Services.

15. Reservation.—The reservation policy as applicable to the High Court service under the Chhattisgarh High Court (Appointment, Conditions of Service & Condition) Rules, 2003 shall be applicable.

16. Training.—Every person appointed to the post of Court Manager shall undergo training as may be prescribed by the High Court from time to time.

17. Residuary Provision.—Any other matter which is not specifically provided herein shall be within the absolute discretion of the Chief Justice.

The High Court of Chhattisgarh (Designation of Senior Advocates) Rules, 2018

Notification No. 10151 dated the 25th October, 2018*.—In exercise of powers conferred by Section 34(1) read with Section 16(2) of the Advocates Act, 1961 and in accordance with the guidelines laid down by the Supreme Court of India in its Judgment dated 12-10-2017 in Writ Petition (C) No. 454 of 2015†, the High Court of Chhattisgarh framed the following rules for Designation of Senior Advocate and the matters incidental thereto.

1. Short title, extent and Commencement.—(i) These Rules shall be called ‘**High Court of Chhattisgarh (Designation of Senior Advocate) Rules, 2018**’.

(ii) These Rules shall extend to the whole jurisdiction of the High Court of Chhattisgarh.

(iii) These Rules shall come into force immediately.

2. Definitions.—In these rules, unless the context otherwise requires :—

- (a) “Acting” means filling an appearance or any pleadings or applications in any Court, Tribunal or Authority in India, or any act (other than pleading) required or authorized by law to be done by a party in such Court or Tribunal either in person or by his recognized agent or by an advocate or attorney on his behalf;
- (b) “Advocate” means an advocate defined in the Advocates Act, 1961;
- (c) “Chief Justice” means the Chief Justice of the High Court of Chhattisgarh;
- (d) “Committee” means the Permanent Committee for Designation of Senior Advocates as constituted under sub-rule (i) Rules 5 of these Rules;
- (e) “High Court” means the High Court defined in Section 2 (g) of the Advocates Act, 1961;
- (f) “Roll” means the roll of Advocates prepared and maintained under the Advocates Act, 1961;

* Source : highcourt.cg.gov.in/rule/10151_25102018.pdf

† *Indira Jaising v. Supreme Court of India, Through Secretary General and others, AIR 2017 SC 5017 : (2017) 9 SCC 766.*

- (g) "Secretariat" means the Secretariat established by the Chief Justice of the High Court of Chhattisgarh under sub-rule (ii) of Rule 5 of these Rules;
- (h) "Instructing Advocate" means an advocate other than a Senior Advocate, who has been instructed by the party in the matter;
- (i) "Registrar General" means Registrar General of the High Court of Chhattisgarh;
- (j) "Tribunal" includes any authority or person, legally authorized to take evidence and before whom advocates are by or under any law for the time being in force, entitled to practice.

3. Power to designate a Senior Advocate.—

- (i) The High Court may designate an Advocate as Senior Advocate, if in its opinion, by virtue of his ability and standing at the Bar, the said Advocate deserves such distinction.

Explanation.—The term 'standing at the Bar' means the positions of eminence attained by an advocate at the Bar by virtue of his seniority, legal acumen and high ethical standards maintained by him, both inside and outside the court.

- (ii) No person shall be eligible to be designated as Senior Advocate unless he :
 - (a) has a minimum of ten years of regular practice as an Advocate in the High Court of Chhattisgarh.
 - (b) has appeared and actually argued in some reported cases.

4. Motion for designation as Senior Advocate.—

- (i) Designation of an advocate as Senior Advocate by the High Court of Chhattisgarh be considered on the written proposal made by :
 - (a) the Chief Justice or any sitting Judge of the High Court of Chhattisgarh; or
 - (b) the Advocate General of the State of Chhattisgarh; or
 - (c) three Senior Advocates of the High Court of Chhattisgarh :

Provided that every such proposal shall be made, as far as possible, in Form No. 1 of Appendix 'A' appended to these Rules and shall carry a written consent of the Advocate concerned to be designated as Senior Advocate.
- (ii) Designation of an Advocate as Senior Advocate by the High Court of Chhattisgarh may also be considered on the written application of the Advocate concerned that shall be made, as far as possible, in Form No. 2 of Appendix 'A' appended to these Rules.
- (iii) Along with the proposal or application, as the case may be, the Advocate concerned shall append his certificate that he has not applied to any other High Court for being designated as Senior Advocate and that his application has not been rejected by the High Court within a period of two years prior to the date of the proposal or application.

5. Permanent Committee for Designation of Senior Advocate.—

- (i) All the matters relating to designation of Senior Advocate in the High Court of Chhattisgarh shall be dealt with by a permanent Committee (to be known as "Committee for Designation of Senior Advocate") which will be headed by the Chief Justice and consist of :
 - (a) two senior most sitting Judges of the High Court of Chhattisgarh;
 - (b) the Advocate General of the State of Chhattisgarh; and
 - (c) a member of the Bar, to be nominated by other members in the first meeting of the Committee.
- (ii) The Committee constituted under sub-rule (i) above shall have a Secretariat, the composition of which will be decided by the Chief Justice of the High Court of Chhattisgarh in consultation with the other members of the Committee.
- (iii) The Committee may issue such directions from time to time as deemed necessary as regards functioning of the Secretariat, including the manner in which, and the sources from which, the necessary data and information are to be collected, complied and presented.

6. Procedure for designation.—

- (i) All the applications and written proposals for designation of an Advocate as Senior Advocate shall be submitted to the Secretariat.
- (ii) On receipt of any application or proposal for designation of an Advocate as Senior Advocate, the Secretariat shall compile the relevant data and information with regard to the reputation, conduct, integrity of the Advocate concerned including his participation in pro-bono work; reported judgment for the last five years in which the concerned Advocate has appeared and actually argued.
- (iii) The Secretariat will publish the application/proposal for designation of a particular Advocate as Senior Advocate in the official website of High Court of Chhattisgarh, inviting the suggestions/views of other stakeholders in the proposed designation within such time as may be directed by the Committee.
- (iv) After the data-base in terms of the above is complied and all such information as may be specifically directed by the Committee to be obtained in respect of any particular candidate is collected; and the suggestions/views of the other stakeholders have been received, the Secretariat shall put up the case before the Committee for scrutiny.
- (v) Upon submission of the case by the Secretariat, the Committee shall examine the same in the light of the data provided and shall interview the concerned Advocate; and shall, thereafter, make its overall assessment on the basis of the point-based format provided in Appendix 'B' appended to these Rules.

- (vi) After the overall assessment by the Committee, all the names listed before it will be submitted to the Full Court along with the assessment report.
- (vii) Voting by secret ballot will not be normally resorted to in the Full Court except when unavoidable. In the event of resort to secret ballot, decisions will be carried by a majority of the Judges who have chosen to exercise their preference/choice.
- (viii) On the approval of the Full Court, an Advocate shall be designated as Senior Advocate.

7. Designation of Senior Advocate.—On approval by Full Court, the concerned advocate shall be designated as Senior Advocate by the High Court. On such designation the Registrar General shall notify the fact to the Secretary General, Supreme Court, the Bar Council of Chhattisgarh, the Bar Council of India and also to all the District and Sessions Judges subordinate to the High Court.

8. The name not to be reconsidered for next two years.—If the name of an Advocate has been considered and not approved by the Full Court, it shall not be reconsidered for next two years.

9. Restriction on Senior Advocates.—A Senior advocate shall not :

- (a) file a Vakalatnama or Memo of Appearance or act in any Court or Tribunal;
- (b) appear before a Court or Tribunal without an instructing advocate;
- (c) accept instruction to draw pleadings or affidavits, advise on evidence or do any drafting work of an analogous kind in any Court or Tribunal or undertake conveyancing work of any kind whatsoever. However, these prohibitions shall not extend to settling any such matter as aforesaid in consultation with an instructing advocate;
- (d) accept directly from a party any brief or instructions to appear in any Court or Tribunal;
- (e) enter into direct professional correspondence with a litigant;
- (f) be a standing counsel for any government, public sector undertaking, institution or local or corporate body and if he holds such a position, he shall resign or relinquish the same upon being designated as senior advocate :

Provided that, for the purpose of this sub-rule, holding of the office of the Advocate General, Attorney General, Solicitor General or Additional Solicitor General shall not amount to being a standing counsel.

10. Canvassing.—Canvassing in any manner by a nominee/applicant for designation as Senior Advocate shall disqualify him for being designated.

11. Withdrawal of the conferment of Senior Advocate :—

- (a) The designation of Senior Advocate may be withdrawn by the High Court in the event it is found that after being designated as a Senior Advocate, he has violated any or all provisions of this Rule or the Rules prescribed by the Bar council of India under sub-section (3) of Section 16 of the Advocates Act, 1961.

- (b) On receiving information of such violation or in case of his conviction by any competent Court of framing of charges for the offence involving moral turpitude or the Contempt of Courts Act, 1971, the Chief Justice may direct the matter to be placed before the Committee. The Committee after due notice to the senior advocate and after making such enquiry, as may deem fit, submit its recommendation to the Chief Justice.
- (c) The Chief Justice may direct to place recommendation of the Committee before the Full Court.
- (d) The Full Court may consider and decide recommendation of the Committee by 2/3rd majority of working strength of the Judges by voting through secret ballot.
- (e) If in the opinion of the Full Court the Senior Advocate has forfeited his/her privilege, then the High Court may withdraw his/her designation as a Senior Advocate.

12. Intimation of withdrawal of the conferment of designation of Senior Advocate.—On withdrawal of designation of a Senior Advocate, the Registrar General shall notify the fact to the Secretary General, Supreme Court, the Bar Council of Chhattisgarh, the Bar Council of India as also to all the District and Sessions Judges subordinate to the High Court. The Registrar shall also inform the advocate in writing whose designation of Senior Advocate has been withdrawn.

13. A record of all Designation to be maintained.—A record of all such designations and withdrawals shall be maintained in the Registry of the High Court.

14. Interpretation.—All the questions relating to the interpretation of these rules shall be referred to the Chief Justice whose decision thereon shall be final.

15. Repeal and Saving.—All the previous Rules in respect of the subject matter covered by these Rules, including the Guidelines for Designation of an Advocate as Senior Advocate, as made by the High Court of Chhattisgarh on 14-3-2014 with all its amendments/modifications, are hereby repealed. However, this repeal shall not, by itself, invalidate the actions taken under the repealed Rules/Guidelines.

APPENDIX-'A'

FORM No. 1

[Rule 4 (i)]

FORM OF PROPOSAL FOR DESIGNATION AS SENIOR ADVOCATE

It is proposed that the Advocate whose particulars are given below may be designated as Senior Advocate by the High Court of Chhattisgarh :—

1. Name of the Advocate :
2. Permanent Residential Address and mobile number of the Advocate :
3. E-mail Address :
4. Educational Qualification :

5. Date of Birth :
6. Date of enrollment as an Advocate and where enrolled :
7. Enrollment Number :
8. Other information, if any, including reported cases, legal, aid work/publication/participation in Seminar or Conference/association any Faculty of law etc. :

Date

Signature of proposer

I hereby express and give my consent to be designated as Senior Advocate by the High Court of Chhattisgarh.

Date

Signature of Advocate

FORM No. 2
[Rule 4 (ii)]

I, the undersigned Advocate, practicing in the State of Chhattisgarh, submit my application for being designated as Senior Advocate and state my consent to be so designated by the High Court of Chhattisgarh.

1. Name of the Applicant :
2. Educational Qualification :
3. Date of Birth :
4. Permanent Residential Address and mobile number of the Advocate :
5. Address of professional office :
6. E-mail Address :
7. Date of enrollment as an Advocate and where enrolled :
8. Number in the roll of Advocates maintained by the State Bar Council and the date on which enrolled :
9. Are you a member of any Association of Lawyers? If so, give details :
10. Number of years' practices (or judicial service) and in which Court?
11. Have you specialized in any field by law? If so, give details :

12. Have you been a chamber junior to any lawyer? If so, furnish name of such Lawyer/ Lawyers and the period held as such
13. Are you in the panel or do you hold any office under the State or Central Government?
14. Reference to any important matter in which you have appeared
15. Have you had to your credit any Journal? If so, give details
16. Have you attended or participated in any seminar/conference relating to law
17. Are you connected with any faculty of law? If so, give details
18. Has any application designation as Senior Advocate been made to the High Court of Chhattisgarh or any other Court before? If so, with what result?
19. Are you ordinarily practicing within the jurisdiction of the High Court of Chhattisgarh?
20. Other information/particulars, if any, including, reported cases, legal aid work/ publication etc.

Signature of the Applicant

APPENDIX-'B'

POINT BASED FORMAT FOR ASSESSMENT OF AN ADVOCATE FOR BEING DESIGNATED AS SENIOR ADVOCATE

[Rule 6 (v)]

Sl. No.	Matter	Points
1.	Number of years practice of the Advocate from the date of enrollment. [10 points for 10-20 years of practice; 20 points for practice beyond 20 years)	20 points

Sl. No.	Matter	Points
2.	Judgment (Reported and unreported) which indicate the legal formulations advance by the concerned Advocate in the course of the proceedings of the case; pro bono work done by the concerned Advocate; domain expertise of the Advocate in various branches of law, such as Constitutional law, Criminal Law, Arbitration Law, Corporate Law, Family Law, Human Rights, Public Interest Litigation, International Law, Law relating to women, Customary Laws in the State of Chhattisgarh	40 points
3.	Publications by the applicant Advocate	15 points
4.	Tests of Personality and Suitability on the basis of interview/interaction.	25 points

The Chhattisgarh Judicial Officers (Confidential Rolls) Regulations, 2015

Notification No. 1119/R.V./ dated the 5th February, 2015.—In exercise of the powers conferred under Articles 227, 233, 234 and 235 of the Constitution of India the High Court of Chhattisgarh hereby makes the following regulations namely:—

1. Short title, commencement and application.—(1) These regulations may be called the **Chhattisgarh Judicial Officers (Confidential Rolls) Regulations, 2015.**

(2) It shall come into force w.e.f. 27-1-2015.

(3) It shall apply to writing and maintenance of the confidential rolls of the Members of the Service. It shall also apply to the Members of the Service who are posted on deputation.

2. Definitions.—In these regulations, unless the context otherwise requires:—

- (a) "High Court" means the High Court of Chhattisgarh.
- (b) "Chief Justice" means the Chief Justice of the High Court of Chhattisgarh.
- (c) "Judge" means Judge of the High Court.
- (d) "Portfolio Judge" means the Judge of High Court nominated by Chief Justice to supervise the affairs of the Civil District and for the supervision of work and conduct of Judicial Officers posted in the Civil Districts whether in regular stream or on deputation in any department of Government, Commission, Tribunal etc.
- (e) "State" means the State of Chhattisgarh.
- (f) "Member of the Service" means members of Higher Judicial Service and Lower Judicial Service including Judicial Officers posted on deputation.
- (g) "Confidential Report" means the confidential report referred to in Clause 4 of these regulations.
- (h) "Reporting authority" means the authority supervising the performance of the member of judicial service and has supervised the work of judicial officer at least for three months as shown in Schedule-I as reporting authority.
- (i) "Reviewing authority" means authority or authorities supervising the performance of the reporting authority as shown in Schedule-I as reviewing authority.
- (j) "Accepting authority" means Chief Justice of High Court of Chhattisgarh.

- (k) "Deputation" means the Member of Service sent to the Governor House, Departments of Central Government / State Government, Registry of the High Court, State Judicial Academy, Law and Legislative Affairs Department, Legal Services Authority and Tribunals.
- (l) "Registrar General" means the Registrar General of High Court of Chhattisgarh.

3. Maintenance and custody of confidential rolls.—A confidential roll shall be maintained in respect of every Member of the Service by the High Court.

4. Form of the Confidential report.—The confidential report shall be written by the Reporting Authority, Reviewing Authority and Accepting Authority in Form-A appended to the regulations.

