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SUPREME COURT OF INDIA

NOTIFICATION

New Delhi, the 27th May, 2014

G.S.R. 367 (E).- The following is published for general information :

In exercise of the powers conferred by sub-Rule (2), Rule 1 of Order 1 of the Supreme Court Rules, 2013, the Hon'ble the Chief Justice of India has been pleased to appoint the19th day of August, 2014, as the date from which the Supreme Court Rules, 2013 shall come into force.

[No.F.1/2014/Record Room]

By Order

SANJIV JAIN, Registrar

SUPREME COURT OF INDIA
NOTIFICATION

New Delhi, the 27th May, 2014

G.S.R.368(E).-The following is published for general information·

In exercise of the powers conferred by Article 145 of the Constitution, and all other powers enabling it in this behalf the Supreme Court hereby makes, with the approval of the President, the following rules, namely :

PART - I

GENERAL

ORDER I

INTERPRETATION, ETC.

1.(1) These rules may be cited as the Supreme Court Rules, 2013.

(2) They shall come into force on such date as the Chief Justice of India may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of these 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);

(b) 'advocate-on-record' means an advocate who is entitled under these rules to act as well as to plead for a party in the Court;

(c) 'appointed day' means the date on which these rules shall come into force;

(d) 'Chief Justice' means the Chief Justice of India, and includes a Judge appointed under article 126 of the Constitution to perform the duties of the Chief Justice;

(e) 'Code' means the Code of Civil Procedure, 1908 (5 of 1908) or the Code of Criminal Procedure, 1973 (2 of 1974), as the case may be;

(f) 'Constitution' means the Constitution of India;

(g) 'Court' and 'this Court' means the Supreme Court of India;

(h) 'Court appealed from' includes a Tribunal or any other judicial body from which an appeal is preferred to the Court;

(i) High Court' means-

(i) as respects anything done before the commencement of the Constitution, a High Court within the meaning of section 219 of the Government of India Act, 1935; and

(ii) as respects anything done or to be done after the commencement of the Constitution, a High Court established by or recognized under the Constitution;

(j) 'Judge' means a Judge of the Court;

(k) 'judgment' includes decree, order, sentence or determination of any Court, Tribunal, Judge or Judicial Officer;

(l) 'prescribed' means prescribed by or under these rules;

(m) 'record' in Part II of these rules means the aggregate of papers relating to an appeal (including the pleadings, proceedings, evidence and judgments) proper to be laid before the Court at the hearing of the appeal;

(n) (i) 'Secretary General' means the Secretary General of the Court.

(ii) 'Registrar' means the Registrar of the Court and shall include Additional Registrar of the Court.

(iii) 'Registry' means the Registry of the Court.

(o) 'respondent' includes an intervener;

(p) 'the rules' and 'rules of Court' means these rules and include the forms appended to these rules;

(q) 'Senior advocate' means any advocate so designated under sub- section (2) of section 16 of the Advocates Act, 1961 (25 of 1961), and all such advocates whose names were borne on the roll of the senior advocates of the Court immediately before the commencement of Chapter III of the Advocates Act, 1961;

(r) 'Taxing Officer' means the Officer of the Court whose duty is to tax costs of proceedings in the Court.

(2) The General Clauses Act, 1897 (10 of 1897), shall apply for the interpretation of these rules as it applies for the interpretation of an Act of Parliament.

3. Where, by these rules or by any order of the Court any step is required to be taken in connection with any cause, appeal, or matter before the Court, that step shall, unless the context otherwise requires, be taken in the Registry.

4. Where any particular number of days is prescribed by these rules, or is fixed by an order of the Court, in computing the same, the day from which the said period is to be reckoned shall be excluded, and, if the last day expires on a day when the Court is closed, that day and any succeeding days on which Court remains closed shall also be excluded.

ORDER II

OFFICES OF THE COURT: SITTINGS AND VACATION, ETC.

1. Except during vacation and on Saturdays and holidays, the offices of the Court, shall, subject to any order by the Chief Justice, be open daily from 10.00 A.M. to 5 00 P.M. but no work unless of an urgent nature, shall be admitted after 4 30 P.M.

2. The offices of the Court shall, except during vacation, be open on Saturdays from 10.00 A M to 1.00 P.M. but no work, unless of an urgent nature, shall be admitted after 12 Noon.

3. Except on the days which are holidays both for the Court and the offices of the Court, the offices of the Court shall be open during summer vacation and Christmas and New Year holidays of the Court at such times as the Chief Justice may direct.

4. (1) The Court shall sit in two terms annually, the first commencing from the termination of the summer vacation and ending with the day immediately preceding such day in December as the Court may fix for the commencement of the Christmas and New Year holidays and the second commencing from the termination of the Christmas and New Year holidays and ending with the commencement of the summer vacation.

(2) The period of the summer vacation shall not exceed seven weeks.

(3) The length of the summer vacation of the Court and the number of holidays for the Court and the offices of the Court shall be such as may be fixed by the Chief Justice and notified in the Official Gazette so as not to exceed one hundred and three days (excluding Sundays not falling in the vacation and during holidays).

5. The Court shall not ordinarily, sit on Saturdays, nor on any other days notified as Court holidays in the Official Gazette.

6. The Chief Justice may appoint one or more Judges to hear during summer vacation or winter holidays all matters of an urgent nature which under these rules may be heard by a Judge sitting singly, and, whenever necessary, he may likewise appoint a Division Court for the hearing of urgent cases during the vacation which require to be heard by a Bench of Judges.

ORDER III

OFFICERS OF THE COURT, ETC.

1. The Secretary General shall have the custody of the records of the Court and shall exercise such other functions as are assigned to him by these rules.

2. The Chief Justice may assign, and the Secretary General, may, with the approval of the Chief Justice, delegate, to an Additional Registrar, Deputy Registrar or Assistant Registrar, any function required by these rules to be exercised by the Registrar.

3. In the absence of the Secretary General, the functions of the Secretary General may be exercised by the Registrar nominated by the Chief Justice.

4. The official seal to be used in the Court shall be such as the Chief Justice may from time to time direct, and shall be kept in the custody of the Secretary General.

5 Subject to any general or special directions given by the Chief Justice, the seal of the Court shall not be affixed to any writ, rule, order, summons or other process save under the authority in writing of the Secretary General or the Registrar nominated by the Chief Justice.

6. The seal of the Court shall not be affixed to any certified copy issued by the Court save under the authority in writing of the Secretary General or of a Registrar, Additional Registrar, Deputy Registrar or Assistant Registrar.

7. (1) The Registrar shall keep a list of all cases pending before the Court, and shall, at the commencement of each term, prepare and publish on the notice board/website of the Court a list of all cases ready for hearing in each class separately, to be called the "terminal list". The cases in the "terminal list" shall be arranged yearwise in each class separately in the order of their registration, and the list shall be updated from time to time.

(2) From out of the "terminal list" the Registrar shall publish on the notice board/website of the Court at the end of each week a list of cases to be heard in the following week as far as possible in the order in which they appear in terminal list, subject to the directions of the Chief Justice and of the Court, if any, and out of the weekly list shall publish at the end of each day a daily list of cases to be heard by the Court on the following day.

In addition, the Registrar shall publish Advance List of miscellaneous matters. From the Advance List, matters will be taken up in Daily List for miscellaneous matters.

Subject to general or special orders of Chief Justice, the Registrar shall publish such other lists as may be directed; list matters as may be directed and in such order as may be directed.

8. In addition to the powers conferred by other rules, the Registrar shall have the following duties and powers subject to any general or special order of the Chief Justice, namely.-

(i) to require any plaint, petition of appeal, petition or other proceeding presented to the Court to be amended in accordance with the practice and procedure of the Court or to be represented after such requisition as the Registrar is empowered to make in relation thereto has been complied with;

(ii) to fix the date of hearing of appeals, petitions or other proceedings and Issue notices thereof,

(iii) to settle the index in cases where the record is prepared in the Court,

(iv) to make an order for change of advocate-on-record with the consent of the advocate-on-record,

(v) to direct any formal amendment of record;

(vi) to grant leave to inspect and search the records of the Court and order the grant of copies of documents to parties to proceedings, without interfering or dispensing with any mandatory requirement of these rules;

(vii) to allow from time to time on a written request any period or periods not exceeding twenty-eight days in aggregate for furnishing information or for doing any other act necessary to bring the plaint, appeal, petition or other proceeding in conformity with the rules and practice of the Court:

Provided that where the matter filed on scrutiny is found to be defective and a diary number has been generated, one copy of the Petition and Court Fee Stamp tendered shall be retained and the defects shall be communicated to the petitioner. If the defects are not removed till 90 days from the date of communication of the defects, the matter shall be listed with Office Report on default before the Judge in Chambers for appropriate orders.

ORDER IV

ADVOCATES

1 (a) Subject to the provisions of these rules an advocate whose name is entered on the roll of any State Bar Council maintained under the Advocates Act, 1961 (25 of 1961) as amended shall be entitled to appear before the Court:

Provided that an advocate whose name is entered on the roll of any State Bar Council maintained under the Advocates Act, 1961 (25 of 1961), for less than one year, shall be entitled to mention matters in Court for the limited purpose of asking for time, date, adjournment and similar such orders, but shall not be entitled to address the Court for the purpose of any effective hearing:

Provided further that the Court may, if it thinks desirable to do so for any reason, permit any person to appear and address the Court in a particular case.