5. Preparation of Annual Confidential Rolls.—(1) A confidential report assessing the performance, character, conduct and qualities of every Member of the Service shall be written for each financial year by reporting authority.

(2) Part-I and Part-II of the form shall be filled up and submitted by the member of the service himself.

(3) Part-III and Part-IV of the form shall be prepared by the reporting authority after submission of Part-I and Part-II by the member of the service.

(4) Duly filled up Part-I to Part-IV of the form shall be placed before the reviewing authority. Part-V of the form shall be prepared by the reviewing authority.

(5) Duly filled form Part-I to Part-V shall be placed before the accepting authority and remarks of the accepting authority shall be final.

6. Confidential Reports by Reporting Authority in case of relinquishment of charge.—(1) In case of relinquishment of charge on the ground of superannuation, Confidential Report shall be prepared by the Reporting Authority before his relinquishment of the charge of office or in case of any inability, ordinarily it shall be prepared within one month from relinquishment of the charge.

(2) In case Confidential Report is not prepared under clause (1) or in case of other contingencies, Confidential Report shall be prepared by the Reporting Authority posted in concerned district/office on the basis of record after obtaining permission from the Registrar General.

7. Preparation of ACR and its time limit.—(1) The prescribed format of ACR (Part I to Part IV) shall be made available to the reporting authority by 15th March every year.

(2) The reporting authority shall obtain self-appraisal format (part I & part II) from his subordinates by 10th April positively every year.

(3) The reporting authority shall as far as possible submit the ACRs of his subordinates by 1st of May every year.

(4) The ACRs submitted by the reporting authority shall be made available to the concerned Reviewing authority by 15th May.

(5) The reviewing authority may record his remark on the said report as early as possible. The Accepting authority may record its remark as early as possible on the confidential roll and may accept it, with such modifications as may be considered necessary and counter-sign the roll.

Note.—Every endeavour shall be made by the authorities in early finalization of confidential report so as to enable the authority to communicate

the final concluded confidential report to the member of service on or before the 1st of August.

8. Communication of the Confidential Rolls.—The confidential report shall be communicated by the High Court to the concerned Judicial Officer stating entries about the adverse remarks, advisory remarks and grade within fifteen days of the remarks accepted by the accepting authority.

9. Representation against adverse remarks.—A member of the service may represent to the High Court against the remarks communicated to him under Clause 8 within 15 days of the date of its receipt by him :

Provided that the High Court may entertain a representation within one month of the expiry of the said period if it is satisfied that the Member of Service had sufficient cause for not submitting his/her representation in time.

10. Consideration of representation.—(1) The High Court may consider the representation made under Clause 9 made by a Member of Service and pass order as far as possible within two months from the date of submission of the representation.

(2) Order passed under sub-clause (1) shall be communicated to the concerned officer by the Registrar General within 15 days from the date of such order.

11. General.—The High Court may issue such instructions not inconsistent with these regulations as it may consider necessary, with regard to the writing of confidential rolls, the maintenance of the confidential rolls and the effect of the confidential rolls.

[* * *]

12. Interpretation.—If any question arises as to interpretation of these regulations, the decision of the High Court shall be final.

13. Amendment.—The High Court may make amendment in these regulations as may be deemed necessary.

14. Power to relax.—Where the High Court is satisfied that the operation of any of these regulations causes undue hardship in any particular case or class, it may for the reasons to be recorded in writing dispense with or relax the particular regulations to such extent and subject to such exception and condition as may be deemed necessary.

15. Repeal and Saving.—Any order, resolution, direction, notification, if any, is in force immediately before the commencement of these regulations are hereby repealed or restrained as the case may be in respect of the matters covered by these regulations provided that any order made or action taken under the orders, resolutions, guidelines and notifications so repealed shall be deemed to have been made or taken under the corresponding provisions of these regulations.

1. Second para deleted by Notification No. 3458/Rules/2016 dated 28th April, 2016. Notification published in C.G. Rajpatra (Asadharan) dated 3-5-2016 Page 371.

SCHEDULE-1

S.No.	Officer	Reporting Authority	Reviewing Authority	Accepting Authority
1.	Registrar General, Registrar (Vigilance), Registrar (Inspection and Inquiry) and Registrar (Judicial) of the High Court	Chief Justice/Administrative Judge/Senior most High Court Judge	Chief Justice	Chief Justice
2.	Director of State Judicial Academy	Chairman, State Judicial Academy	Chief Justice	Chief Justice
3.	Other Judicial Officers posted in Registry of High Court except Registrar Vigilance, Registrar Inspection and Inquiry and Registrar Judicial	Registrar General	Chief Justice	Chief Justice
4.	Additional Director and other Judicial Officers posted at State Judicial Academy	Director of State Judicial Academy	Chairman, State Judicial Academy	Chief Justice
4A.	President of Industrial Court.	Chief Justice	Chief Justice	Chief Justice
4B.	Member Judge of the Industrial Court, Presiding Officers of the Labour Courts.	President of Industrial Court.	Portfolio Judge of the concerned District.	Chief Justice
4C.	Judge Commercial Court (District Level)	Portfolio Judge	Chief Justice	Chief Justice
5.	Judicial Officers posted in State Legal Services Authority	Chairman, State Legal Services Authority	Chief Justice	Chief Justice
5A.	Secretary, High Court Legal Services Committee	Chairman, High Court Legal Services Committee	Chief Justice	Chief Justice
6.	District Judges, Judges of Family Courts, Special Judges (Atrocities)	Portfolio Judge of concerned District	Chief Justice	Chief Justice

1. Inserted by Notification No. 8585/Rules/2017 dated the 7th October, 2017, published in C.G. Rajpatra Part I dated 3-11-2017 Pages 1738-1739.
 2. Inserted by Notification No. 955/Rules/2018 dated the 30th January, 2018, published in C.G. Rajpatra (Asadharan) dated 2-2-2018 Page 85.

S.No.	Officer	Reporting Authority	Reviewing Authority	Accepting Authority
7.	Judicial Officers sub-ordinate to District Judge of concerned District	District Judge	Portfolio Judge of concerned District	Chief Justice
8.	Judicial Officers posted at Governor House	Chief Secretary on the basis of report of Secretary to Hon'ble the Governor	Portfolio Judge of Distt. Raipur	Chief Justice
9.	Judicial Officers posted in Lok Aayog	Pramukh Lok Aayukt	Chief Justice	Chief Justice
10.	Principal Secretary of Law and Legislative Department, Govt. of C.G.	Chief Secretary of the State	Portfolio Judge of Distt. Raipur	Chief Justice
11.	Other Judicial Officers posted in Law Department, State of C.G.	Principal Secretary of Law Department	Portfolio Judge of Distt. Raipur	Chief Justice
12.	Judicial Officers posted on deputation in District Consumer Forum	Chairman of State Consumer Disputes Redressal Commission	Portfolio Judge of concerned District	Chief Justice
13.	Judicial Officers posted on deputation in State Human Right Commission	Chairman of State Human Rights Commission	Chief Justice	Chief Justice
14.	Judicial Officers posted on deputation in State Arbitration Tribunal	Chairman of C.G. State Arbitration Tribunal	Portfolio Judge of Distt. Raipur	Chief Justice
15.	Judicial Officers posted in State Transport Appellate Tribunal	Principal Secretary of Transport Department	Portfolio Judge of Distt. Raipur	Chief Justice
16.	Judicial Officers posted in Wakf Board	Principal Secretary Tribal Department	Portfolio Judge of Distt. Raipur	Chief Justice
17.	Judicial Officers posted on deputation with District Legal Services Authority and Jan Upyogi Lok Adalat	Chairman of District Legal Services Authority/District Judge of concerned District	Executive Chairman of State Legal Services Authority	Chief Justice
18.	Other Judicial Officers not falling within the category of S.No.1 to 16 above	As directed by the Chief Justice	Chief Justice	Chief Justice

FORM-A
HIGH COURT OF CHHATTISGARH, BILASPUR



**PROFORMA RELATING TO
CONFIDENTIAL REPORT OF JUDICIAL OFFICERS**

NAME OF OFFICER.....

DESIGNATION

PRESENT PLACE OF POSTING SINCE WHEN

REPORT FOR THE YEAR/PERIOD ENDING

CONFIDENTIAL REPORT FOR JUDICIAL OFFICERS

Report for the year/period ending.....

PART-I

PERSONAL DATA

(To be filled by the concerned officer)

1. Name of Officer
2. Cadre and year of allotment
3. Date of Birth
4. Date of continuous appointment to Date Grade
present grade
5. Present post and date of appointment Date Post
thereto
6. Period of absence from duty
*(On leave, training, etc. during the year.
If he has undergone training, please
specify)*
7. Date of filing annual property returns

PART-II

TO BE FILLED BY THE OFFICERS REPORTED UPON

(Please read carefully the instructions given at the end of the form before filling the entries)

1. Brief description of duties
2. Please specify the quantitative work/disposal done by the Officer during the year
3. Please state briefly your achievements with reference to targets/objectives referred to in column no. 2. Please also indicate significantly higher achievements in relation to the targets and your contribution thereto.
4. Please state briefly the shortfalls with reference to the targets/objectives referred to in column no. 2. Please specify the constraints, if any, in achieving the targets.
5. Kind of cases assigned to you.
6. If you are Officer Incharge Nazarat/Copying/Record Room/Library, please indicate the performance of the work of respective sections. If it is not satisfactory, what steps you have taken to improve the performance.
7. Performance in implementation of Legal Aid Programme and Lok Adalat.
8. Supervision control and maintaining of the record of the Court and updating datas.

PART-III

TO BE FILLED BY THE REPORTING AUTHORITY

(Please read carefully the instructions given at the end of the form before filling the entries)

A. NATURE AND QUALITY OF WORK

1. Please comment on Part-II as filled out by the Officer and specifically state whether you agree with the answer relating to targets and achievements and shortfalls. Also specify constraints, if any, in achieving the targets.
2. Quality of output—
Please comment on the Officers quality of performance having regard to standard of work and constraints, if any.
3. Knowledge of sphere of work—
Please comment specifically on each of these: Level of knowledge of functions, related instructions and their application.

B. ATTRIBUTES

1. Leadership qualities—

Please comment on the capacity of Officer to achieve targets.

2. Management qualities—

Please comment on the officer's willingness to assume responsibility, organizing capacity, ability to motivate, ability to provide timely and proper guidance and regard for training and development of subordinates.

3. Interpersonal relations and team work—

Please comment on the quality of relationship with superiors, colleagues and subordinates on his/her capacity to work as member of a team and promote team spirit and optimise the output of the team.

4. Relations with the Bar and Staff—

Please comment on the Officer's accessibility to the Bar and Staff and responsiveness to their needs.

5. Communication skill(written and oral)—

Please comment on the ability of the officer to communicate and on his/her ability to present arguments.

6. Apprising ability—

Please comment on the officers skill and capacity in evaluating and recording performance of subordinates in an impartial and objective manner.

7. Computer efficiency/knowledge of computer]

PART-IV
TO BE FILLED IN BY THE REPORTING AUTHORITY
GENERAL

1. State of health—

2. Integrity—

3. Number and nature of complaint received, pendency of enquiry and departmental enquiry and punishment given to the officer

4. General assessment—

Please give an overall assessment of the Officer with reference to his/her strength and shortcomings and also by drawing attention to the qualities, if any, not covered by the entries above.

1. Inserted by Notification No. 955/Rules/2018 dated the 30th January, 2018, published in C.G. Rajpatra (Asadharan) dated 2-2-2018 Page 85.

5. Grading—

(Outstanding/Very good/Good/Average/Below Average)

(An officer should not be graded outstanding unless exceptional qualities and performance have been noticed. Grounds for giving such a grading should be clearly brought out).

Place :

Date :

Signature

(Name in block letters)

Designation

(During the period of report)

PART-V

REMARKS OF THE REVIEWING AUTHORITY

1. Length of service under the Reviewing Authority.
2. Is the Reviewing Authority satisfied that the Reporting Authority has made his/her report with due care and attention and after taking into account all the relevant material?
3. Do you agree with the assessment of the Officer given by the Reporting Authority (in case of disagreement, please specify the reasons, is there anything with to modify or add?)
4. General remarks with specific comments about the general remarks given by the Reporting Authority and remarks about meritorious work of the Officer including the grading.
5. Has the Officer any special characteristics, and/or any exceptional merits or abilities which would justify his/her selection for special assignment or out of turn promotion? If so, specify.

Place:

Date:

Signature of the Reviewing Authority

(Name in block letters)

Designation

(During the period of report)

PART-VI
REMARKS OF THE ACCEPTING AUTHORITY

Place:
Date:

Signature of the Accepting Authority
(Name in block letters)

Designation
(During the period of report)

By order of Hon'ble the High Court

Sd/-
(Arvind Singh Chandel)
Registrar General,
High Court of Chhattisgarh,
Bilaspur

The Chhattisgarh Inspection of Subordinate Courts (by the Portfolio Judge) Rules, 2015

Notification No. 1121/R.V./ dated the 5th February, 2015.—In exercise of the powers vested under Section 23 of the C.G. Civil Courts Act, 1958 and all other enabling powers in this behalf, the High Court of Chhattisgarh makes the following rules for inspection of Subordinate Courts by the Portfolio Judge, in the State of Chhattisgarh :—

1. Title.—These rules may be called “**The Chhattisgarh Inspection of Subordinate Courts (by the Portfolio Judge) Rules, 2015**”.

2. Commencement.—It shall come into force from the date of its notification.

3. Definitions.—In these rules, unless the context otherwise requires :—

- I. 'High Court' means the High Court of Chhattisgarh.
- II. 'Chief Justice' means the Chief Justice of High Court of Chhattisgarh.
- III. 'Portfolio Judge' means the Portfolio Judge designated by the Chief Justice for a particular Civil and Sessions division.
- IV. 'Registrar General' means the Registrar General High Court of Chhattisgarh.
- V. 'Registrar (Inspection and Enquiry)' means the Registrar (Inspection and Enquiry) of High Court of Chhattisgarh.
- VI. 'District and Sessions Judge' means District and Sessions Judge appointed under Rule 5 of C.G. Civil Court Act, 1958 and under Section 9 of the Code of Criminal Procedure, 1973.
- VII. 'Prescribed' means prescribed by these rules.
- VIII. 'Presiding Officer' means the Judicial Officer presiding over a Subordinate Court.
- IX. 'Subordinate Court' means a Court subordinate to the High Court exercising Civil or Criminal Jurisdiction.
- X. 'Proforma' means proforma A, B, and C prescribed under these rules.

4. Schedule of Inspection.—

- (a) Inspection of Subordinate Courts shall be the subject of Inspection branch of the High Court Registry [which shall be under the control of Registrar (Inspection & Enquiry)] however if required,

some floating staff may be taken from other branches by order of the Hon'ble the Chief Justice from time to time.

- (b) Process for inspection shall be initiated by the Inspection Branch after obtaining orders from the Portfolio Judge concerned.
- (c) Tentative schedule of inspection shall be drawn and submitted by the inspection branch before Portfolio Judge concerned, for approval.
- (d) The schedule of inspection approved by the Portfolio Judge concerned, shall be submitted to the Chief Justice for perusal/approval. It shall thereafter be notified to all concerned well in advance.
- (e) The programme for inspection of Portfolio Judge should be sent at an early date preferably before four weeks from the date of inspection of Portfolio Judge for the purpose of inspection of Subordinate Courts.
- (f) An inspecting team will visit the concerned District for inspection within the period of one week before the visit of Portfolio Judge.
- (g) District and Sessions Judge shall furnish the following statements before two weeks from the date of inspection :—
 1. List of the Judicial Officers working in the concerned Civil District establishment.
 2. Statements of employees (Class-III and Class-IV) who retired since one year from the services.
 3. Whether any matter is pending regarding payments of retiral benefits and number of pending departmental proceedings against the employees with their present status.
 4. History sheet of old cases (5 Civil and 5 Criminal cases) in Proforma-C.
 5. Statement of year wise pendency and disposal of both civil and criminal cases of the current year.
 6. Work done statement of all the Judicial Officers including District and Sessions Judge/Family Court Judge/Special Judge under SC and ST (Prevention of Atrocities) Act, 1989.
 7. Percentage of recovery of fines in criminal cases.
 8. Percentage of disposal of Civil and Criminal cases of each Court.
 9. Whether the monthly meeting of the Judicial Officers were regularly held to discuss and take steps for disposal of old cases, cases pertaining to senior citizen. The details thereof along with minutes of such meetings.
 10. Statements in respect of copying section, Nazarat, Record Room and Account Section.
- (h) The Portfolio Judge may call for and peruse the service record of the Judicial Officers of the concerned District and records of atleast five disposed of contested Civil and Criminal cases for perusal to have an idea of the capabilities, manner of performing Judicial work and knowledge of the Judicial Officers.

5. Inspection.—

- (a) Ordinarily, every Subordinate Court shall be inspected by the Portfolio Judge once in every year. However, surprise inspection may be carried out at any time.
- (b) On the day of commencement of inspection the cash-in-hand lying in the subordinate Court shall be checked and verified in the first instance.
- (c) Inspection shall be conducted so as to cover all the aspects specified in the Proforma A, B and C. In addition it may include such aspect as specified by the Portfolio Judge in his discretion.

6. Inspection Note.—

- (a) The inspection party shall maintain notes of relevant points noticed during inspection.
- (b) On completion of ground work for inspection, the inspection party shall prepare a draft inspection note, in accordance with the Proforma-A so as to include therein all the points noticed during inspection, for perusal of the Portfolio Judge.
- (c) Before the visit of Portfolio Judge the draft inspection note shall be submitted for perusal by the Registrar (Inspection & Enquiry).

7. Inspection by the Portfolio Judge.—All matters concerning inspection of Subordinate Court shall be within the discretion of the portfolio Judge and shall include inter-alia amongst following others :—

- (a) In order to form an opinion and make observation regarding functioning of Subordinate Court on Judicial and Administrative side and to ascertain problems, if any, the Portfolio Judge may visit the Court and its office and meet the presiding officer, the staff and the bar.
- (b) As far as practicable, procedural defect(s), if any, noticed during inspection shall be pointed out and necessary guidelines or instructions to remove the same shall be issued then and there.

8. Inspection Report.—

- (a) The inspection report shall be prepared by the Portfolio Judge in accordance with the prescribed Proforma-B and shall include the guidelines or instructions, if any, issued during inspection and shall be placed before the Chief Justice for perusal and orders.
- (b) The defects and deficiencies, if any, noticed during inspection, shall be conveyed to the Presiding Officer of the concerned Subordinate Court, for rectification and compliance and if, the Subordinate Court inspected is a Court other than the District and Sessions Judge, also to the District and Sessions Judge of the District for information and necessary action.

9. Procedure for Compliance.—

- (a) On receipt of communication from the High Court under Rule 8(b) above, the Presiding Officer of the Subordinate Court inspected, shall take appropriate step for removal and rectification of the defects and deficiencies and compliance of the guidelines and instructions issued thereunder.
- (b) The compliance report shall be submitted to the Registrar General/Registrar (Inspection & Enquiry) within 30 days from the

receipt of the communication from the High Court and if, the report pertains to the Subordinate Court other than the Court of District and Sessions Judge, it shall be forwarded through the concerned District and Sessions Judge, along with his parawise comments thereon.

- (c) On receipt of the compliance report and the comments, under clause (b), of the above rule, the Registrar General/Registrar (Inspection & Enquiry) shall after scrutiny, cause the same to be placed before the Portfolio Judge for perusal and orders.

10. Interpretation.—If any question arises as to interpretation of these rules, the decision of the High Court shall be final.

11. Amendment.—The High Court may make amendment in these rules as may be deemed necessary.

12. Power to relax.—Where the High Court is satisfied that the operation of any of these rules cause undue hardship in any particular case or class, it may for the reasons to be recorded in writing dispense with or relax the particular rule to such extent and subject to such exception and condition as may be deemed necessary.

13. Residuary Powers.—Nothing contained in these rules shall be deemed to affect the powers of the High Court to make such orders from time to time as it may deem fit in regard to all matters incidental or ancillary to these rules not specifically provided for herein or in regard to matters as have not been provided for or not sufficiently provided for or for removal of any difficulty which may arise in giving effect to any of the provisions of these rules.

14. Savings.—All the relevant Orders/Circulars earlier issued by the High Court of Chhattisgarh for inspection of Subordinate Courts with regard to proceedings made or proceedings held to be taken on, shall be deemed to have been made under the provisions of these Rules.

PROFORMA (A)

PART-I

GENERAL

Sr. No.	Subject	Observation
1.	Whether there is sufficient accommodation for the Court and office? If not, what steps have been taken by District & Sessions Judge.	
2.	Whether books/journals have been provided in accordance with the fixed standards for the residential library and court library, bound and kept safely and cleanly and bears the Accession numbers?	
3.	Whether there is proper sitting arrangement for the Presiding Officer, Staff, Bar Members and Litigant public in the Court building? If not, What steps have been taken by District & Sessions Judge.	
4.	Whether the Court is properly staffed according to the sanctioned strength? In case any post(s) is/are lying vacant so what steps have been taken by District & Sessions Judge.	

Sr. No.	Subject	Observation
5.	Whether the Members of the Staff are punctual in attending office in the Court?	
6.	Whether the ratio of disposal commensurate with the institutions?	
7.	Whether there is any complaint on behalf of the witness returned without/examination after making him/them to wait till late hours in the day? action taken thereon?	
8.	Whether proper accounts of Civil Deposit, Diet Money, Office expenses and other funds are being prepared and cash book properly maintained ? Whether the accounts tally with the last balance?	

**PART-II
CIVIL**

9. Whether the files and Register(s) pertaining to Civil Cases are maintained properly, and the entries made in the relevant columns of the Register?
10. Whether decree sheets are being prepared promptly and drawn in accordance with the rules?

**PART-III
CRIMINAL**

11. Whether the fine imposed are being realised and deposited in the treasury on the same day or next day?
12. What steps are being taken in case of defaults in payment of fine where no alternative punishment is awarded?

**PART-IV
COPYING AGENCY**

13. Whether the petitions/plaints/memos/applications are properly stamped and the stamps are cancelled and punches as per the rules? The time taken in supply of copies. Whether the copies of Judgment/Orders are being supplied within prescribed period.
14. Number of pending applications.
15. Accounts Checking, whether found in excess of the permissible amount.
16. Stock of Court Fees Stamp.

**PART-V
NAZARAT**

17. Whether the Nazir/Naib Nazir/Sale Amin is an experienced hand, has deposited the security in the treasury?

Sr. No.	Subject	Observation
18.	Whether the work amongst Bailiffs and process-servers is properly distributed?	
19.	Whether the Process Servers and Bailiffs are detained for any Official duty other than his normal duty. Whether diet money for disbursement to the witnesses on the spot is being given to them and are being so disbursed.	
20.	Whether precepts from other Districts are being disposed of promptly.	
21.	Whether the Civil deposit accounts reconcile with the Treasury and certificate of Treasury Officer are being obtained regularly as per rules?	

PART-VI
MALKHANA

- 22. Whether sufficient place is available for keeping the properties?
- 23. Whether the received properties are being arranged and maintained properly?
- 24. Whether the disposal of the received properties are being done properly?
- 25. How many properties have been disposed of within a year? (from 01 April to 31 March of the financial year)
- 26. Whether the orders of Courts are being complied with timely regarding disposed of properties?

PART-VII
CONSIGNMENT OF FILES

- 27. Whether there are racks, cupboards for safe keeping of the files/records provided in record room ?
- 28. Whether the decided files are being consigned to the record room within time and name as per our rule bearing R.R. (Record Room) numbers are kept in a separates file after duly entering such numbers in the relevant Register ?
- 29. Whether there are arrears of decided files for consignment ? If yes, name of the Court and Presiding Officer.
- 30. Whether requisitions received in Record Room are being attended to promptly?
- 31. Whether Register(s) are being maintained in the courts/Nazarat/Malkhana/Copying/Library?

PROFORMA (B)

**THE INSPECTION NOTE OF THE INSPECTION OF THE
SUBORDINATE COURT CONDUCTED BY THE PORTFOLIO JUDGE**

1. Name of the Portfolio Judge
2. Name and designation of the Presiding Officer of the Court Inspected
3. Number of Judicial Officers posted in the District
4. Date of inspection
5. Date of last inspection

**PART-I
GENERAL**

Sr. No.	Subject	Observation
1.	Whether there is sufficient accommodation for the Court and office? If not, steps taken for acquiring land or construction of building. Directions/suggestion of the Hon'ble Judge, if any.	
2.	Whether books/journals have been provided in accordance with the fixed standards for the residential library and court library, bout and kept safely and cleanly and bears the Accession numbers?	
3.	Whether there is proper sitting arrangement for the Presiding Officer, Staff, Bar Members and Litigant public in the Court building? Orders/directions/suggestions, if any,	
4.	Whether the Court is properly staffed according to the sanctioned strength? In case any post (s) is/are lying vacant, verify the steps taken to fill-up the same and passed orders/directions.	
5.	Whether the Presiding Officer and the Members of the Staff are punctual in attending office in the Court?	
6.	Whether the ratio of disposal commensurate with the institutions?	
7.	Whether there is any complaint on behalf of the witness returned without/examination after making him/them to wait till late hours in the day? action taken thereon?	
8.	Whether proper accounts of Civil Deposit, Diet Money, Office expenses and other funds are being prepared and cash book properly maintained ? Whether the accounts tally with the last balance?	

Sr. No.	Subject	Observation
PART-II		
CIVIL		
9.	Whether the files and Register(s) pertaining to Civil Cases are maintained properly, and the entries made in the relevant columns of the Register?	
10.	Whether decree sheets are being prepared promptly and drawn in accordance with the rules?	
11.	Whether the Presiding Officer shows interest in curbing unnecessary adjournments and follow the procedure with regard to restoration of cases dismissed in default?	
12.	Whether the old cases are being disposed of on priority basis?	
13.	Opinion on critical examination of two Civil Judgments.	
PART-III		
CRIMINAL		
14.	Whether the fine imposed are being realised and deposited in the treasury on the same day or next day?	
15.	What steps are being taken in case of defaults in payment of fine where no alternative punishment is awarded?	
16.	Whether the Presiding Officer has been Vigilant in disposal of oldest Criminal cases, disposal of bail application and supply of copies of order(s) free of cost where-ever required by law?	
17.	Whether witnesses are promptly examined or adjournments granted without examining witnesses who are present?	
18.	Any other material fact, discrepancy or complaint coming to the notice of the Hon'ble Judge during inspection.	
PART-IV		
COPYING AGENCY		
19.	Whether the petitions/ plaints/ memos /applications are properly stamped and the stamps are cancelled and punches as per the rules? The time taken in supply of copies. Whether the copies of Judgment/Orders are being supplied within prescribed period.	
20.	Number of pending applications.	

Sr. No.	Subject	Observation
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PART-V

NAZARAT

21. Whether the Nazir/Naib Nazir/Sale Amin is an experienced hand, has deposited the security in the treasury?
22. Whether the work amongst Bailiffs and process-servers is properly distributed?
23. Whether the Process Servers and Bailiffs are detained for any Official duty other than his normal duty. Whether diet money for disbursement to the witnesses on the spot is being given to them and are being so disbursed.
24. Whether precepts from other Districts are being disposed of promptly.
25. Whether the Civil deposit accounts reconcile with the Treasury and certificate of Treasury Officer are being obtained regularly as per rules?
26. Any other material fact, discrepancy etc, or complaint coming to the notice of the Hon'ble to the notice of the Hon'ble Judge, during inspection.

PART-VI

CONSIGNMENT OF FILES

27. Whether there are racks, cupboards for safe keeping of the files/records provided in record room ?
28. Whether the decided files are being consignment to the record room within time and name as per our rule bearing R.R. (Record Room) numbers are kept in a separate file after duly entering such numbers in the relevant Register ?
29. Whether there are arrears of decided files for consignment ? If so, reasons for the same and directions/suggestions thereon. If yes, name of the Court and Presiding Officer.
30. Whether requisitions received in Record Room are being attended to promptly?
31. Whether Register(s) are being maintained in the Courts/Nazarat/Malkhana /Copying/Library?

PROFORMA (C)
HISTORY SHEET OF OLD CASES

The Court of

Case No.

1. Date of Institution
2. Date of Admission/Registration
3. Date of appearance of defendants/respondents/accused person/opposite party
4. Date of filing written statement/rejoinder supply of police paper to accused and commitment
5. Date of framing issues/charge
6. First date of hearing before Presiding Officers
7. Period of pendency with progress made before each Presiding Officer

By order of Hon'ble the High Court

Sd/-
(Arvind Singh Chandel)
Registrar (Vigilance) and Registrar
(Inspection & Enquiry)-cum-Secretary,
Rule Making Committee

The Chhattisgarh Mediation Rules, 2015

Notification No. 3746/Rules/2016 dated the 5th May, 2016.—In exercise of the rule making power under Chapter X of the **Code of Civil Procedure, 1908 (5 of 1908)** and clause (d) of sub-section (2) of Section 89 of the said Code, and in supersession of previous rules made, published and promulgated on this subject, the High Court of Chhattisgarh hereby makes the following Rules, which shall come into force from the date of its notification :—

CHHATTISGARH MEDIATION RULES, 2015

1. Title.—These Rules shall be called the **Chhattisgarh Mediation Rules, 2015.**

2. Function of the Mediation Centre.—(1) To maintain a panel of trained Mediators sufficient in number to meet the requirement of work referred to the Mediation Centre.

(2) On receipt of the matter by way of referral for mediation, the Co-ordinator of the Mediation Centre may assign the matter to any mediator who is best suited to deal with the matter from the panel of mediators maintained by the Mediation Centre.

(3) The Mediation shall not be limited only to the issues in the referred dispute and the Mediator may take into account the disputes between the parties to a case which are not the subject of the pending litigation, and may resolve all disputes between the parties.

(4) During the mediation, counsel for the parties may also participate in the mediation process.

(5) In appropriate cases, the Mediation Centre may invite any person/ persons, other than those who are involved in the pending litigation to join the Mediation for the purpose of finding comprehensive and complete solutions including an expert pertaining to any field.

(6) If any party to the dispute referred to Mediation has any objection to the mediator assigned to it, the said party shall inform the Mediation Centre of the same and thereafter the Co-ordinator, Mediation Centre shall endeavour to appoint a Mediator who may be acceptable to all the parties.

3. Appointment of Mediator.—

- (a) In a Court annexed mediation, the co-ordinator of the mediation centre shall appoint the mediator as he may deem fit.
- (b) In exceptional cases, the Court may also appoint a mediator who is not necessarily from the panel of Mediators referred to in Rule 4 nor bear the qualifications referred to in Rule 5 but should not be person who suffers from the disqualifications referred to in rule 6.

4. Panel of Mediators.—

- (a) The High Court shall empanel only those persons as mediators who have necessary qualifications as indicated in Rule 5 and a list

of such mediators empanelled with the mediation centre should be prepared.

- (b) The District Court shall also prepare a panel of qualified Mediators with the approval of the High Court Mediation Committee.

All the mediators as appointed under clause (a) and Clause (b) shall normally be on the panel for a period of 3 years from the date of appointment and further extension of their tenure shall be at the discretion of High Court Mediation Committee.