(b) No advocate other than the Advocate-on-record for a party shall appear, plead and address the Court in a matter unless he is instructed by the advocate-on-record or permitted by the Court.

(c) In petitions/appeals received from jail or a matter filed by a party-in- person or where a party-in-person as respondent is not represented by an Advocate-on-Record, the Secretary General/Registrar may require the Supreme Court Legal Services Committee to assign an Advocate, who may assist the Court on behalf of such person:

Provided that whenever a party wants to appear and argue the case in person, he/she shall first file an application alongwith the petition seeking permission to appear and argue in person. The application shall indicate reasons as to why he/she cannot engage an Advocate and wants to appear and argue in person, and if he is willing to accept an Advocate, who can be appointed for him by the Court. Such application shall, in the first instance, be placed before the concerned Registrar to interact with the party-in-person and give opinion by way of office report whether the party-in-person will be able to give necessary assistance to the Court for proper disposal of the matter or an Advocate may be appointed as Amicus Curiae.

If the application is allowed by the Court then only the party-in-person will be permitted to appear and argue the case in person.

2. (a) The Chief Justice and the Judges may, with the consent of the advocate, designate an advocate as senior advocate if in their opinion by virtue of his ability, standing at the Bar or special knowledge or experience in law the said advocate is deserving of such distinction

(b) A senior advocate shall not -

(i) file a vakalatnama or act in any Court or Tribunal in India;

(ii) appear without an advocate-on-record in the Court or without a junior in any other Court or Tribunal in India;

(iii) accept instructions to draw pleadings or affidavit, advise on evidence or do any drafting work of an analogous kind in any Court or Tribunal in India or undertake conveyancing work of any kind whatsoever but this prohibition shall not extend to settling any such matter as aforesaid in consultation with a junior;

(iv) accept directly from a client any brief or instructions to appear in any Court or Tribunal in India.

Explanation.-

In this order-

(i) 'acting' means filing an appearance or any pleadings or applications in any Court or Tribunal in India, or any act (other than pleading) required or authorised by law to be done by a party in such Court or Tribunal either in person or by his recognised agent or by an advocate or attorney on his behalf.

(ii) 'tribunal' includes any authority or person legally authorised to take evidence and before whom advocates are, by or under any law for the time being in force, entitled to practice.

(iii) 'junior' means an advocate other than a senior advocate.

(c) Upon an advocate being designated as a senior advocate, the Registrar shall communicate to all the High Courts and the Secretary to the Bar Council of India and the Secretary of the State Bar Council concerned the name of the said Advocate and the date on which he was so designated

3. Every advocate appearing before the court shall wear such robes and costume as may from time to time be directed by the Court.

4. Any advocate not being a senior advocate may, on his fulfilling the conditions laid down in rule 5, be registered in the Court as an advocate-on-record.

5. No advocate shall be qualified to be registered as an advocate-on-record unless :-

(i) his name is, and has been borne on the roll of any State Bar Council for a period of not less than four years on the date of commencement of his training as provided hereinafter :

Provided however, if any candidate has earlier appeared in any of the Advocates-on-Record Examination he shall continue to be so eligible to sit in any subsequent examination;

(ii) he has undergone training for one year with an advocate-on-record approved by the Court, and has thereafter passed such tests as may be held by the Court for advocates who apply to be registered as advocates on record particulars whereof shall be notified in the Official Gazette from time to time provided however that-

(a) an attorney shall be exempted from such training and test, and

(b) a solicitor on the rolls of the Bombay Incorporated Law Society shall be exempted from such training and test if his/her name is, and has been borne on the roll of State Bar Council for a period of not less than seven years on the date of making the application for registration as an advocate-on-record;

(c) the Chief Justice may, in appropriate cases, grant exemption-

(1) from the requirement of training under this clause in the case of an advocate, whose name is borne on the roll of any State Bar Council and has been borne on such roll for a period of not less than ten years.

(2) from the requirement of clause (i) and from training under this clause in the case of an advocate having special knowledge or experience in law.

(iii) he has an office in Delhi within a radius of 16 kilometers from the Court House and gives an undertaking to employ, within one month of his being registered as advocate-on-record, a registered clerk; and

(iv) he pays a registration fee of two hundred fifty rupees.

6 (1) An advocate who has been convicted of an offence involving moral turpitude shall not be eligible, unless the said conviction has been stayed or suspended by any Court, to appear in the tests referred to in clause

(ii) of rule 5, on and from the date of such conviction and thereafter for a period of two years with effect from the date he has served out the sentence, or has paid the fine imposed on him, or has served out the sentence and paid the fine imposed on him, as the case may be:

Provided that the Chief Justice may, if he thinks fit so to do, relax the provisions of this rule in any particular case or cases.

(2) Nothing in clause (1) shall apply to an advocate who has been released on probation of good conduct or after due admonition and no penalty has been imposed thereafter in the manner provided under the provisions of the Probation of Offenders Act, 1958 (20 of 1958) or under section 360 of the Code of Criminal Procedure, 1973 (2 of 1974).

7. (a) An advocate-on-record shall, on his filing a memorandum of appearance on behalf of a party accompanied by a vakalatnama duly executed by the party, be entitled-

(i) to act as well as to plead for the party in the matter and to conduct and prosecute before the Court all proceedings that may be taken in respect of the said matter or any application connected with the same or any decree or order passed therein including proceedings in taxation and applications for review; and .

(ii) to deposit and receive money on behalf of the said party.

(b) (i) Where the vakalatnama is executed in the presence of the Advocate-on-Record, he shall certify that it was executed in his presence.

(ii) Where the Advocate-on-Record merely accepts the vakalatnama which is already duly executed in the presence of a Notary or an advocate, he shall make an endorsement thereon that he has satisfied himself about the due execution of the vakalatnama.

(c) No advocate other than an advocate-on-record shall be entitled to file an appearance or act for a party in the Court.

(d) Every advocate-on-record shall keep such books of account as may be necessary to show and distinguish in connection with his practice as an advocate-on-record-

(i) moneys received from or on account of and the moneys paid to or on account of each of his clients; and

(ii) the moneys received and the moneys paid on his own account.

(e) Every advocate-on-record shall, before taxation of the Bill of Costs, file with the Taxing Officer a Certificate showing the amount of fee paid to him or agreed to be paid to him by his client.

8. Where an advocate-on-record ceases to have an office or a registered clerk or both as required by clause (iii) of rule 5, notice shall issue to such advocate to show cause before the Chamber Judge on a date fixed. why his name should not be struck off the register of advocates on record, and if the Chamber Judge makes such an order, the name of such advocate shall be removed from the register accordingly and the advocate shall thereafter cease to be entitled to act as an advocate-on-record.

9. Where an advocate-on-record is suspended or his name is removed from the State roll maintained under the Advocates Act, 1961 [25 of 1961], he shall, unless otherwise ordered by the Court, be deemed as from the date of the order of the State Bar Council or the Bar Council of India, as the case may be, to be suspended or removed from the register of advocates on record for the same period as is mentioned in the order of the State Bar Council or the Bar Council of India, as the case may be.

10. When, on the complaint of any person or otherwise, the Court is of the opinion that an advocate-on-record has been guilty of misconduct or of conduct unbecoming of an advocate-on-record, the Court may make an order removing his name from the register of advocates on record either permanently or for such period as the Court may think fit and the Registrar shall thereupon report the said fact to the Bar Council of India and to State Bar Council concerned·

Provided that the Court shall, before making such order, issue to such advocate-on-record a summons returnable before the Court or before a Special Bench to be constituted by the Chief Justice, requiring the advocate-on-record to show cause against the matters alleged in the summons, and the summons shall, if practicable, be served personally upon him with copies of any affidavit or statement before the Court at the time of the issue of the summons.

Explanation.- For the purpose of these rules, misconduct or conduct unbecoming of an advocate-on-record shall include

a) Mere name lending by an advocate-on-record without any further participation in the proceedings of the case;

b) Absence of the advocate-on-record from the Court without any justifiable cause when the case is taken up for hearing; and

c) Failure to submit appearance slip duly signed by the advocate-on-record of actual appearances in the Court.

11. Any advocate-on-record may at any time by letter request the Registrar to remove his name from the register of advocates on record, absolutely or subject to his continuing to act as advocate-on-record in respect of all or any of the pending cases in which he may have filed a vakalatnama, of which he shall file a list. The Registrar shall thereupon remove his name from the register of advocates on record, absolutely or subject as aforesaid.

12. Every advocate-on-record shall notify to the Registrar his/her e-mail address and the address of his office in Delhi and every change of such address, and any notice, writ, summons, or other document sent on such e-mail address or served on him or his clerk at the address so notified by him shall be deemed to have been properly served.

13. (1) An advocate-on-record or a firm of advocates may employ one or more clerks to attend the registry for presenting or receiving any papers on behalf of the said advocate or firm of advocates:

Provided that the clerk has been registered with the Registrar on an application in the prescribed form made to the Registrar for the purpose:

Provided further that the said clerk gives an undertaking that he shall attend the Registry regularly.