5. Qualifications of persons to be empanelled under Rule 3.—

- (a) The following persons are eligible for training as Mediators :
 - (i) Retired Judges of the Supreme Court of India,
 - (ii) Retired Judges of the High Court;
 - (iii) Retired District and Sessions Judges or retired Judges of the City Civil Court or Courts of equivalent status.
- (b) Judicial Officers or legal practitioners with atleast 10 years standing at the bar at the level of the Supreme Court or the High Court on the District Courts of equivalent status;
- (c) Experts or other professionals with the least fifteen years standing; or retired senior bureaucrats or retired senior executives;

6. Disqualification of persons.—The following persons shall be deemed to be disqualified for being empanelled as mediators :

- (a) any person who has been adjudged as insolvent or persons
 - (i) against whom criminal charges involving moral turpitude are framed by a criminal court and are pending; or
 - (ii) persons who have been convicted by a criminal court for any offence involving moral turpitude.
- (b) any person against whom disciplinary proceedings have been initiated by the appropriate disciplinary authority which are pending or have resulted in a punishment.
- (c) any person who is interested or connected with the subject matter of dispute(s) or is related to any one of the parties or to those who represent them, unless such objection is waived by all the parties in writing.
- (d) Any legal practitioner who has or is appearing for any of the parties in the suit or in other proceedings(s).

7. Addition to or deletion from panel.—There shall be periodical assessment of the performance of the mediators. The High Court or the District and Sessions Judge with prior approval of the High Court Mediation Committee, may in its/his discretion, from time to time, add or delete any person in the panel of mediators.

8. Preference.—The Coordinator shall, while nominating any person from the panel of mediators referred to in Rule 3, consider his suitability for resolving the dispute(s) involved and shall give preference to those who have proven record of successful mediation or who have special qualification or experience in mediation.

Nomination to a mediation proceeding shall not be perceived as a right by mediator. Such nomination shall be at the discretion of the Coordinator of the Mediation Centre.

9. Duty of mediator to disclose certain facts.—

- (a) When a person is approached in connection with his proposed appointment as mediator, he shall disclose any circumstance likely to give rise to a reasonable doubt as to his independence or impartiality.
- (b) Every Mediator shall from the time of his appointment and throughout continuance of the mediation proceedings, without delay, disclose to the parties, about the existence of any circumstance referred to in Clause (a).

10. Withdrawal of appointment.—Upon information furnished by the mediator under rule 9 or upon any other information received from the parties or other persons, if the Court, in which the suit or proceeding is pending or the coordinator of the Mediation Centre, is satisfied, that the said information has raised a reasonable doubt as to the mediator's independence or impartiality, it/he may withdraw the appointment and replace him by another mediator.

11. Mediation process.—

- (a) All civil and criminal compoundable matters may be referred to mediation during the course of litigation, by the Court.
- (b) The mediation process will comprise of reference as well as the steps taken by the mediator to facilitate the settlement of a referred matter by following the structure usually followed, including but not limited to introduction and opening statement, joint session, separate session(s) and closing.
- (c) Failure to arrive at a settlement would not preclude the Court from making fresh reference of the matter for mediation.
- (d) In case of failure of resolution of the referred dispute, the Mediator shall inform the Mediation Centre, by a report and the Coordinator of the Mediation Centre shall inform regarding the same to the Court.

12. Mediator not bound by Indian Evidence Act, 1872 or Code of Civil Procedure, 1908.—The mediator shall not be bound by the Code of Civil Procedure, 1908 or the Indian Evidence Act, 1872, but shall be guided by the principles of fairness and justice, having regard to the rights and obligations of the parties, usages of trade, if any, and the circumstances of the dispute(s).

13. Representation of parties.—The parties shall ordinarily be present personally or through constituted attorney at the sessions notified by the Mediator. They may also be represented by a counsel with permission of the mediator in such sessions.

14. Consequences of non-attendance of parties at sessions on due dates.—If a party fails to attend a session notified by the mediator on account of deliberate or wilful act, the other party or the mediator can apply to the Court in which the suit or proceeding is pending, in that case Court may issue the appropriate directions having regard to the facts and circumstances of the case.

15. Administrative assistance.—In order to facilitate the conduct of mediation proceedings, the parties, or the mediator with the consent of the parties, may arrange for administrative assistance by a suitable institution or person.

16. Role of Mediator.—The mediators shall attempt to facilitate voluntary resolution of the dispute(s) by the parties. He shall assist them in understanding the problems, identifying the underlying issues, reducing mis-understandings,

generating the options and developing option which are mutually acceptable to both the parties.

17. Parties alone responsible for taking decision.—The parties shall be made to understand that the mediator only facilitates in arriving at a decision to resolve dispute(s) and that he will not and cannot impose any settlement nor does the mediator give any assurance that the mediation will result in a settlement. The mediator shall not impose any decision on the parties.

18. Time limit for completion of mediation.—On the expiry of Ninety days from the date fixed for the first appearance of the parties before the mediator, the mediation shall stand terminated, unless the Court, which referred the matter, either *suo moto*, or upon request by any of the parties, and upon hearing all the parties, is of the view that extension of time is necessary or may be useful; but such extension shall not be beyond a further period of thirty days.

19. Parties to act in good faith.—All the parties shall commit to participate in the proceedings in good faith with the intention to settle the dispute(s), if possible.

20. Confidentiality, disclosure and inadmissibility of information.—(1) When a mediator receives factual, information concerning the dispute from any party, he shall disclose the substance of that information to the other party, so that the other party may have an opportunity to present such explanation as it may consider appropriate :

Provided that, when a party gives information to the mediator subject to a specific condition that it be kept confidential, the mediator shall not disclose the information to the other party.

(2) Receipt or perusal of any document by the mediator or receipt of information orally by the mediator while serving in that capacity, shall be confidential and the mediator shall not be compelled to divulge information regarding the document or record or oral information nor as to what transpired during the mediation.

(3) Parties shall maintain confidentiality in respect of events that transpired during the mediation and shall not rely on or introduce the said information in any proceeding as to :—

- (a) views expressed by a party in the course of the mediation proceeding;
- (b) documents produced during the mediation which were expressly required to be treated as confidential or other notes or drafts or information given by the parties to the mediators.
- (c) proposal made or views expressed by the mediator.
- (d) admission made by a party in the course of mediation proceeding.
- (e) the fact that a party had or had not indicated willingness to accept a proposal.

(4) There shall be no stenographic or audio or video recording of the mediation proceedings.

(5) A mediator may maintain personal record regarding progress of the mediation for his personal use.

21. Privacy.—The mediation sessions shall be conducted in complete privacy; only the concerned parties or their counsels of power of attorney holders can attend, other persons may attend only with the consent of the parties and permission of the mediator.

22. Immunity.—No mediator shall be held liable for anything bona fide done or omitted to be done by him during the mediation proceedings for civil or criminal action nor shall he be summoned by any party to the suit or proceeding to appear in a Court of Law to testify in regard to information received by him or action taken by him or in respect of drafts or records prepared by him or shown to him during the mediation proceedings.

23. Communication between mediator and the Court.—(1) In order to preserve the confidence of parties in the court and the neutrality of the mediator, there should be no communication between the mediator and the Court, except as stated in sub-rules (2) and (3) of this Rule.

(2) If any communication between the mediator and the Court is necessary, it shall be in writing and copies of the same shall be given to the parties or their constituted attorneys or the counsel.

(3) All communication between the mediator and the Court shall be made only by the mediator and in respect of the following matters :

- (a) the failure of a party or parties to attend; or
- (b) the mediator's assessment that the case is not suited for settlement through mediation; or
- (c) settlement of dispute or disputes arrived at between parties.

24. Settlement agreement.—Where an agreement is reached between the parties with regard to all the issues in the suit or proceeding or some of the issues, the same shall be reduced to writing and signed by the parties or their constituted attorney. If any counsel has represented parties, the mediator may obtain his signature also on the settlement agreement.

- (1) The agreement of the parties so signed shall be submitted to the Co-ordinator, Mediation Centre, who shall, with a covering letter signed by him forward the same to the Court in which the suit or proceedings pending.
- (2) Where no agreement is arrived at between the parties or where the mediator is of the view that no settlement is possible, he shall report the same in writing to the Co-ordinator, Mediation Centre, who shall, with a covering letter signed by him forward the same to the Court in which the suit or proceeding is pending.

25. Court to record settlement and pass decree.—On receipt of settlement agreement, if the Court is satisfied that the parties have settled their disputes voluntarily, the Court may pass appropriate order/decrees on the basis of settlement, if the same is not found collusive/illegal/unworkable. However if the settlement disposed of only certain issues arising in the matter, the Court may record settlement in respect of the issues settled in the mediation and may proceed to decide other issue which are not settled.

Settlement between the parties shall be final in respect of the proceedings pending before the Court.

26. Fee of the Mediators.—

- (a) the mediators shall be paid honorarium as under :

S. No.	Nature of Case	Honorarium
1.	On settlement through mediation of a matrimonial	Rs. 3000/- per case [with two or more connected]

S. No.	Nature of Case	Honorarium
	case [including criminal], custody, guardianship, probate, partition and possession.	cases, the maximum would be Rs. 4000/-]
2.	All other matters.	Rs. 2000/- per case [with two or more connected cases, the maximum would be Rs. 3000/-]
3.	Connected case	Rs. 500/- per case subject to a maximum of Rs. 1000/- [regardless of the number of connected cases]
4.	In case of no settlement	No honorarium.

It is subject to revision from time to time as deemed fit by the Hon'ble Chairman and Members of MCPC/Committee for Monitoring the Mediation Centres of this High Court.

- (b) However, in exceptional cases the Court may fix consolidated amount as fee of the Court nominated mediator/mediators.
- (c) Each party shall bear the cost for production of their witnesses and experts, as also for production of documents.

27. Ethics and code of conduct for mediator.—The Mediator shall follow and observe these Rules strictly and with due diligence—

- (1) Not indulge in conduct unbecoming of a mediator.
- (2) Uphold the integrity and fairness of the mediation process.
- (3) Ensure that the parties involved in the mediation are fairly informed and have an adequate understanding of the procedural aspects of the mediation process.
- (4) While communicating with the parties avoid any impropriety or appearance of impropriety.
- (5) The mediator must avoid mediating in cases where they have direct personal, professional or financial interest in the outcome of the dispute. If the mediator has any indirect interest, he is bound to disclose to the parties such indirect interest at the earliest opportunity and he shall not mediate in the case unless the parties specially agree to accept him as mediator, despite such indirect interest.
- (6) Where the mediator is an advocate, he shall not appear for any of the parties in respect of the dispute which he had mediated.
- (7) Mediators have a duty to know the limits of their competence and ability in order to avoid taking on assignments which they are not equipped to handle.
- (8) Mediators have a duty to remain neutral throughout the mediation.
- (9) Mediators must respect the voluntary nature of mediator and must recognize the right of the parties to withdraw from the mediation at any stage.

- (10) Mediation being confidential in nature, a mediator shall be faithful to the confidentiality reposed in him.
- (11) Mediator has a duty to encourage the parties to make their own decision both individually and collectively about the resolution of the Dispute, rather than imposing his own ideas on the parties. Self determination is the essence of the mediation process.
- (12) Settlement of dispute must be based on informed consent.
- (13) Conduct all proceeding relating to the resolution of dispute in accordance with the law.
- (14) Mediator must refrain from promises or guarantee of results.

28. Consequences of breach of Rule 27.—It shall be open to the Coordinator to take such action with the approval of the High Court Mediation Committee as may be appropriate if the mediator violates any code of conduct expressed in Rule 27 or behaves in a manner not expected of him as a Mediator".

By order of Hon'ble the High Court

sd/-
(Arvind Singh Chandel)
Registrar General

SCHEME FOR TRAINING UNDER MEDIATION AND CONCILIATION PROJECT COMMITTEE

The Supreme Court of India has constituted Mediation and Conciliation Project Committee (MCPC) to oversee the effective implementation of Mediation and Conciliation in the Country. The Mediation and Conciliation Project Committee (MCPC) was constituted by the then Chief Justice of India Hon'ble Mr. Justice R.C. Lahoti by order dated 9th April, 2005. Hon'ble Mr. Justice N. Santosh Hegde was its first Chairman. It consisted of other Judges of the Supreme Court and High Court, Senior Advocates and Member Secretary of NALSA.

1. COMPOSITION

At present the constitution of MCPC is as under :

1. Hon'ble Mr. Justice J.S. Khehar	Chairman
2. Hon'ble Mr. Justice Madan B. Lokur	Member
3. Hon'ble P.P. Rao, Senior Advocate	Member
4. Ms. Asha Menon, Member Secretary NALSA	Member
5. Ms. Nisha Saxena	Member-Secretary

2. ELIGIBILITY FOR TRAINING

The following persons are eligible for training as Mediators :

- (a) (i) Retired Judges of the Supreme Court of India,
- (ii) Retired Judges of the High Court;
- (iii) Retired District and Sessions Judges or retired Judges of the City Civil Court or Courts of equivalent status.

- (b) Judicial Officers or legal practitioners with atleast 10 years standing at the bar at the level of the Supreme Court or the High Court on the District Courts of equivalent status;
- (c) Experts or other professionals with the last fifteen years standing; or retired senior bureaucrats or retired senior executives;

3. TRAINING OF MEDIATORS

The Mediators are trained as per the curriculum approved by the MCPC contained in the manual known as Mediation Training Manual of India. The Mediation Training Manual was prepared under the guidance of Hon'ble Mr. Justice Cyriac Joseph, former member, MCPC and Chairman, Sub-Committee. Any person to be trained as a Mediator has to undergo compulsory 40 hours mediation training imparted by trainers of MCPC as per the curriculum laid down in Mediation Training Manual. Mediation Training Manual of India can be downloaded from the Supreme Court of India website-sci.ni.in.

4. ACCREDITATION

A person must have undergone 40 hours of mediation training programme under the aegis of MCPC as per curriculum approved by MCPC from the trainers of Mediation and Conciliation Project Committee. After having undergone 40 hours training only those mediators who have completed atleast 10 successful mediation resulting in settlement atleast 20 mediation in all, are eligible to be accredited as qualified mediator.

The Committee also resolved that the Mediators who have undergone training programme conducted by institution other than MCPC shall not be accredited as Mediator under MCPC.

5. TRAINING OF TRAINERS PROGRAMME

Master trainers of Mediation have devised a 20 hour programme for training of trainers and only those mediators accredited by MCPC who have completed atleast 50 mediations resulting in settlement and atleast 60 mediations in all, are eligible to undergo Training of Trainers (ToT) programme. The training of trainers programme is also followed by advanced training programme to further crystallize the concept of mediation and skill development.

6. HONORARIUM TO MEDIATORS ACCREDITED BY MCPC

S. No.	Nature of case	Honorarium
1.	On settlement through mediation of a matrimonial case [including criminal], custody, guardianship, probate, partition and possession.	Rs. 3000/- per case [with two or more connected cases, the maximum would be Rs. 4000/-]
2.	All other matters.	Rs. 2000/- pr case [with two or more connected cases, the maximum would be Rs. 3000/-]
3.	Connected case	Rs. 500/- per case subject to a maximum of Rs. 1000/- [regardless of the number of connected cases]
4.	In case of no settlement	No honorarium

The scheme of training under MCPC has been devised in such a way so as to ensure uniformity in the curriculum of the Mediation training and also to maintain quality control of mediators throughout the country.

The endeavour of the Mediation and Conciliation Project Committee is to give a boost to the Court annexed mediation and to help mediation in growing not as an alternative Dispute Resolution Mechanism but as another effective mode of dispute resolution.

By order of Hon'ble the High Court

sd/-
(Arvind Singh Chandel)
Registrar General

The Chhattisgarh Family Courts Rules, 2007

Notification No. 9338/D-4104/XXI-B/C.G./07 dated the 30th October, 2007*.—In exercise of the powers conferred by Section 23 of the **Family Courts Act, 1984 (No. 66 of 1984)**, the State Government of Chhattisgarh after consultation with the High Court of Chhattisgarh makes following rules, namely :—

Rules

1. Short title, extent and commencement.—

- (i) These rules may be called “The Chhattisgarh Family Courts Rules, 2007”.
- (ii) They shall extend to whole of the State of Chhattisgarh.
- (iii) They shall come into force with effect from the date of publication in the “Chhattisgarh Gazette”.

2. Definitions.—In these rules unless the context otherwise requires :—

- (a) “Act” means the Family Court Act, 1984 (No. 66 of 1984);
- (b) “Family Court” means the Court established under Section 3 of the said Act;
- (c) “Government” means the Government of Chhattisgarh;
- (d) “High court” means the High Court of Chhattisgarh;
- (e) “Judge” means the Judge appointed under sub-section (1) of Section 4 of the Act and includes a Principal Judge or Additional Principal Judge of the Family Court;
- (f) All other words and expressions not defined in these rules shall have the same meaning as assigned to them in the said Act.

3. Service Conditions of the Judge of Family Court.—(1) The term of the office of the Judge of Family Court shall be the term for which he is recommended for appointment by High Court or till his retirement from service under the relevant service rules, whichever is earlier.

(2) The Judge of a Family Court shall be under the administrative and disciplinary control of the High Court.

(3) A Judge of a Family Court shall be entitled to pay and allowances including travelling allowances, dearness allowance as admissible to a District Judge, who is drawing Super Time pay scale.

(4) A serving member of the Chhattisgarh Judicial Service appointed as a Judge or Principal Judge or Additional Principal Judge of a Court being superannuated on attaining the age of superannuation during his tenure as such

* Published in C.G. Rajpatra (Asadharan) dated 31-10-2007 Pages 618(3-6).

Judge shall receive pay and allowances which he last drawn minus pension, if any.

4. Association of Social Welfare Agencies.—(1) Every Principal Judge of the Family Court shall for the association with it, in consultation with the High Court and State Government maintain in respect of its area a register or registers and records therein the name of :—

- (i) institutions and organizations engaged in Social Welfare, Family, Matrimonial and allied matters and the representatives thereof;
- (ii) persons professionally engaged in promoting the welfare of families; and
- (iii) persons working in the field of social welfare.

(2) Subject to sub-rule (1), the Principal Judge of the Family Court may record such names after obtaining the written consent of the institution, organization or person, as the case may be, on its own motion or on its/his application.

5. Counselling Centre.—(1) There shall be a Counselling Centre attached to the Family Court to be known as Family Court Counselling Centre.

(2) The Counselling Centre shall be located in the Family Court premises or at such other places as the High Court may direct.

6. Appointment of Counsellors.—The Counsellors shall be appointed by the State Government from the Panel of Counsellors prepared by the Principal Judge of the Family Court and approved by the High Court:

Provided that no Counsellor shall continue after he attains the age of 65 years.

7. Number of Counsellors.—(1) The number and categories of Counsellor in each Counselling Centre shall be such as may be determined by the Government in consultation with the High Court from time to time.

(2) Where more than one Counsellors are appointed in Counselling Centre, one of them may be designated as Principal Counsellor by the High Court.

8. Qualification for Counsellor.—(1) Any person having a degree of a recognized University preferably with Social Science or Psychology as one of the subjects, ¹[and minimum experience] of two years in social work, child psychiatry or family Counselling shall be eligible for appointment as a Counsellor :

Provided that the minimum academic qualification/minimum experience may be relaxed in exceptional circumstances by the State Government in consultation with the High Court.

Provided that preference may be given to women having equal requisite qualifications :

Provided further that a person shall not be eligible for appointment on the post of Counsellor unless he has attained the age of 35 years and is below 60 years of age.

(2) A candidate who :—

- (a) has been a judge ; or

1. Substituted by Notification No. 686/162/XXI-B/C.G./15 dated the 22nd January, 2015, published in the C.G. Rajpatra (Asadharan) dated 22-1-2015 Page 141.

(b) has experience of Counselling in family matters shall other things being equal, be given preference in the matter of appointment.

9. Payment of Honorarium/fee to Counsellors.—(1) The Honorarium or fee admissible to persons employed as Counsellors shall be such as may be determined by the State Government from time to time.

(2) The Counsellors shall be entitled to the payment of Honorarium or fee at the minimum rate of Rs. 200/- (Rupees Two hundred) per case per sitting for reconciliation. The number of sittings restricted for each case should not be more than four. In any case, the total Honorarium or fee of a Counsellor shall not exceed Rs. 600/- (Rupees Six hundred) per day.

10. Function of Counsellor.—(1) The Counsellor, entrusted with any petition shall—

- (i) attend the Court as and when required by the Judge of the Family Court;
- (ii) aid and advise the parties regarding settlement of the subject matter of dispute or any other part thereof;
- (iii) help the parties in reconciliation;
- (iv) submit report or interim report, as the case may be fixed by the Court;
- (v) perform such other functions as may be assigned to him by the family court from time to time.

(2) In performing his functions under sub-rule (1) the Counsellor shall be guided by such general or special directions as may be given by the Family Court from time to time.

11. Conditions of service of employees of a Family Court.—(1) The qualifications, procedure for recruitment of a Family Court shall be as of the employees of similar category in the Courts under control of District Judge and the rules relating thereto shall, *mutatis mutandis*, apply.

(2) Principal Judge of the concerned Family Court shall be the appointing authority and also head of the office.

12. Assistance of medical experts, welfare experts.—(1) Where the Family Court decides to secure the services of any expert or other person referred to in Section 12 of the Act, the Court shall indicate the exact point or points on which and the manner in which the service required is to be rendered.

(2) The expert or other person referred to in sub-rule (1) shall render the service and submit its report within such time as may be indicated in the order of the Family Court or within such expended time as may be given by the Court.

(3) The Family Court shall permit the parties to file objections against such report.

(4) The Court shall consider the report in deciding the dispute but shall not be found by it.

13. Travelling and other expenses payable to medical and other experts.—If in the opinion of the Family Court, the assistance of an expert or other person referred to in Section 12 of the Act is necessary, but the party seeking such assistance does not have means to pay his fees and travelling and other expenses, the court may, *suo moto* or on the application of the party, direct the payment of such fees and expenses, out of the revenue of the State as specified below:—

(1)	(2)
(a) If the expert is Government Servant.	Travelling expenses at the rates as admissible to him in the service of the State Government.
(b) If the expert is not a Government Servant	Travelling expenses at the rates as admissible to Class-I Officer of the State Government plus Rs. 500/- (Rupees five hundred) as fees per day.

14. Amicus Curiae—(1) The Family Court shall maintain a panel of legal experts including legal practitioners, willing to be appointed as *amicus curiae*.

(2) Where it appears to the Family Court that the assistance of a legal expert as *amicus curiae* is necessary in the interest of justice, the Court may appoint a legal expert from the said panel.

(3) The *amicus curiae*, appointed under sub-rule (2) may be paid by the Family Court out of revenues of the State, fees and expenses at the rates of Rupees Five Hundred per case or proceedings or as fixed by the Family Court not exceeding Rs. 5000/- (Rupees Five Thousand).

(4) The Family Court may remove the *amicus curiae* at any time, if it deems necessary in the interest of justice.

15. Termination of appointment of Counsellor.—The appointment of a Counsellor may be terminated by the State Government at any time before the expiry of his term on the recommendation of the Judge of the Family Court.

The Chhattisgarh Courts Service of Process by Courier, Fax & Electronic Mail Service (Civil Proceedings) Rules, 2017

Notification No. 11059/3468/21-B/C.G./17 dated the 22nd November, 2017*.—In exercise of the powers conferred by Section 122, 128 and 129 read with rule 9 of Order 5 of the **Code of Civil Procedure, 1908 (5 of 1908)** and all other powers enabling it in this behalf, the High Court of Chhattisgarh, with the prior approval of the State Government, hereby, makes the Chhattisgarh Courts Services of Process by Courier, Fax and Electronic Mail Service (Civil Proceedings) Rules, 2017, the same having been previously published as required by Section 122 of the said Act, namely :—

'Chhattisgarh Courts Service of Process by Courier, Fax and Electronic Mail Service (Civil Proceedings) Rules, 2017'

Rules

CHAPTER-I

General

1. Short title, extent and commencement.—(1) These rules may be called the **Chhattisgarh Courts Services of Processes by Courier, Fax and Electronic Mail Service (Civil Proceedings) Rules, 2017**.

(2) It shall extend to the whole State of Chhattisgarh.

(3) It shall come into force from the date of its publication in the Official Gazette.

2. Application.—These rules shall apply to, all civil proceedings including Suits, Writ Petitions, Applications, Appeals, Revisions or Reviews pending before the High Court of Chhattisgarh or any Sub-ordinate Court or Tribunal in the State of Chhattisgarh.

3. Definitions.—In these rules, unless the context otherwise requires,—

- (a) "Approved Courier" means the Courier on the panel of Approved Couriers;
- (b) "Chief Justice" means the Chief Justice or the Acting Chief Justice of the High Court of Chhattisgarh;
- (c) "Code" means Code of Civil Procedure, 1908 (5 of 1908);

* Published in Chhattisgarh Rajpatra (Asadharan) dated 22-11-2017 Pages 1026(10-19).
(222)

- (d) "Courier" means a proprietorship concern, a firm, a company or a body corporate engaged in the business of delivering postal articles;
- (e) "District Judge" means the District and Sessions Judge of Chhattisgarh;
- (f) "Electronic Mail" is a store and forward method of composing, sending, storing and receiving messages in electronic form via a computer based communication mechanism;
- (g) "Electronic Mail Service" means the summons sent in pre-designed template form by electronic mail, digitally signed by the Presiding Officer of the Court or any other person authorized in this behalf by the High Court or the District Judge, as the case may be;
- (h) "FAX" (a short form of facsimile) is the telephone transmission of scanned-in printed material (text or images) to a telephone number with a printer or any other output device;
- (i) "Court" means all the courts within the State of Chhattisgarh including the High Court of Chhattisgarh and the Tribunals;
- (j) "Postal Article" includes the envelopes, packets, parcels containing summons, notices, documents or other communications of the Court handed over for service to the Approved Courier with the label "COURT SUMMONS SERVICE";
- (k) "Proof of Delivery" means the report submitted by the Approved Courier, in the format prescribed by these Rules of the service of summons/notices or any other communication of the Court and includes the reasons of non-delivery;
- (l) "Recommendation Committee" means the committee constituted by the Chief Justice of the High Court, consisting of Registrar General, one officer of the High Court not below the rank of Joint Registrar and one officer of the Chhattisgarh Higher Judicial Services, for preparing a panel of proposed Approved Couriers;
- (m) "Registrar General" means the Registrar General of the High Court of Chhattisgarh.

CHAPTER-II

Selection of courier and service by courier

4. Procedure for selecting an Approved Courier.—(a) The High Court will invite tenders from the Couriers who desire to be selected as Approved Couriers, on the terms and conditions laid down in these rules and other directions and instructions issued by the High Court, from time to time, within a specified period as given in the notification. The tender will be issued as far as possible in Form 'A' appended with these rules.

(b) The Chief Justice will constitute a 'Recommendation Committee' consisting of :—

- (i) Registrar General, who will head the Committee;
- (ii) One officer not below the rank of a Joint Registrar; and
- (iii) One officer of Chhattisgarh Higher Judicial Services.

(c) The recommendation Committee will prepare a panel of all the proposed Approved Couriers taking into consideration,—

- (i) reputation of the Courier;
 - (ii) past record of the Courier;
 - (iii) structure of the organization of the Courier and its network including the financial capacity and standing;
 - (iv) the experience and capacity of the Courier to provide the desired service;
 - (v) willingness to abide by the terms and conditions as laid down in these rules; and
 - (vi) readiness to fulfill the criterion laid down by the High Court.
- (d) (i) The Recommendation Committee, after preparing the proposed panel will place it before the Chief Justice for consideration and approval of the panel of Approved Couriers. The Chief Justice will examine the entire list of the applicants as well as the proposed panel of Approved Couriers and after examining the same, issue appropriate directions notifying the final panel of selected Approved Couriers.
- (ii) The Registrar General will intimate all the Approved Couriers of their being empanelled.

5. Agreement and Undertaking by a Courier.—The Approved Courier shall enter into an agreement, with such variations and modifications as may be found necessary in Form 'B' and shall also file an undertaking before the Registrar General, stating therein,—

- (a) that the Approved Courier is not a party to any litigation pending before any of the Courts in Chhattisgarh and if it is, make a full and complete disclosure of the same;
- (b) that the Approved Courier will be solely responsible for the safety and security of the documents/goods to be delivered by it;
- (c) that the postal article handed over to the Approved Courier will be handled only by its regular employees having reasonable knowledge of Hindi and English language;
- (d) that the Approved Courier would design its 'proof of delivery' in the format approved by the Registrar General;
- (e) that the Approved Courier would necessarily furnish proof of delivery in case of served processes with legible signatures of the recipient or returned envelope with a proper report in legible handwriting in case of unserved process within a period of 30 days, under acknowledgment from the Courts. In case of refusal by addressee, the name and designation of the person refusing the article or his relationship with the addressee, shall be clearly mentioned on the unserved article; and
- (f) a proof of delivery shall be supported by an affidavit of the person delivering the post.

6. Procedure for removing the Courier from the panel of Approved Couriers.—

- (a) Name of the Courier will be liable to be removed from the panel if,—
 - (i) The Court, which has issued the summons or on whose behalf summons had been issued, finds *prima facie* the



- person employed by the Courier to deliver the postal article entrusted to the courier to have filed a false affidavit or given a false report, as the case may be;
- (ii) it is found that the Courier is not providing the service up to the expectation of the litigants or advocates or the Court;
 - (iii) it is found that the Courier has been rendering deficient service;
 - (iv) it is found that the Courier has made false statement in the application; and
 - (v) it is found that the Courier has done something which may be considered as the sufficient ground to remove the Courier from the panel.
- (b) As soon as it comes to the knowledge of the Registrar General that the Courier has acted in violation of clause (a) above or it has been brought to his knowledge that it has done something which makes the Courier liable to be removed under this Rule, he will make an inquiry in this respect him-self or depute anyone to make inquiry in this respect. If the Registrar General comes to the conclusion that the Courier has done something which makes it liable to be removed from the panel, he will call for an explanation of the Courier as to why it should not be removed. The Registrar General shall place the reply, if any, received from the Courier proposed to be removed along with his recommendation before the Chief Justice.
- (c) The Chief Justice, after going through the recommendations of the Registrar General, reply, if any, submitted by the Courier and on making such further inquiries as the Chief Justice may consider appropriate, may approve the recommendations of the Registrar General for the removal of the Courier from the panel of Approved Couriers or pass such orders or give such directions as the Chief Justice may consider appropriate.
- (d) In case of recommendation of removal of the Courier being approved by the Chief Justice, name of the Courier shall be removed from the panel of Approved Couriers and the Registrar General shall inform the said Courier accordingly.

CHAPTER-III

Service by Fax

7. Parties to provide Fax number, if desire to serve the other party by Fax.—A party desirous of sending the process by Fax shall provide the Fax Number of the other party whom it would like to serve by Fax.

8. Process by Fax to bear the number of pages faxed with process.—The process being sent by Fax will bear the note that the same is being sent by Fax with or without documents. In case the documents are also being sent by Fax, the number of pages being sent shall also be mentioned on the process.

9. Party to bear cost of process to be sent by Fax.—In case a party is permitted to send the process by Fax, such party shall bear the cost of sending the process and the documents, if any, sent along with it. The party sending the process shall submit the receipt of having sent the Fax to the Court without any delay along with an affidavit in support of having sent the process by Fax.

10. Fee for sending process/documents by Fax using Court facility.—Where the process is to be sent with or without the documents by a facility provided by the High Court, the party shall be asked to deposit fee at such rate as may be determined by the High Court for itself and the District Courts.