(2) Notice of every application for the registration of a clerk shall be given to the Secretary, Supreme Court Bar Association, who shall be entitled to bring to the notice of the Registrar within seven days of the receipt of the notice any facts which in his opinion may have a bearing on the suitability of the clerk to be registered.

(3) The Registrar may decline to register any clerk who in his opinion is not sufficiently qualified, or is otherwise unsuitable to be registered as such, and may for reasons to be recorded in writing, remove from the register the name of any clerk after giving him and the employer an opportunity to show cause against such removal. Intimation shall be given to the Secretary, Bar Association, of every order registering a clerk or removing a clerk from the register.

(4) Every clerk shall, upon registration, be given an identity card which he shall produce whenever required, and which he shall surrender when he ceases to be the clerk of the advocate or firm of advocates, for whom he was registered. Where a fresh identity card is required in substitution of one that is lost or damaged, a fee of fifty rupees shall be levied for the issue of the same.

(5) Every advocate-on-record shall have a registered clerk. No advocate may employ as his clerk any person who is a tout.

14. (1) The Registrar shall publish lists of persons proved to his satisfaction, by evidence of general repute or otherwise, habitually to act as touts to be known as 'list of touts' and may from time to time, alter and amend such lists. A copy of every list of touts shall be displayed on the notice board of the Court.

Explanation.-

In this Order-

(a) '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.

(b) 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 Chamber Judge 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.

15. No person having an advocate-on-record shall file a vakalatnama authorizing another advocate-on-record to act for him in the same case save with the consent of the former advocate-on-record or by leave of the Judge in Chambers, unless the former advocate-on-record is dead, or is unable by reason of infirmity of mind or body to continue to act.

16. Where a party changes his advocate-on-record, the new advocate-on-record shall give notice of the change to all other parties appearing.

17. No advocate-on-record, may, without the leave of the Court, withdraw from the conduct of any case by reason only of the non-payment of fees by his client.

18. An advocate-on-record who, on being designated as a senior advocate or on being appointed as a Judge or for any other reason ceases to be an advocate-on-record for any party in a case shall forthwith inform the party concerned that he has ceased to represent the said party as advocate-on-record in the case. The senior advocate, so designated, shall not appear as senior advocate till he reports to the Registry that parties represented by him earlier have been so informed of his designation as senior advocate and that necessary arrangements have been made for the parties to make appearance before the Court in all the cases represented by him till then.

19. No person having an advocate-on-record, shall be heard in person save by special leave of the Court.

20. No advocate-on-record shall authorise any person whatsoever except another advocate-on-record, to act for him in any case.

21. Every advocate-on-record shall be personally liable to the Court for the due payment of all fees and charges payable to the Court.

22. Two or more advocates on record may enter into a partnership with each other, and any partner may act in the name of the partnership provided that the partnership is registered with the Registrar. Any change in the composition of the partnership shall be notified to the Registrar.

23. Two or more advocates not being senior advocates or advocates on record, may enter into partnership and subject to the provision contained in rule 1(b), any one of them may appear in any cause or matter before the Court in the name of the partnership.

ORDER V

BUSINESS IN CHAMBERS

1. The powers of the Court in relation to the following matters may be exercised by the Registrar, namely:-

(1) Application for discovery and inspection.

(2) Application for delivery of interrogatories.

(3) Application for substituted service, or for dispensing with service of notice of the appeal on any of the respondents to the appeal under rule 7 of Order XIX.

(4) Application for time to plead, for production of documents, and generally relating to the conduct of cause, appeal or matter save those coming under rule 2 of this Order.

(5) Application for leave to take documents out of the custody of the Court.

(6) Questions arising in connection with the payment of court-fees.

(7) Application for the issue of a certificate regarding any excess court fee paid under a mistake.

(8) Application for requisitioning records from the custody of any Court or other authority.

(9) Application for condoning delay in paying deficit court-fees.

(10) Application for condonation of delay in filing statement of case, provided that where the Registrar does not think fit to excuse the delay, he shall refer the application to the Court for Orders

(11) Application for appointment and for approval of a translator or interpreter.

(12) Application for withdrawal of appeal by an appellant prior to his lodging the petition of appeal.

(13) Application for production of documents outside Court premises.

(14) Application for payment into Court.

(15) Application for payment out of Court of money or security, or interest or dividend on securities.

(16) Application for extending returnable dates of warrants.

(17) Application for refund of security deposit or part thereof, or for payment out of security deposit.

(18) Application for directions regarding preparation of record.

(19) Application for exemption from filing of certified copies of judgments, decrees, orders, certificates or orders granting certificate:

Provided that application for exemption from filing of certified copies of judgments or orders accompanying a special leave petition shall be posted before the Court along with the Special Leave Petition.

(20) Application for condonation of delay in re-filing, provided the delay does not exceed 60 days from the date of notifying the defects.

(21) Application for condonation of delay in filing process fee.

(22) Application for extension of time for filing pleadings, provided that the Registrar shall not grant more than one extension for the purpose exceeding four weeks.

(23) Application for cancellation of date on the written joint request of the appearing parties, provided the matter has not appeared in the final cause-list, on the date of filing of application.

(24) Office Report for renewal of Fixed Deposit Receipts and Bank Guarantees, subject to directions otherwise by the Court.

(25) Application for exemption from filing official translation.

(26) Application for exemption from filing process fee and/or spare copies.

(27) All uncontested Interlocutory Applications of formal nature.

(28) Any matter which in accordance with orders or directions issued by the Court, is required to be dealt with by the Registrar.

(29) Imposing costs on the party in default of compliance of the orders passed by the Registrar.

(30) Pre-final hearing matter to certify that the matter is ready in all respects to list the same before the Court for final hearing.

2. The powers of the Court in relation to the following matters may be exercised by a Single Judge sitting in Chambers, namely:-

(1) Application by advocate-on-record for leave to withdraw or for change or discharge of advocate-on-record.

(2) Application for leave to compromise or discontinue an appeal where permission was granted to sue as an indigent person.

(3) Application for striking out or adding party or for intervention in a suit, appeal or other proceeding.

(4) Application for separate trials of causes of action.

(5) Application for separate trials to avoid embarrassment.

(6) Rejection of plaint.

(7) Application for setting down for judgment in default of written statement.

(8) Application for better statement of claim or defence.

(9) Application for particulars.

(10) Application for striking out any matter in a pleading.

(11) Application for amendment of pleading and for enlargement of time to amend any pleading.

(12) Application to tax bills returned by the Taxing Officer.

(13) Application for review of taxation.

(14) Application for enlargement or abridgement of time except application for condonation of delay in filing Special Leave Petitions.

(15) Application for issue of commissions.

(16) Application for assignment of security Bonds.

(17) Questions arising in taxation referred by the Taxing Officer.

(18) Application for orders against clients for payment of costs.

(19) Application for taxation and delivery of bill of costs and for delivery by an advocate of documents and papers.

(20) Application for registration of advocates as advocates on record.

(21) Application for leave to proceed as an indigent person.

(22) Application for grant of bail where the petitioner is confined in jail for offence punishable with imprisonment upto seven years.

(23) Application for stay of execution of a sentence or order in criminal proceedings.

(24) Application by accused persons in custody for being produced before the Court at the hearing of the appeal.

(25) Consent application in interlocutory matters.

(26) Application by accused persons for engagement of advocate under rule 16 of Order XX.

(27) Fixing the remuneration of a guardian *ad litem*.

(28) Summons for non-prosecution, which includes the power of dismissal for non-prosecution.

(29) Office Report on default.

(30) Application for exemption from paying court fee or extension of time for paying court fee or for furnishing undertaking, bank guarantee or security.

(31) Application for substitution, application for condonation of delay in seeking substitution and application involving setting aside abatement.

(32) Application for condonation of delay in re-filing where the delay exceeds 60 days from the date of notifying the defects.

(33) Application for refund of security.

(34) Application for withdrawal of any appeal, petition or suit with the consent of all the appearing parties or where the other side has not appeared.

(35) Application for exemption from surrendering, provided that not more than one opportunity be granted for surrendering. In case of refusal and/or if accused do (es) not surrender, the matter be placed before the Hon'ble Judge in Chambers for non-prosecution.

(36) Issue of fresh summons and notices.

(37) Application of a person who is not a party to the case, appeal or matter, for inspection or search or grant of copies for good cause shown.

(38) Application by third parties for return of documents.

(39) Application to appoint or discharge a next friend or guardian of a minor or a person of unsound mind and direct amendment of the record thereon.

(40) Application for consolidation of appeals and writ petitions for purposes of hearing, and preparation of record.

(41) Application for amendment of pleadings with the consent of all the appearing parties,or where the other side has not appeared.

3. Any person aggrieved by any order made by the Registrar under this Order may, within fifteen days of the making of such order, appeal against it to the Judge in Chambers.

4. The Registrar, may, and if so directed by the Judge in Chambers, shall, at any time adjourn any matter and lay the same before the Judge in Chambers, and the Judge in Chambers may at any time adjourn any matter and lay the same before the Court.