CHAPTER-IV

Service by Electronic Mail Service

11. Parties to provide electronic mail address, if desire to serve the other party by electronic mail.—A party desirous of sending the process to the other party by Electronic Mail Service shall provide true soft copy of the entire document and electronic mail address of the other party or a party whom it would like to service by Electronic Mail Service. Party shall file an affidavit in Court stating that the electronic mail address of the other party given by him is correct to the best of his knowledge.

12. Digitally signed process to be sent at the given electronic mail address by using pre-designed templates.—The process digitally signed by the Presiding Officer of the Court or any other officer authorized by the High Court or the District Judge in this behalf, as the case may be, will be sent at the given electronic mail address of the other party by using the pre-designed templates, designed in accordance with the formats provided in Appendix B of the Code of Civil Procedure, 1908 (5 of 1908) or in the form as directed by the Court, with the scanned images of the documents. The bouncing of mail shall not constitute valid service.

13. Fee for sending process/documents by Electronic Mail Service to be deposited.—The process would be sent by Electronic Mail Service after the party has deposited the fee at such rate as may be determined by the High Court for itself and the District Courts.

CHAPTER-V

Miscellaneous

14. Summons to witness.—The provisions of these rules shall apply to summons to give evidence or to produce documents or other material objects.

15. Notices or other communication during the proceedings.—The court may direct that a notice or any other communication to any of the parties to the suit or any interlocutory proceeding, before it, may be sent by Courier, Fax or Electronic Mail Service in the manner and in the format may consider appropriate. Such notices or communications sent by the Electronic Mail Service shall be digitally signed by the Court or by any Officer authorized in this behalf.

16. Parties may voluntarily apply to be served by Fax or Electronic Mail Service.—During the trial of the case, any of the party to the suit or interlocutory proceedings, may file an application in writing giving its Fax number or the electronic mail address or both, with the request that it may be served with the notices of the Court or any other communication under the Code at the given Fax number or the designate electronic mail address. Any notice or communication sent at the said number or address will constitute a valid service of such notice or the communication on such party.

17. Saving of the powers of the Court.—Nothing in these rules shall be deemed to limit or otherwise affect the power of the Court relating to service of summons or notices or other communications as given in the Code or any other law for the time being in force.

(Registrar General)



FORM 'A'

[See rule 4(a)]

HIGH COURT OF CHHATTISGARH

LAST DATE OF TENDER :—

No. :

Dated :

**Notice Inviting Tenders
For Courier Services**

Sealed tenders are invited, as per Proforma enclosed herewith, from reputed firms, companies or other Body Corporate in the field of courier services for awarding of contract for Courier Services for delivery of letters, notices/summons, parcels, etc. dispatched from Courts to every nook and corner of the country and outside India.

Preference will be given to the Courier having features such as security, speed, tracking, specialized and individualized service, committed delivery time and large network throughout the country, including remote areas as well as adequate arrangement for service outside India.

Terms and Conditions

1. The tenderer shall be required to furnish details about his present business, permanent address, complete networking in the country and outside India, audited accounts for the past three years, experience in the field of courier services and list of valued/important clients and litigation, if any, pending before any of the Courts in Chhattisgarh in which it is a party, compulsorily as per Annexure 'A'.
2. Two separate sealed envelopes should be used for submitting (i) tender and (ii) earnest money, on each envelope super scribing (a) Tender for Courier Services, and (b) Earnest Money for Courier Services.
3. The tenderers are required to quote their lowest competitive rates for courier services to be provided throughout India and outside India. Separate rates may be quoted for local delivery (within State), in land delivery outside Chhattisgarh and delivery in other countries.
4. The rates quoted by the tenderer for courier services should be valid for a period of one year from the date of acceptance.
5. The tenderers are required to send their tender along with a demand draft of Rs. 20,000 (Rupees twenty thousand only) drawn in favour of the "Registrar General, High Court of Chhattisgarh" as earnest money, which will be refunded to the unsuccessful tenderers on their written request with respect thereto. Name of the firm, telephone number and 'Courier Services' may be written on the reverse side of the demand draft.
6. The successful tenderer shall have to deposit Rs. 40,000/- (Rupees forty thousand only) as Performance Security Deposit within one week from the date of receipt of acceptance letter after adjusting Rs. 20,000 already deposited with the tender as Earnest Money, which will be refunded on successful completion of the contractual period and after two months from the payment of last bill.

7. The number of letters, notices/summons, parcels may decrease/increase depending upon the exigency/requirement and all the letters, notices/ summons/parcels may not necessarily be sent though courier.
8. The Courier will be solely responsible for the safety and security of the documents/goods to be delivered by them.
9. Payment of the work done shall be made on monthly basis after presentation of the bill subject to submitting proof of delivery or returned envelope to this Court.
10. The service provider will have to necessarily furnish proof of delivery in case of served processes with legible signatures of the recipient or return envelope with a proper report in legible handwriting in case of unserved process within a period of 30 days, under acknowledgment from the Courts. In case of refusal by addressee, the name and designation of the person refusing the article or his relationship with the addressee, shall be clearly mentioned on the unserved article.
11. The proof of delivery would be signed by the person who had delivered the post and also counter signed by the responsible officer of the Courier posted at the counter Located in the Court's complex.
12. With every proof of delivery returned after the service of postal article, the responsible officer, appointed to manage its counter in the Court's complex, will file his own affidavit in support of the service of the postal article or its non-delivery, as the case may be, in the format approved by the Registrar General.
13. No charges shall be paid to the service provider if neither proof of delivery nor unserved letter, notice/summon or parcel is returned back to this Court under acknowledgement within stipulated period and/or the delivery was not effected without valid reason within stipulated period.
14. There shall be a penalty of Rs. 25/- upon the courier for each consignment for which neither satisfactory proof of delivery nor returned envelop is provided back to this Court within 30 days from the date of dispatch and the same will be deducted from the bill of current of coming month/security deposit.
15. The courier shall have to collect envelope from and provide proof of delivery/upserve envelopes to Dispatch/Establishment Section of this Court under acknowledgment.
16. The service provider shall necessarily have to accept, for delivery, all the envelopes/letters/parcels, etc. which, in the opinion of the concerned Registrar, High Court of Chhattisgarh, bear adequate address of the consignee. The Registry will deal with the tenderers directly and no middlemen/agent/commission agents, etc. should be asked by the tenderers to represent their cause and they will not be entertained by the Registry.
17. The Registry reserves the right to reject or accept any or all the tenders, wholly or partly, without assigning any reason.

18. Over-writing, over-typing or erasing of the figures are not allowed and shall render the tender invalid if it appears to be doubtful or ambiguous.
19. Even after awarding the said contract, the High Court reserves the right to terminate the same, if the services of the contractor are not found satisfactory, or that instances covered by clause 14 are exceptionally high during any given period, or in case of deficiency of service, and to entrust the work to another contractor, and to recover the entire expenses for tender from the contractor who committed default.
20. The High Court also reserves the right to terminate the contract if it considers so necessary for any administrative reasons. Interested parties may send their sealed tender in two separate sealed envelopes, one for submitting the tender and another containing Earnest Money, on each envelop super scribing (i) Tender for Courier Services and (ii) Earnest Money for Courier Services addressed by name to the undersigned so as to reach on or before.....upto.....p.m. which will be opened at..... p.m. on the same day in Room No.by the Recommendation Committee constituted for the purpose before the tenderers or their authorized representatives who may wish to remain present. The tenders received after due date and/or time and/or without Earnest Money shall not be entertained.

ANNEXURE 'A'

HIGH COURT OF CHHATTISGARH

No.

Dated :

PROFORMA

**TO BE SUBMITTED BY THE TENDERERS WITH REFERENCE TO
NOTICE INVITING TENDER FOR COURIER SERVICES**

1. Name of the Courier Service :
2. Postal Address :
3. Mobile/Phone Number with the Name of the contact person :
4. Permanent Address :
5. Details of litigation, if any, pending before any of the Courts in Chhattisgarh in which it is a party :
6. Name and addresses of all your Establishments/offices in the country and outside India along with telephone numbers, name and contact persons and total number of staff members at each establishment/office :
7. Period from which you have been Running Courier Services :
8. Whether capable to deliver letters, Notices/summons, parcels etc. in far flung/remote areas within and outside India :
9. Minimum and maximum time required for delivery of letters, notices/ summons, parcels, etc. :
10. Quote your competitive rates compulsorily as per below format (excluding service tax and education cess) :

S. No.	Destination	Upto 250 gms.	Upto 500 gms.	Above 500 gms.
1.	Within State of Chhattisgarh			
2.	Madhya Pradesh			
3.	Odisha			
4.	Maharashtra			
5.	Telangana			
6.	Jharkhand			
7.	Rest of India			
8.	Outside India			

SIGNATURE.....
 (with date).....
 Name.....
 Designation.....
 (Rubber stamp of the Company)

FORM 'B'

[See rule 5]

AGREEMENT

This agreement is entered into at.....Chhattisgarh on this the.....day of2017, between M/s.(hereinafter called "The Courier") which expression shall unless excluded by or repugnant to the context, include its successors and assignees of the one part and the Registrar General, High Court of Chhattisgarh, Bodri, Bilaspur (hereinafter called the High Court) which expression shall unless excluded by or repugnant to the context, include its successors and assignees of the other part.

And Whereas pursuant to the abridged publication of a Tender Notice in.....newspaper on.....and on receipt of copy of detailed Tender Notice dated.....by the tenderers inviting tenders for awarding of Contract for Courier Services for delivery of letters, notices, summons, packets, etc. to be dispatched from the Courts to various parts of the country, including remote areas and outside India, the Courier submitted its tender dated.....for providing Courier Services in the High Court. The Courier also submitted duly answered and signed prescribed proforma and rate list of their Courier Services, which shall form part and parcel of this agreement (Annexure-1) (hereinafter collectively referred as "Tender") and shall remain binding on the Courier, in so far as terms and conditions in the tender do not conflict with the terms and conditions set out in this Agreement.

And Whereas the Courier, having been found to be suitable for the job and their rates having been approved is being awarded the contract for Courier Services for delivery of letters, notices, summons, parcels, etc. dispatched from the Courts to various parts of the country, including remote areas and outside India.

And Whereas, parties hereto have agreed to enter into this Agreement for the said job in the manner hereinafter appearing.

Now This Agreement Witnesseth as Follows :

That the Courier shall truly and faithfully undertake and complete the job of courier services for delivery of letters, notices, summons, parcels, etc. dispatched from the High Court/district Courts to various parts of the country including remote areas and outside India.

That the work shall have to be carried out as per tender and directions of the Registrar General, High Court or any other authorized officer from time to time and more particularly described as under :

1. The Courier shall have to deposit Rs. 40,000/- (Rupees forty thousand only) as Performance Security Deposit within one week from the date of receipt of acceptance letter after adjusting Rs. 20,000/- (Rupees twenty thousand only) already deposited with the tender as Earnest Money, which will be refunded on successful completion of the contractual period and after two months from the payment of last bill.
2. The number of letters, notices, summons, parcels may decrease/increase depending upon the exigency/requirement and all the letters/notices/ summons/parcels may not necessarily be sent through courier.
3. The service provider will be solely responsible for the safety and security of the documents/goods to be delivered by them.
4. Payment of the work done shall be made on monthly bill basis after presentation of the bill subject to submitting proof of delivery or returned envelope to the High Court at the following rates and duly certified by the Assistant Registrar/Deputy Registrar (General).

S. No.	Destination	Upto 250 gms.	Upto 500 gms.	Above 500 gms.
1.	Within State of Chhattisgarh			
2.	Madhya Pradesh			
3.	Odisha			
4.	Maharashtra			
5.	Telangana			
6.	Jharkhand			
7.	Rest of India			
8.	Outside India			

5. The Courier will have to necessarily furnish proof of delivery in case of served processes with legible signatures of the recipient or return envelope with a proper in legible handwriting in case of unserved process within a period of 30 days, under acknowledgment from the Courts. In case of refusal by addressee, the name and designation of the person refusing the article or his relationship with the addressee, shall be clearly mentioned on the unserved article.
6. Proof of delivery shall be supported by an affidavit of the person delivering the post.

7. No charges shall be paid to the Courier if neither proof of delivery nor unserved letter, notice, summon or parcel is returned back to the Courts under acknowledgment within stipulated period and/or the delivery was not effected without valid reason within stipulated period.
8. There shall be a penalty of Rs. 25/- upon the Courier for each consignment for which neither satisfactory proof of delivery nor returned envelope is provided back to the Courts within 30 days from the date of dispatch and the same will be deducted from the bill of current or coming month/security deposit.
9. The courier shall collect envelopes from and provide proof of delivery/ unserved envelops to Dispatch/Establishment Section of the High Court under acknowledgment.
10. The courier shall necessarily have to accept for delivery, all the envelopes/letters/parcels, etc. which, in the opinion of the concerned Registrar, High Court of Chhattisgarh, bear adequate address of the consignee. The Registry will deal with the Courier directly and no middlemen/agents/commission agents, etc. shall be asked by the Courier to represent its cause and they will not be entertained by the Registry.
11. The High Court reserves the right to terminate the contract, if the services of the courier are not found satisfactory, or that instances covered by clause 8 are exceptionally high during any given period, or in case of deficiency of service, and to entrust the work to another contractor, and to recover the entire expenses for tender from the contractor who committed default.
12. The High Court also reserves the right to terminate the contract if it considers so necessary for any administrative reasons.
13. The terms and conditions mentioned in the tender notice and the rules framed by the High Court in this regard shall form part and parcel of this agreement.

In Witness Whereof the parties have executed this agreement on the date above written.

WITNESSES :

1. (Signature of first party)
2. (Signature of second party)

ANNEXURE 'X'

Charges for service of process through Fax facility under Rule 10

Local : Rs. 10/- per page

S.T.D. : Rs. 10/- per page + STD charges

Charges for service of process through E-mail facility under Rule 13

Per process : Rs. 10/- X number of persons to whom the process is to be sent

Charges for Scanning of documents for the purpose of service of process through E-mail per page : Rs. 10/-.

The Chhattisgarh High Court Services (Annual Confidential Report) Rules, 2018

Notification No. 18 (Mis.) II-14-18/2018 dated the 21th February, 2018*.—In exercise of the powers conferred under Article 229 of the Constitution of India and in supersession of all other rules/regulations/norms governing writing of the annual confidential report of the officers and staff of the High Court, the Chief Justice of the High Court of Chhattisgarh, Bilaspur, frames the following Rules :

1. Short title and commencement.—(a) These rules shall be called “The Chhattisgarh High Court Services (Annual Confidential Report) Rules, 2018.”

(b) These rules shall come into force with effect from the date of issuance of the notification.

2. Definitions.—In these rules the definitions will be same as are in Chhattisgarh High Court Services (Appointment, Conditions of Service and Conduct) Rules 2017.

3. Application.—These rules shall apply to all the Officers (including Judicial Officers posted in the Registry and in C.S.J.A. on deputation) and staff appointed on the establishment of this High Court before or after the commencement of these rules.

The Reporting Authority, Reviewing Authority and Accepting Authority in respect of the officers and employees of the Registry is mentioned in table-I, II, III, IV and V below :

TABLE-I

Sl. No.	Particulars of the Officers	Reporting Authority	Reviewing Authority	Accepting Authority
(1)	(2)	(3)	(4)	(5)
1.	Registrar General, Registrar (I. & E.)/ Registrar (Vig.)/ Registrar (Computerization)/ Registrar (Judicial)/ Registrar (S&A Cell)/ Registrar (M) of the High Court.	—	—	Hon'ble the Chief Justice (Reporting and Accepting Authority)

* Source : www.highbcourt.cg.gov.in/rule/Notifi_No_18_High_Court_Rules_2018.pdf.

(1)	(2)	(3)	(4)	(5)
2.	Other Judicial Officers posted in the Registry (except those mentioned at Sl. No. 1)	Registrar General	—	Hon'ble the Chief Justice
3.	Class-I Officers posted in the Court of Hon'ble the Chief Justice	—	—	Hon'ble the Chief Justice (Reporting and Accepting Authority)
4.	Class-I Officers posted in the Court of Hon'ble Judges	Hon'ble Judge concerned	—	Hon'ble the Chief Justice
5.	Class-I Officers [other than Judicial Officers and Registrar (M)] posted in the Registry	Registrar General	—	Hon'ble the Chief Justice

TABLE-II

Sl. No.	Particulars of the Officers	Reporting Authority	Reviewing Authority	Accepting Authority
(1)	(2)	(3)	(4)	(5)
1.	Class-II officers (Asstt. Registrar-cum-PS, Private Secretary, posted in the Court of Hon'ble the Chief Justice	—	—	Hon'ble the Chief Justice (Reporting and Accepting Authority)
2.	Class-II officers (Asstt. Registrar-cum-PS, Private Secretary, posted in the Court of Hon'ble Judges	Hon'ble Judge concerned.	—	Hon'ble the Chief Justice
3.	Class-II officers posted as Reader/Asstt. Reader in the Court of Hon'ble the Chief Justice	Registrar/Addl. Registrar (Judicial)	Registrar General	Hon'ble the Chief Justice
4.	Class-II officers posted as Readers/Asstt. Readers in the Court of Hon'ble Judges.	Registrar/Addl. Registrar (Judicial)	Hon'ble Judge concerned	Hon'ble the Chief Justice
5.	Class-II officers posted in the office of Registrar General	Registrar (M)/ Joint Registrar/ Addl. Registrar (M)/Dy. Registrar posted in the O/o Registrar General	—	Registrar General

(1)	(2)	(3)	(4)	(5)
6.	Class-II officers posted in the office of Registry Officers except Registrar General	Concerned Registry Officer	—	Registrar General
7.	Class-II Officers, posted in Judicial Branch	Concerned Jt. Registrar/ Additional Registrar (M)/Deputy Registrar	Registrar (J)/ Addl. Registrar (J)/ other I/C (Judicial Officer), as the case may be.	Registrar General
8.	Class-II Officers posted in Accounts and Budget sections	Budget Officer/ Accounts Officer/ Deputy Registrar (A/c), as the case may be	—	Registrar General
9.	Class-II Officers posted in other sections of Administrative Branch [except Section Officer (Protocol)/ Protocol Officers and Court Officers]	Concerned Jt. Registrar/ Addl. Registrar (M)/Deputy Registrar	Concerned Registrar/ Addl. Registrar	Registrar General
10.	Section Officer (Protocol)/ Protocol Officer/Court Officer	Additional Registrar (A)	Registrar General	Hon'ble the Chief Justice

TABLE-III

Sl. No.	Particulars of the employees	Reporting Authority	Reviewing Authority	Accepting Authority
(1)	(2)	(3)	(4)	(5)
1.	Class III employees including Stenographers posted in the Court of Hon'ble the Chief Justice	PPS/PS to Hon'ble the Chief Justice	Registrar General	Hon'ble the Chief Justice
2.	Class-III employees including Stenographers posted in the Courts of Hon'ble Judges.	PS to Hon'ble Judge	Hon'ble Judge concerned	Hon'ble the Chief Justice

(1)	(2)	(3)	(4)	(5)
3.	Class III employees including Stenographer posted in the O/o Registrar General	Registrar (M)/ Jt. Registrar/ Additional Registrar (M)/ Deputy Registrar/ Assistant Registrar/ Section Officer/ as the case may be	—	Registrar General
4.	Class III employees including Stenographer posted in the services of Registry Officers except Registrar General	The concerned Registry Officer	—	Registrar General
5.	Class-III employees posted in the sections of Judicial Branch	Assistant Registrar/ Section Officer (Under whose direct control the employee concerned is working in the section).	Registrar (J.)/ Additional Registrars (J) as the case may be.	Registrar General
6.	Class III employees posted in Accounts/ Budget Sections	Deputy Registrar/ Accounts Officer/ Section Officer/(Under whose direct contract the employee is working in the section)	Budget Officer	Registrar General
7.	Class-III employees posted in other sections of Administrative Branch	Deputy Registrar/ Assistant Registrar/ Section Officer/(Under whose direct control the employee is working in the section)	Concerned Registrar/Additional Registrar	Registrar General

TABLE-IV

Sl. No.	Particulars of the employees	Reporting Authority	Reviewing Authority	Accepting Authority
(1)	(2)	(3)	(4)	(5)
1.	Class III employees posted in the Courts and in the Bungalows of Hon'ble the Chief Justice and other Hon'ble Judges	PPS/PS to Hon'ble the Chief Justice/ concerned Hon'ble Judge as the case may be	—	Registrar General
2.	Class IV employees posted in the Bungalow and office of the Registrar General	Registrar (M)/ Jt. Registrar/Additional Registrar (M)/ Dy. Registrar/Asstt. Registrar/Section Officer as the case may be	—	Registrar General

(1)	(2)	(3)	(4)	(5)
3.	Class IV employees posted in the services of Registry Officers except Registrar General	Concerned Registry Officer	—	Registrar General
4.	Class IV employees posted in various Sections	Deputy Registrar/ Accounts Officer/Assistant Registrar/Section Officer/Librarian/ Asstt. Editor (I.L.R.) as the case may be (Under whose direct control the employee is working in the section)	Registrar concerned/ Addl. Registrars (D.E.), J/A/ Classi./Jt. Registrar/ Additional Registrar (M)/ Budget Officer as the case may be	Registrar General

TABLE-V

Sl. No.	Particulars of the Officers/employees	Reporting Authority	Reviewing Authority	Accepting Authority
(1)	(2)	(3)	(4)	(5)
1.	Director of CSJA	Chairman of CSJA	—	Hon'ble the Chief Justice
2.	Additional Director and other Judicial Officers posted at CSJA	Director, CSJA	Chairman of CSJA	Hon'ble the Chief Justice
3.	Class-I officers other than the Judicial Officer posted in CSJA	Director, CSJA	Chairman of CSJA	Hon'ble the Chief Justice
4.	Class-II officers posted in CSJA	Additional Director CSJA	Director CSJA	Chairman of CSJA
5.	Class-III and Class-IV employees posted in CSJA	Additional Director CSJA	—	Director CSJA
6.	Class-IV employees posted in the Bungalow of Director CSJA	—	—	Director CSJA (Reporting and Accepting Authority)
7.	Class-IV employees posted in the Bungalow of Officers of CSJA except in the Bungalow of Director CSJA	Concerned Officers	—	Director CSJA

TABLE-VI

Sl. No.	Particulars of the Officers	Reporting Authority	Reviewing Authority	Accepting Authority
(1)	(2)	(3)	(4)	(5)
1.	Chief Court Manager	Registrar General	—	Hon'ble the Chief Justice
2.	Senior Court Managers	Registrar General/ District Judge concerned, as the case may be.	—	Hon'ble the Chief Justice
3.	Court Managers	Registrar General/ District Judge concerned, as the case may be	—	Hon'ble the Chief Justice

4. Period of ACRs.—The ACRs should be written for each financial year (*i.e.* for the period from 1st April to 31st March). The Establishment and Confidential Sections shall send the prescribed ACR formats of the officers and employees to the concerned reporting officers by the 2nd week of March and all the Officers who are required to record the remarks in the formats shall record it in such a manner that after recording of their remarks the formats should reach the Accepting Authority by the last week of April.

5. Writing of ACRs :

- (i) The Reporting, Reviewing or Accepting Authority can write or record the confidential report of the officer/employee only if he/she has observed the performance of the officer/employee for at least 3 months.
- (ii) If any of the authorities (*i.e.* Reporting, Reviewing or Accepting) has retired without writing the ACRs of concerned officer/employee, and his successor is not authorised to write, the remarks recorded by other officer(s), shall be treated as valid.
- (iii) In case of transfer of Reporting Authority the ACRs of such officers/ employees whose ACRs were to be written by the said authority, shall be written by concerned Reviewing Authority as Reporting Authority and thereafter, it may be sent to the Accepting Authority.
- (iv) In case of transfer/relevation/retirement of the Accepting Authority the remarks recorded by Reporting Authority/Reviewing Authority, shall be treated as valid and it may be treated as remarks of Accepting Authority.
- (v) In case of non-availability/posting of Reporting officers as mentioned in the column no. 3 of above tables, the Reviewing Authorities will be the Reporting Authorities as mentioned in the next columns of the tables. In case of non-availability of Reviewing Authority as mentioned in column no. 4 of above tables, after the remarks of Reporting Authority, it shall be sent to Accepting Authority, which shall be treated as the remarks of Reviewing Authority and Accepting Authority. If both the officers Reporting/Reviewing as mentioned in said tables are not available,

the Accepting Authority will be the Reporting/Accepting Authority.

6. Communication of remarks.—It is necessary that every employee should know the remarks recorded in his ACR, therefore, all the remarks shall be communicated to the officer/employee concerned.

7. Representation against adverse remarks.—The officers and employees may submit their representation against adverse remarks communicated to him within a period of one month from the date of such communication failing which representation may not be entertained.

8. Other Conditions.—

- (i) Subject to the provisions of these rules, the Rules and Orders for the time being in force and applicable to the officers and employees of the State Government shall be applicable to the members of the service.
- (ii) Any question arising as to which Rules or Orders are applicable to any case of the member of the service shall be decided by the Chief Justice.

9. Interpretation.—If any question arises as to the interpretation of these rules, the decision of the Chief Justice shall be final.

10. Amendment.—The Chief Justice may make any amendment in these rules at any time, as may be deemed necessary.

11. Power to relax.—Where the Chief Justice is satisfied that the operation of any of these rules causes undue hardship in any particular case or class, it may dispense with or relax the particular rule/regulation/norm to such extent and subject to such exception and condition as may be deemed necessary.

12. Cessation.—The High Court of Chhattisgarh (Annual Confidential Report) Rules, 2006 and all other rules and orders, if any, corresponding to these rules shall cease to apply to the members of the service from the date of commencement of these rules :

Provided that any order already made or action taken under the Rules and Orders so ceased shall continue to be in force and be deemed to have been made or taken under the corresponding provision of these Rules.

Notices/Circulars/Instructions/ Guidelines

HIGH COURT OF CHHATTISGARH : BILASPUR NOTIFICATION

No. 7886/A.R.(J)/2014

Bilaspur, dated 30th October, 2014

From 10th November, 2014 onwards :—

Every week one Standby Cause List shall be published along with Weekly Cause List, it shall be heard by Hon'ble Judge, which will be effective in case of sudden non-availability of regular Benches.

By order of Hon'ble the Acting Chief Justice

sd/-

(Sanghratna Bhatpahari)
Additional Registrar (Judicial)

HIGH COURT OF CHHATTISGARH, BILASPUR NOTICE

No. 9442/A.R. (J)/2014

Bilaspur, 22nd December, 2014

The Full Court has resolved to revert back to the filing procedure prescribed under the Chhattisgarh High Court Rules, 2007 from 5th January 2015.

By order of Hon'ble the Acting Chief Justice,

sd/-

(Ramashankar Prasad)
Additional Registrar (Judicial)

HIGH COURT OF CHHATTISGARH, BILASPUR INSTRUCTIONS

For Inspection of the Records under the Chhattisgarh High Court Rules, 2007, As approved by Hon'ble Full Court in it's meeting held on 11th December, 2014.

1. Application for inspection of the record may be presented in duly filled by affixing Court-fee stamps in the prescribed proforma as under :

(240)

HIGH COURT OF CHHATTISGARH

Application for ORDINARY/URGENT inspection of the records/documents :

Number of the class of cases and name or parties	Purpose for which inspection is desired	Name of the applicant or the Advocate applying
		Signature of the applicant/advocate with date

2. The application shall be presented from 10.30 A.M. To 12.30 P.M. The applicant shall be permitted to inspect the records from 2.00 P.M. to 4.30 P.M. only.
3. There will be separate room for inspection of the records to be called as the INSPECTION SECTION.
4. As inspection of records/documents undertaken by any applicant shall be carried out under the supervision of an official of the High Court and strict vigil shall be kept at the time of inspection so as to ensure that neither any documents is removed nor tampered during the course of inspection.
5. The inspection shall be carried out before the Assistant Registrar/Incharge of Inspection Section who is made responsible for every individual inspection to be undertaken by any applicant.
6. The Incharge of the Inspection Section shall ensure that no pen and ink shall be used during the inspection and only the pencil and paper may be used for making any notes or copies from the record but no mark shall be made on any record or paper inspected. He will also ensure that no alteration are made in the record or papers abstracted and the same is in its original condition when the inspection is over.
7. After presentation of the application for inspection of the record, the inspection of the record will be carried out on the same day and if the applicant does not inspect the record, the Officer shall return the record to the concerned Section, wherefrom the same is received. If the same applicant wants to inspect the record, again he shall present another application by affixing the required court-fee stamps.
8. Due to some unavoidable circumstances, if the Registry does not make available the record for inspection on the same day, the applicant will be permitted to inspect the record on the next day without any further application or fees.
9. Inspection Section, after inspection of the record by the applicant shall immediately return the record to the concerned Section.

By order of Hon'ble the Acting Chief Justice

sd/-

(Ramashankar Prasad)
Additional Registrar General (Judicial)

**HIGH COURT OF CHHATTISGARH, BILASPUR
NOTICE**

No. 9549/AR(J)/2014

Bilaspur, Dated 24th December, 2014

As per the resolution of the Full Court, it is hereby notified that in regard to Inspection of Records, the application shall be presented in the prescribed format by affixing the required court-fee stamps between 10.30 A.M. to 12.30 P.M. and the time for inspection by the applicant shall be 2.00 P.M. to 4.30 P.M. on every working day.

By order of Hon'ble the Acting Chief Justice

sd/-
(Ramashankar Prasad)
Additional Registrar General (Judicial)

**HIGH COURT OF CHHATTISGARH AT BILASPUR
MEMORANDUM**

No. 1109/vig./2015

Bilaspur, dated 5th February, 2015

Subject : Guidelines for dealing with the complaints against Judicial Officers.

On the subject cited above, as directed, the following guidelines are issued for strict compliance with immediate effect :

1. The complaints making allegations against members of the Subordinate judiciary should not be entertained and no action should be taken thereon, unless it is accompanied by a duly sworn affidavit and verifiable material to substantiate the allegations made therein.
2. If action on such complaint meeting the above requirement is deemed necessary, authenticity of the complaint should be duly ascertained and further steps there on should be taken only after satisfaction of the competent authority designated by the Chief Justice of the High Court.
3. If the above requirements are not complied with, the complaint should be filed/lodged without taking any steps thereon.

sd/-
(Arvind Singh Chandel)
Registrar Vigilance

**HIGH COURT OF CHHATTISGARH, BILASPUR
NOTICE**

No. 1658/A.R. (Judl.)/2015

Bilaspur, 23rd February, 2015

Interim applications in fresh/pending matters shall be filed with format below for better management of cases.

This direction is to be strictly followed from 8-3-2015.

By order of Hon'ble the Acting Chief Justice,

sd/-

(Ramashankar Prasad)

Additional Registrar (Judicial)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

I.A. No. OF 2015

IN

CASE No. OF 2015

PETITIONER :

VERSUS

RESPONDENT :

APPLICATION FOR GRANT OF INTERIM RELIEF AND STAY.

The Petitioner submits as under :—

- 1.
- 2.
- 3.

PRAYER

It is therefore prayed that.....

Bilaspur.

(.....)