ORDER VI

CONSTITUTION OF DIVISION COURTS AND POWERS OF A SINGLE JUDGE

1. Subject to the other provisions of these rules every cause, appeal or matter shall be heard by a Bench consisting of not less than two Judges nominated by the Chief Justice.

2. Where in the course of the hearing of any cause, appeal or other proceeding, the Bench considers that the matter should be dealt with by a larger Bench, it shall refer the matter to the Chief Justice, who shall thereupon constitute such a Bench for the hearing of it.

3. Every cause, appeal or other proceedings arising out of a case in which death sentence has been confirmed or awarded by the High Court shall be heard by a Bench consisting of not less than three Judges.

4. If a Bench of less than three Judges, hearing a cause, appeal or matter, is of the opinion that the accused should be sentenced to death it shall refer the matter to the Chief Justice who shall thereupon constitute a Bench of not less than three Judges for hearing it.

5. The Chief Justice may from time to time appoint a Judge to hear and dispose of all applications which may be heard by a Judge in Chambers under these rules.

6. During the vacation, the Vacation Judge sitting singly may, in addition to exercising all the powers of a Judge in Chambers under these rules, exercise the powers of the Court in relation to the following matters, namely: -

(1) Applications for special leave to appeal in urgent cases where interim relief is prayed for subject to the condition that the Vacation Judge shall not decide such a petition if it raises substantial question of law as to the interpretation of the Constitution.

(2) Applications for stay of execution of a decree or order or stay of proceedings in civil matters.

(3) Applications for transfer of cases under section 406 of the Code of Criminal Procedure, 1973 (2 of 1974).

(4) Applications for stay of proceedings in criminal matters.

(5) Applications under article 32 of the Constitution of an urgent nature which do not involve a substantial question of law as to the interpretation of the Constitution.

(6) Issue of a rule nisi in urgent applications under article 32 of the Constitution which involve a substantial question of law as to the interpretation of the Constitution.

(7) Applications of an urgent nature for transfer of cases under section 25 of the Code of Civil Procedure, 1908 (5 of 1908).

(8) Issue of notice in applications of an urgent nature under Article 139A(1) of the Constitution; and

(9) Applications of an urgent nature for transfer of cases under Article 139A(2) of the Constitution.

ORDER VII

PROCEEDINGS BY OR AGAINST MINORS OR PERSONS OF UNSOUND MIND

1. Every appeal, petition or other proceeding by a minor shall be instituted or continued in his name by his next friend.

Explanation.- In this Order, minor means a person who has not attained his majority within the meaning of section 3 of the Indian Majority Act, 1875 (9 of 1875) where the appeal, petition or other proceeding relates to any of the matters mentioned in clauses (a) and (b) of section 2 of that Act or to any other matter.

2. A next friend shall not retire without the leave of the Court. The Court may require him to procure a fit person to be put in his place before he is permitted to retire, and may also, if it thinks fit, require him to furnish security for costs already incurred or likely to be incurred as a condition of his retirement.

3. (1) On the retirement, removal or death of the next friend of a minor, further proceedings shall be stayed until the appointment of a new next friend in his place.

(2) Where the advocate-on-record of such minor omits, within a reasonable time, to take steps to get a new next friend appointed, any person interested in the minor or in the matter in issue may apply to the Court for the appointment of one, and the Court may appoint such person as it thinks fit as the next friend of such minor.

4. An application for the appointment of new next friend of a minor shall be supported by an affidavit showing that the person proposed is a fit and proper person to be so appointed and has no interest adverse to that of the minor.

5. Where a respondent to an appeal or petition is a minor and is not represented by a guardian, an application shall be made to the Court by the appellant or petitioner as the case may be, or by some person interested in the minor for the appointment of a guardian of such minor; and it shall be supported by an affidavit stating that the proposed guardian has no interest in the matter in question in the appeal or petition adverse to that of the minor. Where a person other than the father or where there is no father, the mother or other natural guardian of the minor is proposed as guardian, notice of the application shall be served on the father or where there is no father, on the mother or other natural guardian of the minor, or on the person with whom the minor resides, not less than fourteen days before the day named in the notice for the hearing of the application. Where there is no other person fit and willing to act as guardian, the Court may appoint an officer of the Court to be guardian. The Court may, in any case, if it thinks fit, issue notice to the minor also.

6. (1) No guardian of a minor shall retire from a suit, appeal or other proceeding without the leave of Court. Where a guardian of a minor fails to do his duty or other sufficient cause is shown for his removal, the Court may remove him from the guardianship of the minor and make such order as to costs as it thinks fit.

(2) Where the guardian of a minor retires, dies or is removed by the Court during the pendency of the suit, appeal or other proceeding, the Court shall appoint a new guardian in his place.

7. When a guardian ad-litem of a minor respondent is appointed, and it is made to appear to the Court that the guardian is not in possession of any, or sufficient funds for the conduct of the appeal or petition on behalf of the respondent, and that the respondent will be prejudiced in his defence thereby, the Court may, in its discretion, from time to time, order the appellant or petitioner, as the case may be, to advance to the guardian of the minor for the purpose of his defence such moneys as the Court may fix, and all moneys so advanced shall form part of the costs of the appellant or petitioner in the appeal or petition, as the case may be. The order shall direct that the guardian do file in Court an account of the moneys so received by him.

8. An application to declare as a major a party to a proceeding described as a minor and to discharge his next friend or guardian shall be supported by an affidavit stating the age of the alleged major and the date on which he attained majority. Notice of the application shall be given to the next friend or guardian and to the alleged major.

9. No next friend or guardian of a minor in an appeal or other proceeding, shall without the leave of the Court, expressly recorded in the proceedings, enter into any agreement or compromise on behalf of a minor with reference to the appeal or proceeding in which he acts as next friend or guardian.

10. An application made to the Court for leave to enter into an agreement or compromise or for the withdrawal of any appeal or other proceedings in pursuance of a compromise on behalf of a minor, shall be supported by an affidavit from the next friend or guardian of the minor stating that the agreement or compromise is for the benefit of the minor, and, where the minor is represented by an Advocate, by a certificate or by a statement at the bar from such advocate to the effect that the agreement or compromise is, in his opinion, for the benefit of the minor. A decree or order made in pursuance of the compromise of an appeal or other proceeding, to which a minor is a party, shall recite the sanction of the Court thereto and shall set out the terms of the compromise.

11. (1) No decree passed against a minor shall be set aside merely on the ground that the next friend or guardian for the appeal, petition or other proceeding of the minor had an interest in the subject-matter of the appeal, petition or other proceeding adverse to that of the minor, but the fact that by reason of such adverse interest of the next friend or guardian for the appeal, petition or other proceeding, prejudice has been caused to the interests of the minor, shall be a ground for setting aside the decree.

(2) Nothing in this rule shall preclude the minor from obtaining any relief from this Court available under any law by reason of the misconduct or gross negligence on the part of the next friend or guardian for the appeal, petition or other proceeding resulting in prejudice to the interests of the minor.

12. The provisions of this order, so far as they are applicable, shall apply to persons adjudged to be of unsound mind and to persons who, though not so adjudged, are found by the Court on inquiry, by reason of unsoundness of mind or mental infirmity, to be incapable of protecting their interests when suing or being sued.

13. Save as aforesaid, the provisions of Order XXXII of the Code relating to suits so far as applicable, shall apply mutatis mutandis to appeals and other proceedings in the Court.

ORDER VIII

DOCUMENTS

1. The officers of the Court shall not receive any pleading, petition, affidavit or other document, except original exhibits and certified copies of public documents, unless it is fairly and legibly written, type-written or lithographed in double-line spacing, on one side of standard petition paper, demy-foolscap size, or of the size of 29.7 cm x 21 cm, or paper which is ordinarily used in the High Courts for the purpose. Copies filed for the use of the Courts shall be neat and legible, and shall be certified to be true copies by the advocate-on-record, or by the party in person, as the case may be.

2. No document in language other than English shall be used for the purpose of any proceedings before the Court, unless it is accompanied by:

(a) a translation agreed to by both parties; or

(b) a translation certified to be true translation by a translator appointed by the Court; or

(c) the said document is translated by a translator appointed or approved and notified by the Court.

Explanation - The provisions of this rule shall, so far as may be, apply also to a document in English of which a part is in a language other than English.

3. Every document required to be translated shall be translated by a translator appointed or approved and notified by the Court:

Provided that a translation agreed to by both parties, or certified to be a true translation by the translator appointed or approved by the Court, may be accepted.

4. Every translator shall, before acting, make an oath or affirmation that he will translate correctly and accurately all documents given to him for translation.

5. All plaints, petitions, applications and other documents shall be presented by the plaintiff, petitioner, applicant, appellant, defendant or respondent in person or by his duly authorised agent or by an advocate-on-record duly appointed by him for the purpose:

Provided that a party, who had been adjudged to be an indigent person for the purpose of the proceedings in the courts below, may present the document before the Judicial authority of the place where the said party resides, and the said Judicial authority after attesting the document and endorsing thereon under his seal and signature the date of presentation, shall transmit the same to the Court by registered post, acknowledgement due at the expense of the party concerned. The date of presentation in this Court of the said document shall be deemed to be the date endorsed thereon by the said Judicial authority.

6. (1) All plaints, petitions, appeals or other documents shall be presented at the filing counter and shall, wherever necessary, be accompanied by the documents required under the rules of the Court to be filed along with the said plaint, petition, or appeal:

Provided that a plaint, petition or appeal not presented at the filing counter by the petitioner or by his duly authorised Advocate-on-Record shall not ordinarily be accepted, unless as directed by the Chief Justice of India or a Judge nominated by the Chief Justice of India for this purpose.

(2) On receipt of the document, the officer in-charge of the filing counter shall endorse on the document the date of receipt and enter the particulars of the said document in the register of daily filing and cause it to be sent to the department concerned for examination. If, on a scrutiny the document is found in order, it shall be duly registered and given a serial number of registration.

(3) Where a document is found to be defective, the said document shall, after notice to the party filing the same, be placed before the Registrar. The Registrar 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, the Registrar 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 to the party concerned, such time as may be necessary but not exceeding twenty eight days in aggregate.

(4) Where the party fails to take any steps for the removal of the defect within the time fixed for the same by the Registrar, the Registrar may, for reasons to be recorded in writing, decline to register the document.

(5) Any party aggrieved by any order made by the Registrar under this Rule may, within fifteen days of the making of such order, appeal against it to the Judge in Chambers.

7. The Registrar may on an application by the party interested, order the return of a document filed in a suit, appeal or matter if the person applying therefor delivers in the office a certified copy thereof to be substituted for the original.

8. (1) Except as otherwise provided by these rules or by any law for the time being in force, the Court-fees set out in the Third Schedule to these Rules shall be payable on the documents mentioned therein, and no document chargeable with a fee under the said Schedule shall be received or filed in the Registry unless the fee prescribed has been paid on it. No copy of a document shall be furnished to any person unless the fee prescribed therefor has been paid:

Provided, however, that no Court fees or process fee or copying fee shall be chargeable in respect of matters filed in this Court through the Supreme Court Legal Services Committee.

(2) All fees referred to in sub-rule (1) shall be collected in Court fee stamp sold in Delhi in accordance with the provisions of the Court-Fees Act as in force in the Union Territory of Delhi.

(3) No document chargeable with a Court-fee shall be acted upon in any proceedings in this Court until the stamp thereon has been cancelled.

The officer receiving the document shall forthwith effect such cancellation by punching out the figure head so as to leave the amount designated on the stamp untouched and the part removed by punching shall be burnt or otherwise destroyed.

(4) Whenever a question of the proper amount of the Court-fees payable is raised, the Registrar or the Taxing Officer of the Court shall decide such question before the document or the proceeding is acted upon in the Registry and whenever it is found that due to a bona fide mistake the Court-fee paid is insufficient the Registrar shall call upon the party concerned to make good the deficiency within such time as the Registrar may think reasonable but not exceeding three months in any case.

(5) In case the deficiency in the Court-fee is made good within the time allowed, the date of the institution of the proceeding shall be deemed to be the date on which the proceeding was initially instituted.

(6) The Registrar may in a proper case on an application made by the party issue a certificate regarding any excess Court-fee paid under a mistake.

9. (1) The levy and collection of Court-fees under these rules shall be under the general superintendence of the Registrar of the Court who may be assisted in his supervision by the Assistant Registrars of the Court.

(2) Where at any time during the course of the pendency of a suit, appeal or proceedings, or even after the conclusion of such a proceeding it appears to the Registrar or the Taxing Officer that through mistake or inadvertence, a document which ought to be stamped in a certain manner has been received and acted upon without its being stamped or that the Court-fee paid thereon initially was insufficient, the Registrar or the Taxing Officer shall record a declaration to that effect and determine the amount of deficiency in Court fee:

Provided that no such declaration shall be made until the party liable to pay the Court-fee has had an opportunity of being heard.

(3) When a declaration has been recorded under sub-rule (2) and if that relates to a matter pending before the Court the procedure prescribed by sub-rule (3) shall be followed; if it relates to the proceedings which have already been disposed of, the Registrar shall, if the deficiency is not made good within three months of the declaration made, forward a requisition for the recovery of the same to the Central Government which shall recover the amount of such Court-fee from the person liable to pay the same as if it were an arrear of land revenue.

ORDER IX

AFFIDAVITS

1. The Court may at any time, for sufficient reason, order that any particular fact or facts may be proved by affidavit, or that the affidavit of any witness may be read at the hearing, on such conditions as the Court thinks reasonable:

Provided that where it appears to the Court that either party bona fide desires the production of a witness for cross-examination and that such witness can be produced, an order shall not be made authorising the evidence of such witness to be given by affidavit.

2. Upon any application evidence may be given by affidavit; but the Court may, at the instance of either party, order the attendance for cross-examination of the deponent, and such attendance shall be in Court, unless the deponent is exempted from personal appearance in Court or the Court otherwise directs.

3. Every affidavit shall be filed in the cause, appeal or matter for which it is sworn.

4. Every affidavit shall be drawn up in the first person, and shall be divided into paragraphs to be numbered consecutively, and shall state the description, occupation, if any, and the true place of abode of the deponent.

5. Affidavits shall be confined to such facts as the deponent is able of his own knowledge to prove, except on interlocutory applications, on which statements of his belief may be admitted, provided that the grounds thereof are stated.

6. An affidavit requiring interpretation to the deponent shall be interpreted by an interpreter nominated or approved by the Court, if made within the State of Delhi, and if made elsewhere, shall be interpreted by a competent person who shall certify that he has correctly interpreted the affidavit to the deponent.

7. Affidavits for the purposes of any cause, appeal or matter before the Court may be sworn before a Notary or any authority mentioned in section 139 of the Code or before a Registrar of this Court duly authorised in this behalf by the Chief Justice, or before an Oath Commissioner generally or specially authorised in that behalf by the Chief Justice.

8. Where the deponent is a pardahnashin lady, she shall affirm or take oath before a lady Registrar of this Court which shall include an Additional Registrar, duly authorised by the Chief Justice, or before a lady Oath Commissioner, and shall also be identified by a person to whom she is known and that person shall prove the identification by a separate affidavit.

9. Every exhibit annexed to an affidavit shall be marked with the title and number of the cause, appeal or matter and shall be initialled and dated by the authority before whom it is sworn.

10. No affidavit having any interlineation, alteration or erasure shall be filed in Court unless the interlineation or alteration is initialled, or unless in the case of an erasure the words or figures written on the erasure are rewritten in the margin and initialled, by the authority before whom the affidavit is sworn.

11. The Registrar may refuse to receive an affidavit where in his opinion the interlineations, alterations, or erasures are so numerous as to make it expedient that the affidavit should be rewritten.

12. Where a special time is limited for filing affidavits, no affidavit filed after that time shall be used except by leave of the Court.

13. In this Order, 'affidavit' includes a petition or other document required to be sworn or verified; and 'sworn' includes affirmed. In the verification of petitions, pleadings or other proceedings, statements based on personal knowledge shall be distinguished from statements based on information and belief. In the case of statements based on information, the deponent shall disclose the source of his information, including official records.

ORDER X

INSPECTION, SEARCH, ETC.

1. Subject to the provisions of these rules, a party to any cause, appeal or matter may apply to the concerned Registrar and shall be allowed to search or inspect all pleadings and other documents or records in the case, on payment of the prescribed fees and charges.

2. A search or inspection during the pendency of a cause, appeal or matter, shall be allowed only in the presence of an officer of the Court and after twenty-four hours' notice in writing to the parties who have appeared, and copies of documents shall not be allowed to be taken, but notes of the search or inspection may be made.

3. No record or document filed in any cause, appeal or matter shall, without the leave of the Court, be taken out of the custody of the Court.

4. The Registrar may, in his discretion, permit any record to be sent to any Court, tribunal or other public authority on requisition received from such Court, Tribunal or authority.

ORDER XI

NOTICES OF MOTION

1. Except where otherwise provided by any statute or prescribed by these rules, all applications which in accordance with these rules cannot be made in Chambers shall be made on motion after notice to the parties affected thereby.

2. Where the delay caused by notice would or might entail serious hardship,the applicant may pray for an ad-interim ex-parte order in the notice of motion, and the Court, if satisfied upon affidavit or otherwise that the delay caused by notice would entail serious hardship may make an order ex-parte upon such terms as to costs or otherwise, and subject to such undertaking being given, if any, as the Court may think just, pending orders on the motion after notice to the parties affected thereby.

3. Where an ex-parte order is made by the Court, unless the Court has fixed a date for the return of the notice, or otherwise directs, the Registrar, shall fix a date for the return of the notice and the application by notice of motion shall be posted before the Court for final orders on the returnable date.

4. A notice of motion shall be instituted in the suit or matter in which the application is intended to be made and shall state the time and place of application and the nature of the order asked for and shall be addressed to the party or parties intended to be affected by it, unless they have an advocate-on-record, in which case it will be addressed to the advocate-on-record, and shall be signed by the advocate-on-record of the party moving, or by the party himself where he acts in person.