Date :

Counsel for the Petitioner

**HIGH COURT OF CHHATTISGARH, BILASPUR
NOTIFICATION**

No. 4296/A.R.(Judl.)/2015

Bilaspur, Dated 15th June, 2015

In supersession of all previous instructions in regard to pagination of the pending and disposed of Judicial Records, the following instructions are hereby notified :—

1. All files of a case should be numbered in a similar matching manner.
2. Synopsis should be paginated as A,B, C.....
3. Petition and other annexures, applications, Vakalatnama, memo of appearance, no default certificate etc. should be paginated in numerical order as 1, 2, 3.....
4. If typed copy of any document is filed then typed copies should be numbered mentioning the A, B, C.....after the page number of which typed copy has been filed viz. typed copy of page number 15 shall be numbered as 15A, 15B, 15C

5. Vakalatnama/memo of appearance and "no default certificate" shall also be attached in B and C parts in order to maintain the pagination of cases.
6. After filing the case any other document, application etc. are filed with covering memo then covering memo shall also be filed in triplicate.
7. If any return/reply, rejoinder, additional documents, Vakalatnama/memo of appearance, applications, affidavits etc. are filed by the Counsel then office shall attach the same in all parts similarly including covering memo (if any), and shall paginate the same in continuation with the earlier pagination and shall also mention the same in Index column in legible hand writing or by typing.
8. At the time of making disposal of case, page numbers/serial numbers of pages shall not be scored out, and in order to maintain the serial number, order sheets and judgment copy shall be attached at the end of the first part. Page numbering in order sheets and judgment copy shall be in continuation with the earlier pagination.
9. Other documents, namely, service reports of notice/process fee form, warrant/notice report etc. in pending cases shall be kept by making a separate part without giving any serial number, in the name of "Office Part".
10. At the time of making disposal of the case, the documents of the office part shall be tagged after the order sheets/judgment by giving serial number in continuation with earlier page number.
11. Amended petition/memo of appeal shall be kept above the earlier memo of petition/memo of appeal by giving a serial number 1A, 2B, 3C.....(in red ink), where the entire original pleadings are being replaced by an amendment application.

By order of Hon'ble the Chief Justice

sd/-
 (Ramashankar Prasad)
 Additional Registrar General (Judicial)

**HIGH COURT OF CHHATTISGARH AT BILASPUR
NOTIFICATION**

No. 4599/A.R.(J)/2015

Bilaspur, dated 24th June, 2015

As directed, all the Disabled/Handicapped/Physically challenged Persons can make their request before the Additional Registrar (Judicial) for early listing and disposal of pending cases (if any), in the High Court of Chhattisgarh, Bilaspur.

By order of Hon'ble the Chief Justice

sd/-
 (Ramashankar Prasad)
 Additional Registrar General (Judicial)

**HIGH COURT OF CHHATTISGARH, BILASPUR
CIRCULAR**

No. 5601/Reg (J.)/2015

Bilaspur, 24th July, 2015

As directed, the guidelines, regarding pointing out the defaults in cases are hereby issued w.e.f. 25-7-2015.

The following defaults should be ignored at the time of Checking of Cases :

1. If Counsel has filed certified copy in originally, and there is any defect in certified copy viz. Copy is faint and full parties name has not been mentioned, etc.
2. If Counsel has filed any original documents contains signature.
3. If Counsel has filed any original documents which is faint/not readable but he has filed typed copy thereof with certifying as true copy.
4. If any portion of the document is made underline.
5. If any document is filed which has been issued under RTI Act.
6. If any document is hand written and easily readable.
7. If any hand written medical prescription is filed.
8. If any map is filed.
9. If counsel has filed legible web copy.
10. If counsel has filed copy of challan which has been served to the applicant.

sd/-

(Ramashankar Prasad)
Registrar (Judicial)

**HIGH COURT OF CHHATTISGARH, BILASPUR
CIRCULAR**

No. 5629/Reg (J.)/2015

Bilaspur, 24th July, 2015

As ordered by the Hon'ble Division Bench vide order dated 3-7-2015 passed in W.P.(C) No. 1137/2015, Rule 23(1)(iv) of the High Court of Chhattisgarh Rules, 2007 read as follows :—

“(iv) Relating to Contract/Tender concerning to the Government/ Public Undertaking/Local Bodies/Statutory Bodies.”.

The Hon'ble Division Bench about the said Rule observed thus :

A bare reading of the Rule reveals that it is only matters relating to publication of tenders, denial of tender documents, wrong rejection of tenders, refusal to award contract after acceptance of tender, cancellation of contract illegally and arbitrarily only in matters relating to commercial transactions which are to be listed before the Division Bench.

sd/-

(Ramashankar Prasad)
Registrar (Judicial)

**HIGH COURT OF CHHATTISGARH AT BILASPUR
CIRCULAR**

No. 7781/R.J./2015

Bilaspur, dated 28th September, 2015

As directed by the Hon'ble Court vide order dated 15-9-2015 passed in Criminal Revision No. 327/2015, it is hereby informed that henceforth if any fresh Criminal Revision is filed in this Hon'ble High Court then the Applicant/Counsel shall give an affidavit alongwith the case record stating the fact that the applicant has been surrendered or not, as mandated by Rule 113 of the Chhattisgarh High Court Rules, 2007, so that case shall be listed before the Hon'ble Court on proper heading.

sd/-

(Ramashankar Prasad)
Registrar (Judicial)

**HIGH COURT OF CHHATTISGARH AT BILASPUR
NOTICE**

No. 3647/Registrar (Judl.)/2016

Bilaspur, dated 3rd May, 2016

As directed, all the advocates are hereby requested that henceforth any fresh Caveat Application is filed then it should be along with duly filled up with "Computer Sheet for Filing Caveat Application" as per directions contained in Rule 142(1) of Chhattisgarh High Court Rules, 2007 in respect of filing Caveat Application.

Non-compliance of above directions shall be treated as default from 31th June, 2016 onwards.

The proforma of "Computer Sheet for Filing Caveat Application" is hereby attached.

sd/-

(Ramashankar Prasad)
Registrar (Judicial)

Computer Sheet for Filing Caveat Application

(is to be filled by the Caveator(s) or Counsel)

Caveat (Writ/Civil) No.of.....

[A] Particulars of the Caveator(s) :—

- (1)
- (2)
- (3)

Vs.

[B] Particulars of the proposed parties :—

- (1)
- (2)
- (3)

[C] Date of Filing

[D] Particulars of Caveat Application :—

- (1) Particulars against which the Caveat Application is filed :—

Case Number	Date of Judgment/order	District

- (2) Notification number and date (if any) :—

Notification Number	Date	Department

- (3) Advertisement and date :—

Advertisement Number	Date	Department

- (4) In case proposed parties are public at large :—

Place	Order date	Department

- (5) Publication Number and date of the Department :—

Publication Number	Date	Department

- (6) Other details (if any) :—

--

Name and Signature of Caveator/Counsel

**HIGH COURT OF CHHATTISGARH AT BILASPUR
NOTICE**

No. 4883/Reg.(J)/2016

Bilaspur, dated 20th June, 2016

As directed, it is hereby notified that the Notice No. 646/Registrar (Judicial)/2016, Bilaspur dated 28-1-2016 in respect of meaning the "Subject Category Code" in each fresh filing case is hereby recalled.

It is further notified that henceforth "Subject Category Code" shall be mentioned by the Stamp Reporters.

sd/-

(Ramashankar Prasad)
Registrar (Judicial)

**INSTRUCTIONS FOR LISTING OF CASES IN THE
WEEKLY CAUSE LIST AND DAILY CAUSE LIST**

Instructions for publishing the Weekly Cause List and Daily Cause List as per Rules of High Court of Chhattisgarh Rules, 2007, w.e.f. 20th June, 2016 are as follows :—

INSTRUCTIONS FOR CAUSE LIST

- (1) Every week, 5 cases category-wise shall be listed in the Weekly Cause List chronologically on the top of the list, thereafter remaining

cases shall be of Court fixed date. If the number of cases does not exceed up to 15, then remaining cases shall be of Reader fixed date/other cases according to Roster (if not available).

- (2) Weekly Cause List shall be published on Wednesday up to 4:30 p.m.
- (3) If in any week Wednesday is holiday, then Weekly Cause List of that week shall be published on subsequent working day.
- (4) Not reach cases of Weekly Cause List shall be listed in the week next to the following week.
- (5) If Court has ordered to list the particular cases in the next Weekly Cause List, then the case shall be listed in the week next to the following week.
- (6) Adjustment shall not be applied in Court's order cases and old cases pending up to year 2010.
- (7) A supplementary list may be published for urgent matters as per directions of the Hon'ble Benches. It is made clear that serial number in the supplementary cause list shall be fed after the serial number of Daily Cause List and Weekly Cause List.
- (8) A Standby cause list shall be prepared and same shall be listed before the available Special Single Bench and same shall be published along with Weekly Cause List.
- (9) The case, which due to exception, has been allotted to a particular Bench/Special Bench/by name, and if as per Roster, the same may be listed before the regular Bench, then it shall be listed before the regular Bench as per Roster.
- (10) If any particular case, in which fixed date has been given by the Hon'ble Court and on the day concerned Bench is not available as per Roster, then such case shall be listed on the next sitting of the Bench.

INSTRUCTION FOR DAILY CAUSE LIST

- (1) The Daily Cause List shall be published up to 4:30 p.m. in the following manner :—

S. No.	Fresh cases registered on the day and Not- Reach cases of the day	Date of publishing of Daily Cause List	Cause list for the day
1.	Monday 4:30 p.m.	Tuesday	Thursday
2.	Tuesday 4:30 p.m.	Wednesday	Friday
3.	Wednesday 4:30 p.m.	Thursday	Monday
4.	Thursday 4:30 p.m.	Friday	Tuesday
5.	Friday/Saturday 4:30 p.m.	Saturday/Monday	Wednesday,

- (2) Fresh cases received from Lawzima shall be listed in the following manner :—

**INSTRUCTION FOR LISTING OF FRESH CASES
RECEIVED FROM LAW-ZIMA**

S. No.	Fresh Cases received from Lawzima to Central Filing Section	Day of Publishing of Daily Cause List	Cause list for the day
1.	Monday	Tuesday	Thursday
2.	Tuesday	Wednesday	Friday
3.	Wednesday	Thursday	Monday
4.	Thursday	Friday	Tuesday
5.	Friday/Saturday	Monday	Wednesday

sd/-

(Ramashankar Prasad)
Registrar (Judicial)

**HIGH COURT OF CHHATTISGARH AT BILASPUR
NOTICE**

No. 6289/Reg. (J)/2016

Bilaspur, dated 30th July, 2016

As directed, It is hereby notified that Hon'ble the Chief Justice has been pleased to stop practice forthwith by which presently before filing a Contempt case, it is required to the petitioner to serve two copies of the contempt case upon the office of the Advocate General.

sd/-

(Ramashankar Prasad)
Registrar (Judicial)

**HIGH COURT OF CHHATTISGARH AT BILASPUR
Request Letter**

No. 9519/Registrar(J)/2016

Bilaspur, dated 29th November, 2016

To,

1. The Secretary
Chhattisgarh High Court Bar Association,
Bilaspur, Chhattisgarh
2. The Secretary,
Chhattisgarh High Court Practicing Advocates Association,
Bilaspur.

Sub.:- Regarding allotment of Unicode number to the Advocates.

On the subject cited above, as directed by Hon'ble the Chief Justice, you are hereby requested that inform the Advocates to submit application in the NIC Section of the Registry of High Court of Chhattisgarh, Bilaspur at the earliest for

obtaining Unicode number, who have not been allotted Unicode number till date, so that they may also be provided SMS facility, smoothly.

sd/-

(Ramashankar Prasad)
Registrar (Judicial)

GUIDELINES FOR E-MAIL SERVICE OF NOTICE

Following practice direction is prepared for issuance of notices through e-mail and charges thereof :—

- (1) The counsel concerned shall provide the soft-copy of the case papers (in PDF format) on C.D. in the P.F. Counter by mentioning the case number as well as e-mail address of the notice for effecting service.
- (2) Rs. 10/- shall be charged for each notice in the form of court fee.
- (3) Deputy Registrar posted in the section shall authorize for making scanned/digital signature in the notices, which are to be sent through e-mail.

By order of Hon'ble the Chief Justice,

sd/-

(Ramashankar Prasad)
Registrar (Judicial)

HIGH COURT OF CHHATTISGARH AT BILASPUR NOTIFICATION

No. 572/Reg.(J)/2017

Bilaspur, dated 17th January, 2017

It is hereby notified that henceforth any fresh case is filed, the advocate/litigants may mention the mobile number and e-mail address of the parties in the cause title of the case, so that listing information may be given to the parties, with effect from 23rd January, 2017.

By order of Hon'ble the Chief Justice,

sd/-

(Ramashankar Prasad)
Registrar (Judicial)

HIGH COURT OF CHHATTISGARH AT BILASPUR NOTIFICATION

No. 985/R.G./2017

Bilaspur, dated 30th January, 2017

It is hereby notified that henceforth all the judgments/orders of this High Court shall be sent through NIC e-mail instead of sending the hard copies, which shall have to be treated as True Copy. In addition to NIC e-mail, a SMS shall

also be sent on registered mobile number to the concerned authority for its confirmation. Regarding authenticity of the judgments/orders/certificates, the concerned authority may cross check the judgments/orders/certificates from High Court website i.e. highcourt.cg.gov.in OR cghighcourt.nic.in

By order of Hon'ble the Chief Justice,

sd/-
(Arvind Singh Chandel)
Registrar General

GUIDELINES/PRACTICE DIRECTIONS REGARDING ISSUANCE OF CERTIFIED COPIES

The following guidelines/practice directions regarding issuance of certified copies are issued and same shall come into force w.e.f. 13th February, 2017.

- (1) Court Fees shall be affixed on the application for obtaining a certified copy as per Court Fee Act.
- (2) As soon as an application is received by the Copying section for obtaining certified copy, the Copying section shall register it immediately and a generated receipt thereof shall be given to the applicant and one copy shall be kept with the Copying section.
- (3) At the time of receiving of copying application no amount in respect of copying fees shall be deposited.
- (4) Applicant shall require to mention on the application that on which mode he obtains certified copy either express or ordinary mode.
- (5) Express mode certified copy shall be supplied to the applicant within 24 hours after uploading the judgment/order. In case of not listed cases certified copy shall be supplied to the applicant within 24 hours after receipt of record from the section/record room.
- (6) Ordinary mode certified copy shall be supplied to the applicant within 48 hours after uploading the judgment/order. In case of not listed cases certified copy shall be supplied to the applicant within 48 hours after receipt of record from the section/record room.
- (7) First page of the certified copy shall be charged Rs. 10, thereafter Rs. 2 per page shall be charged, in case of ordinary mode.
- (8) First page of the certified copy shall be charged Rs. 10, thereafter Rs. 4 per page shall be charged, in case of express mode.
- (9) As soon as e-copying fee is calculated, the Copying section shall send a SMS to the applicant to the effect that the certified copy is ready and he is required to pay the e-copying court fees of such amount to the e-Court Fees counter and receipt thereof produce before the incharge Copying section, and in turn, the incharge Copying section shall provide certified copy to the applicant.
- (10) After obtaining the SMS, the applicant is required to produce receipt of e-copying court fees to incharge Copying section within a period of two weeks, otherwise his copying application shall be treated as disposed of.

- (11) At the time of delivery of certified copy, the incharge Copying section shall obtain a receipt thereof on the back side of copying application.
- (12) The incharge Copying section shall maintain a statement on daily basis that how many certified copies have been issued and how much e-copying fee have been generated on the day.

By order of Hon'ble the Chief Justice,

sd/-
(Ramashankar Prasad)
Registrar (Judicial)

**HIGH COURT OF CHHATTISGARH AT BILASPUR
CIRCULAR**

No. 6056/Rules/2017

Bilaspur, dated 18th July, 2017

All the Judicial Officers of the subordinate Judiciary of the State of Chhattisgarh are hereby directed to stop the practice of identification of surety by Advocates.

Strict compliance of the above direction be ensured.

By order of Hon'ble the High Court,

sd/-
(Gautam Chourdiya)
Registrar General