5. (1) Unless otherwise ordered, the notice of motion together with the affidavit in support thereof shall be served on the opposite party not less than seven days before the day appointed for the motion where such opposite party has entered appearance, and not less than fourteen days before the day appointed for the motion where such party has not entered appearance.

The affidavits in opposition shall be filed in the Registry not later than five days before the day appointed for the hearing and affidavits in reply shall be filed not later than two days before the day of hearing. The affidavits in opposition or reply shall be served on the opposite party or parties and shall not be accepted in the Registry unless they contain an endorsement of service signed by such party or parties.

(2) Leave to serve short notice of motion may be obtained ex-parte from the Registrar upon affidavit.

6. Notice shall be given to the other party or parties of all grounds intended to be urged in support of, or in opposition to, any motion.

7. Any interlocutory or miscellaneous application, notwithstanding that it is made in an appeal or other proceeding in which a substantial question of law as to the interpretation of the Constitution is raised, may be heard and decided by a Bench of not less than five Judges.

ORDER XII

JUDGMENTS, DECREES AND ORDERS

1. The Court, after the case has been heard, shall pronounce judgment in open Court, either at once or on some future day, of which due notice shall be given to the parties or their advocates on record, and the decree or order shall be drawn up in accordance therewith.

2. A member of the Court may read a judgment prepared by another member of the Court.

3. Subject to the provisions contained in Order XLVII of these rules, a judgment pronounced by the Court or by a majority of the Court or by a dissenting Judge in open Court shall not afterwards be altered or added to, save for the purpose of correcting a clerical or arithmetical mistake or an error arising from any accidental slip or omission.

4. Certified copies of the judgment, decree or order shall be furnished to the parties on requisition made for the purpose, and at their expense.

5. Every decree passed or order made by the Court shall be drawn up in the Registry and be signed by the Registrar, the Additional Registrar or Deputy Registrar and sealed with the seal of the Court and shall bear the same date as the judgment in the suit or appeal.

6. The decree passed or order made by the Court in every appeal, and any order for costs in connection with the proceedings therein, shall be transmitted by the Registrar to the Court or Tribunal from which the appeal was brought, and steps for the enforcement of such decree or order shall be taken in that Court or Tribunal in the way prescribed by law.

7. Orders made by the Court in other proceedings shall be transmitted by the Registrar to the judicial or other authority concerned to whom such orders are directed, and any party may apply to the Judge in Chambers that any such order, including an order for payment of costs, be transmitted to any other appropriate Court or other authority for enforcement.

8. In cases of doubt or difficulty with regard to a decree or order made by the Court, the Registrar, the Additional Registrar or the Deputy Registrar shall, before issuing the draft, submit the same to the Court.

9. Where the Registrar, the Additional Registrar or the Deputy Registrar considers it necessary that the draft of any decree or order should be settled in the presence of the parties or where the parties, require it to be settled, in their presence, the Registrar, the Additional Registrar or the Deputy Registrar shall, by notice in writing, appoint a time for settling the same and the parties shall attend the appointment and produce the briefs and such other documents as may be necessary to enable the draft to be settled.

10. Where any party is dissatisfied with the decree or order as settled by the Registrar, the Registrar shall not proceed to complete the decree or order without allowing that party sufficient time to apply by motion to the Court, which shall not exceed 90 days from date of order of the Registrar failing which the Registrar will proceed to settle the decree.

ORDER XIII

COPYING

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

2. The Court on the application of a person who is not a party to the case, appeal or matter, pending or disposed of, may on good cause shown, allow such person to receive such copies as is or are mentioned in the last preceding rule.

3. Application for "certified copy" or unauthenticated "copy" may be presented in the prescribed form [Form No. 29] by an advocate-on-record or party in person or may be sent by post to the Registrar, Copying Section, Supreme Court of India, New Delhi, along with the requisite copying fee for urgent/ordinary delivery.

4. On every copy after it is prepared, the following shall be entered :-

(a) application filed on :-

(b) the date given to receive copy :-

(c) date on which copy is made ready:-

(d) the date on which the copy is received by the applicant or sent to the applicant.

5. Every certified copy issued by this Court shall be certified by the Assistant Registrar/Branch Officer or such other officer as may be authorised in that behalf by the Registrar, to be true copy of the original and shall be sealed with the seal of the Supreme Court, in accordance with Rule 6 of Order III of the Rules.

6. (1) No certified copy shall be given of any registered document or of a document which is itself a 'copy' of the original document. However, if such a document is a copy annexed with any petition/appeal/application/reply or any other pleading presented in Supreme Court then a 'copy' may be issued.

(2) Any "copy" other than "certified copy" shall bear an endorsement that "it is not a certified copy".

7. Notwithstanding anything contained in this order, no party or person shall be entitled as of right to receive copies of or extracts from any minutes, letter or document of any confidential nature or any paper sent, filed or produced, which the Chief Justice or the Court directs to keep in sealed cover or considers to be of confidential nature or the publication of which is considered 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.

8. The functioning of the Copying Branch shall be regulated as per the guidelines and directions issued by the Chief Justice from time to time.

ORDER XIV

PAYMENT INTO AND OUT OF COURT OF SUITORS' FUNDS

1. Unless otherwise ordered, all moneys directed to be paid into this Court to the credit of any suit, appeal or other proceeding, shall be paid into the UCO Bank, Supreme Court Compound, New Delhi (or any other Nationalised Bank(s), as may be directed by the Chief Justice from time to time) (hereinafter referred to as 'the Bank'), into an account entitled 'Government A/c-P-Deposits and Advances-II Deposits Not Bearing Int.-(C) other Deposits A/cs.-Deptl. and Judicial.Deposits-Civil Deposits-Civil Court Deposits'.

2. Notwithstanding anything contained in rule 3, rule 4 or rule 5 the Registrar may, in appropriate cases, authorise the acceptance of moneys by demand drafts, banker's cheques or pay orders issued in favour of the Registrar and payable in Delhi or New Delhi by a Nationalised/Scheduled Bank, and direct that the said amount be deposited with the Bank, as provided by rule 1. On encashment, the date of tender in such cases shall be deemed to be the date on which the demand draft, banker's cheque or pay order is presented for encashment:

Provided that such tender by demand draft, banker's cheque or pay order is made a day prior to the due date.

3. Any person ordered to pay money into Court shall present a lodgement schedule in the prescribed form to the Branch Officer of the Accounts Branch of the Registry for the issue of a challan to enable him to make the payment into the Bank. The lodgment schedule shall be accompanied by a copy of the order directing the payment or shall bear a certificate from the Registrar endorsed thereon as to the amount to be paid and the time within which the payment is to be made.

4. On presentation of the lodgment schedule, a challan, in duplicate in the prescribed form, specifying the amount to be paid and the date within which it should be paid, but in no case exceeding ten days from the date of issue of the challan, shall be issued by the Branch Officer, Accounts Branch, to the party directed to make the payment, who shall thereupon present the same at the Bank and make the payment. The Bank shall, on receiving payment, retain one copy of the Challan and return the other copy, duly signed and dated acknowledging the receipt of the money, to the person making the payment. The Bank shall not accept the payment if the amount is tendered beyond the date mentioned in the challan as the last date for payment.

5. On production of the copy of the challan duly signed and acknowledged by the bank as aforesaid, the person making the payment shall be given credit in the books maintained by the Accounts Branch of the Registry for the amount paid into the Bank, and a receipt signed by the Registrar shall be issued to him and the said challan shall be retained in the Branch.

6. The Branch Officer of the Accounts Branch shall keep a register causewise of all money, effects and securities of the suitors of the Court, which shall be ordered to be paid or delivered into or out of the Court. The purpose for which the deposit is made and the orders of attachment received, if any, of the funds, shall be duly entered in the register. No money shall be paid out of the funds in Court without an order of the Court.

7. Where a party seeks payment out of any moneys in Court he shall present an application to the Court for an order for payment. The application shall be accompanied by a Certificate of Funds signed by the Registrar showing the amount, if any, standing to the credit of the suit, appeal or other proceeding from which payment out is sought and the claims and attachments, if any, subsisting thereon on the date of the certificate.

8. Upon an order being made for payment out, the party in whose favour the order is made shall apply to the Registrar for payment to him in accordance with the said order. The Registrar shall thereupon issue an order for payment in the prescribed form for the amount to be paid in favour of the party entitled to payment. The payment order shall be endorsed at the same time on the original challan received from the Bank. The payment order together with the challan duly endorsed for payment shall be handed over to the party entitled to payment who shall present the same to the Pay and Accounts Officer, Supreme Court of India, New Delhi and obtain payment. Where however the entire amount of the challan or the entire balance remaining unpaid thereunder is not to be paid out to the party, the original challan shall not be handed over to him, but only a copy thereof

endorsed for payment shall be given to him for presentation to the Pay and Accounts Officer, Supreme Court of India, New Delhi, the original challan being retained in the Accounts Branch until the funds are fully paid out.

9. Where a party seeks payment of the monies or securities paid to the Registrar or deposited with him, a commission will be recovered from it at the rate of one per cent and two per cent respectively on the principal amount and the interest drawn on the invested money:

Provided that the maximum commission payable shall not exceed Rs.15,000/-.

10. The Branch Officer, Accounts Branch, shall check and tally the accounts maintained in the Branch every month with the monthly statements of receipts and payments to be received from the Pay and Accounts Officer, Supreme Court of India, New Delhi and the Registrar shall certify under his signature every month that the accounts have been duly checked and tallied.

11. Fees relating to the registration of Advocate-on-Record shall be paid into the Bank, to the credit of an account entitled 'XXI-Administration of Justice Receipts of the Supreme Court'.

12. Fees of Rs.100/- shall be payable for registering a clerk of an Advocate or a firm of Advocates.

13. Fees of Rs.50/- shall be payable on requisition for issue of an identity card in substitution of one that is lost or damaged.

14. Where a party seeks photograph copies or copies of maps filed in any matter he will be liable to pay the actual charges to be incurred for the same (to be deposited in cash).

ORDER XV

PETITIONS GENERALLY

1. (1) Every petition shall consist of paragraphs and pages numbered consecutively and shall be fairly and legibly type-written, lithographed or printed on one side of standard A4 size paper, with quarter margin, and endorsed with the name of the Court appealed from, the full title and Supreme Court number of the appeal or matter to which the petition relates and the name, registered address and e-mail address of the advocate-on-record of the petitioner or of the petitioner where the petitioner appears in person. The petitioner shall file along with his petition such number of copies thereof as may be required for the use of the Court.

(2) Where respondent appears, in case there is difference in address given in the petition and the actual address of the respondent, the respondent shall provide his registered address.

2. Where a petition is expected to be lodged, or has been lodged, which does not relate to any pending appeal of which the record has been registered in the Registry of the Court, any person claiming a right to appear before the Court on the hearing of such petition may lodge a caveat in the matter thereof, and shall thereupon be entitled to receive from the Registrar notice of the lodging of the petition, if at the time of the lodging of the caveat such petition has not yet been lodged, and, if and when the petition has been lodged, to require the petitioner to serve him with copy of the petition and to furnish him, at his own expense, with copies of any papers lodged by the petitioner in support of his petition. The caveator shall forthwith, after lodging his caveat, give notice thereof to the petitioner, if the petition has been lodged.

3. Where a petition is lodged in the matter of any pending appeal of which the record has been registered in the Registry of the Court, the petitioner shall serve any party who has entered an appearance in the appeal, with a copy of such petition and the party so served shall thereupon be entitled to require the petitioner to furnish him at his own expense, with copies of any papers lodged by the petitioner in support of his petition.

4. A petition other than memorandum of appeal containing allegations of fact which cannot be verified by reference to the record in the Court shall be supported by an affidavit.

5. The Registrar may refuse to receive a petition on the ground that it discloses no reasonable cause or is frivolous or contains scandalous matter but the petitioner may within fifteen days of the making of such order, appeal by way of motion, from such refusal to the Court.

6. As soon as all necessary documents are lodged, the petition shall be set down for hearing.

7. Subject to the provisions of rule 8, the Registrar shall, as soon as the Court has appointed a day for the hearing of a petition, notify the day appointed on the notice board/website of the Court.

8. Where the prayer of a petition is consented to in writing by the opposite party, or where a petition is of a formal and non-contentious character, the Court may, if it thinks fit, make an order thereon, without requiring the attendance of the parties, but the Registrar shall, with all convenient speed, after the Court has made its order, notify the parties that the order has been made and of the date and nature of such order.

9. A petitioner who desires to withdraw his petition shall give notice in writing to that effect to the Registrar. Where the petition is opposed the opponent shall, subject to any agreement between the parties to the contrary, be entitled to apply to the Court for his costs, but where the petition is unopposed, or where, in the case of an opposed petition, the parties have come to an agreement as to the costs of the petition, the petition may, if the Court thinks fit, be disposed of in the same way mutatis mutandis as a consent petition under the provisions of rule 8.

10. Where a petitioner unduly delays the bringing of a petition to a hearing, the Registrar shall call upon him to explain the delay, and if no Explanation is offered, or if the Explanation offered is, in the opinion of the Registrar, insufficient, the Registrar may, after notifying all parties, who have entered appearance, place the petition before the Court for such directions as the Court may think fit to give thereon.

11. At the hearing, not more than one advocate shall be heard on behalf of the petitioner/petitioners and not more than one Advocate on behalf of each respondent/each set of respondents, unless directed otherwise by the Court.

PART - II

APPELLATE JURISDICTION

(A) GENERAL

ORDER XVI

HEARING OF APPEALS

1. At the hearing of an appeal not more than one advocate shall be heard on behalf of the appellant/appellants and not more than one Advocate on behalf of each respondent/each set of respondents, unless directed otherwise by the Court.

2. No party shall, without the leave of the Court, rely at the hearing on any ground not specified in the statement of the case filed by him.

3. Where the Court, after hearing an appeal, decides to reserve its Judgment thereon, the date of pronouncement shall be notified by the Registrar in the daily cause list.

4. (1) An appellant whose appeal has been dismissed for default of appearance may, within thirty days of the order, present a petition praying that the appeal may be restored and the Court may, after giving notice of such application to the respondent who has entered appearance in the appeal, restore the appeal if good and sufficient cause is shown, putting the appellant on terms as to costs or otherwise as it thinks fit, or pass such other order as the circumstances of the case and the ends of justice may require.

(2) Where an appeal is heard ex-parte and Judgment is pronounced against the respondent, he may apply to the Court to re-hear the appeal, and if he satisfies the Court that the appeal was set down ex-parte against him without notice to him or that he was prevented by sufficient cause from appearing when the appeal was called on for hearing the Court may re-hear the appeal on such terms as to costs or otherwise as it thinks fit to impose upon him.

ORDER XVII

MISCELLANEOUS

1. The filing of a special leave petition or an appeal shall not prevent execution of the decree or order appealed against but the Court, may, subject to such terms and conditions as it may think fit to impose, order a stay of execution of the decree or order, or order a stay of proceedings, in any case under appeal to the Court.

2. A party to a special leave petition or an appeal who appears shall furnish the Registrar complete postal address (and e-mail address, if any) which shall be treated as his registered address for service and all documents left at that address, or sent by registered post to that address, shall be deemed to have been duly served. If the party does not have an e-mail address, a statement to that effect shall be made.

3. In cases where intervention is allowed by the Court, the intervener or interveners shall be entitled to receive documents produced and relied upon by the petitioner(s), unless directed otherwise by the Court. The intervener(s) may make oral submissions with the leave of the Court.

ORDER XVIII

APPEALS AND APPLICATIONS BY INDIGENT PERSON

1. An application for leave to proceed as an indigent person shall be made on a petition. It shall be accompanied by:

(a) a copy of the petition of appeal and the documents referred to in Rule 3 of Order XIX, or of the petition for special leave and the documents mentioned in rule 4 of Order XXI, as the case may be, and

(b) an affidavit from the petitioner disclosing all the property to which he is entitled and the value thereof other than his necessary wearing apparel and his interest in the subject-matter of the intended appeal and stating that he is unable to provide security or surety for the cost of respondent and pay Court fees.

2. The Registrar shall, on satisfying himself that the petition is in order, direct that the petition shall be registered and set down for hearing before the Chamber Judge on a date to be fixed for the purpose.

3. The application shall be posted before the Judge in Chambers who may himself inquire into the indigency of the petitioner after notice to the other parties in the case and to the Attorney-General, or make an order directing the High Court either by itself or by a Court subordinate to the High Court, to investigate the indigency after notice to the parties interested and submit a report thereon within such time as may be fixed by the order. On receipt of the report, the petition shall again be posted before the Judge in Chambers for further orders:

Provided that, if the applicant was allowed to sue or appeal as an indigent person in the Court from whose decree the appeal is preferred, no further inquiry in respect of his indigency shall be necessary, unless this Court sees cause to direct such inquiry.

4. In granting or refusing leave to appeal as an indigent person, the Court shall ordinarily follow the principles set out in Order XXXIII of the Code.

5. Where a petitioner obtains leave of the Court to appeal as an indigent person he shall not be required to pay Court fees on the documents filed in the case or fees payable for service of process. He shall, however, be required to pay fees for obtaining copies of any documents or orders.

6. The Judge in Chambers may assign an advocate-on-record to assist an indigent person in the case, unless the indigent person has made his own arrangement for his representation. Such assignment shall ordinarily be from a panel of advocates willing to assist indigent persons and chosen by the Judge in Chambers. It shall however be open to the Judge in Chambers in his discretion to assign an advocate outside the panel in any particular case.

7. (1) No fees shall be payable by an indigent person to his advocate, nor shall any such fees be allowed on taxation against the other party except by an order of Court. The advocate may however receive from the indigent person money for out of pocket expenses, if any, properly incurred in the case.

(2) It shall be open to the Court, if it thinks fit, to award costs against the adverse party or out of the property decreed to an indigent person and direct payment of such costs to the advocate for the indigent person.

(3) Save as aforesaid no person shall take or agree to take or seek to obtain from an indigent person any fee, profit or reward for the conduct of his case, and any person who takes, agrees to take or seeks to obtain, any such fee, profit or reward, shall be guilty of Contempt of Court.

(4) Soon after an appeal by an indigent person has been heard and disposed of, the advocate for the indigent person shall file in the Registry a statement of account showing what moneys, if any, were received by him in the case on any account from the indigent person or from any person on his behalf and the expenditure incurred. If no moneys had been received, a statement shall be filed to that effect. The Taxing Officer may, where he thinks it necessary, place the statement filed before the Judge in Chambers for his perusal and orders.

8. Where the appellant succeeds in the appeal, the Registrar shall calculate the amount of Court-fees which would have been paid by the appellant if he had not been permitted to appeal as an indigent person and incorporate it in the decree or order of the Court; such amount shall be recoverable by the Government of India from any party ordered by the Court to pay the same, and shall be the first charge on the subject-matter of the appeal.

9. Where the appellant fails in the appeal or the permission granted to him to sue as an indigent person has been withdrawn, the Court may order the appellant to pay the Court-fees which would have been paid by him if he had not been permitted to appeal as an indigent person.

10. The Central Government shall have the right at any time to apply to the Court to make an order for the payment of Court-fees under rule 8 or rule 9.

11. (1) Where the party is not represented by an Advocate of his choice, the Court may in a proper case, direct the engagement of an Advocate from panel of Supreme Court Legal Services Committee or at the cost of the State. The fee of the Advocate engaged at the cost of State shall be such as may, from time to time, be fixed by the Chief Justice, unless otherwise directed by the Court.

(2) After the hearing of the matter is over, the Registrar, the Additional Registrar or the Deputy Registrar shall issue to the Advocate where engaged at the cost of State, a certificate in the prescribed form, indicating therein, the name of the said Advocate and the amount of fees payable to him.

(3) The State concerned shall pay the fees specified in the certificate issued under sub-rule (2) to the Advocate named therein within three months from the date of his presenting before it his claim for the fees supported by the certificate. If the fees are not paid within the period above-said, the Advocate shall be entitled to recover the same from the State concerned by enforcement of the certificate as an Order as to costs under the Supreme Court (Decrees and Orders) Enforcement Order, 1954.

Explanation.- For the purposes of this rule, the term "State" shall include a Union Territory.

12. All matters arising between the Central Government and any party to the appeal under the three preceding rules shall be deemed to be questions arising between the parties to the appeal.

13. In every appeal by an indigent person the Registrar shall, after the disposal thereof, send to the Attorney-General for India a memorandum of the court fees payable by the indigent person.

14. No appeal or other proceeding begun, carried on or defended by an indigent person shall be compromised or discontinued without the leave of the Court.

15. Any respondent, who desires to defend, may be allowed to set up the defence as an indigent person, and the rules contained in this Order shall, so far as may be, apply to him as if he were a petitioner moving the petition for leave to proceed as an indigent person.

(B) CIVIL APPEALS

ORDER XIX

APPEALS ON CERTIFICATE BY HIGH COURT

1. Where a certificate of the nature referred to in clause (1) of article 132 or clause (1) of article 133 has been given under article 134A of the Constitution or a certificate has been given under article 135 of the Constitution or under any other provision of law the party concerned shall file a petition of appeal in the Court.

2. Subject to the provisions of sections 4, 5 and 12 of the Limitation Act,1963 (36 of 1963), the petition of appeal shall be presented within sixty days from the date of the grant of the certificate of fitness:

Provided that in computing the said period, the time requisite for obtaining a copy of the certificate and the order granting the said certificate, shall also be excluded.

3. (1) The petition shall recite succinctly and in chronological order with relevant dates, the principal steps in the proceedings leading up to the appeal from the commencement thereof till the grant of the certificate of leave to appeal to the Court, and shall state the grounds on which the judgment under appeal is assailed as well as the amount or value of the subject-matter of the suit in the Court of first instance and in the High Court, and the amount or value of the subject-matter in dispute before the Court with particulars showing how the said valuation has been arrived at. Where the appeal is incapable of valuation, it shall be so stated.

(2) The petition shall be accompanied by a certified copy of -

(i) judgment and decree or order appealed from;

(ii) certificate granted by the High Court; and

(iii) the order granting the said certificate.

In cases where according to the practice prevailing in the High Court, the decree or order is not required to be drawn up it shall be so stated upon affidavit. In appeals falling under any of the categories enumerated in rule 6,

however, in addition to the documents mentioned above, a certified copy (or uncertified copy if such copy is affirmed to be true copy upon affidavit) of the judgment or order and also of the decree of the Court immediately below or such a copy of the order of the Tribunal, Government authority or person, as the case may be shall also be filed before the appeal is listed for hearing ex-parte. At least seven copies of the aforesaid documents shall be filed in the Registry.

(3) Where at any time between the grant by the High Court of the Certificate for leave to appeal to the Court and the filing of the petition of appeal, any party to the proceeding in the Court below dies, the petition of appeal may be filed by or against the legal representative, as the case may be, of the deceased party, provided that the petition 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.

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

5. Where a party desires to appeal on grounds which can be raised only with the leave of the Court, it shall lodge along with the petition of appeal a separate petition stating the grounds so proposed to be raised and praying for leave to appeal on those grounds.

6 Each of the following categories of appeals, on being registered, shall be put up for hearing ex-parte before the Court which may either dismiss it summarily or direct issue of notice to all necessary parties or may make such orders as the circumstances of the case may require, namely:-

(a) an appeal from any judgment, decree or final order of a High Court summarily dismissing the appeal or the matter, as the case may be before it;

(b) an appeal on a certificate granted by a High Court under article 134A of the Constitution being a certificate of the nature referred to in clause (1) of article 132 or clause (1) of article 133 of the Constitution or under any other provision of law if the High Court has not recorded the reasons or the grounds for granting the certificate.

(c) an appeal under clause (b) of sub-section (1) of section 19 of the Contempt of Courts Act, 1971 (70 of 1971).

APPEARANCE BY RESPONDENT

7. As soon as the petition of appeal has been registered and in the case of categories of appeals falling under rule 6 as soon as notice is directed to be issued the Registrar of the Court shall-

(i) require the appellant to furnish as many copies of the petition of appeal as may be necessary for record and for service on the respondent; and

(ii) send to the Registrar of the Court appealed from a copy of the petition of appeal for record in that Court who shall serve upon the respondent or each of the respondents the notice of lodgment of appeal:

Provided that the Registrar of the Court may on an application made for the purpose, dispense with service of the petition of appeal on any respondent who did not appear in the proceedings in the Court appealed from or on his legal representative:

Provided however that no order dispensing with service of notice shall be made in respect of a respondent who is a minor or a lunatic:

Provided further that an order dispensing with service of notice shall not preclude any respondent or his legal representative from appearing to contest the appeal.

8. On receipt from the Court of the copy of the petition of appeal, the Registrar of the Court appealed from shall-

(i) cause notice of the lodgment of the petition of appeal to be served on the respondent personally or in such manner as the Court appealed from may by rules prescribe;

(ii) unless otherwise ordered by the Court transmit to the Court at the expense of the appellant the original record of the case, including the record of the Courts below:

Provided that where a transcript is to be prepared in accordance with the proviso to sub-rule (1) of rule 11, no original record shall be transmitted until specifically requisitioned; and

(iii) as soon as notice as aforesaid is served, to send a certificate as to the date or dates on which the said notice was served.

9. A respondent shall enter appearance in the Court within thirty days of the service on him of the notice of lodgment of the petition of appeal.

10. The respondent may within the time limited for his appearance deliver to Registrar of the Court and to the appellant a notice in writing consenting to the appeal, and the Court may thereupon make such order on the appeal as the justice of the case may require without requiring the attendance of the person so consenting.

PREPARATION OF RECORD

11. (1) The record shall be printed in accordance with the rules contained in the First Schedule to these rules and, unless otherwise ordered by the Court, it shall be printed under the supervision of the Registrar of the Court:

Provided that where the proceedings from which the appeal arises were had in courts below in a language other than English, the Registrar of the Court appealed from shall within six months from the date of the service on the respondent of the notice of petition of appeal transmit to the Court in triplicate a transcript in English of the record proper of the appeal to be laid before the Court, one copy of which shall be duly authenticated. The provisions contained in rules 12 to 17 shall apply to the preparation and transmission to the Court of the said transcript record:

Provided further that where the records are printed for the purpose of the appeal before the High Court and the said record be in English, the High Court shall prepare 10 extra copies in addition to the number of copies required by the High Court for use in the Court.

(2) Upon receipt from the Court appealed from of the English transcript of the record as aforesaid, the Registrar of the Court shall proceed to cause an estimate of the costs of preparing the printed copies of the records to be made and served on the appellant in accordance with the provisions contained in rule 16 and with all convenient speed arrange for the preparation thereof.

(3) Unless otherwise ordered by the Court, at least twenty copies of the record shall be prepared.

12. (1) As soon as the original record of the case is received in the Court, the Registrar shall give notice to the parties who have entered appearance of the arrival of the original record and the parties shall, thereafter be entitled to inspect the record and to extract all necessary particulars therefrom.

(2) The appellant shall within four weeks of the service upon him of the notice referred to in sub-rule (1), file a list of the documents which he proposes to include in the paper book, a copy whereof shall be served on the respondent. The respondent may within three weeks of the service on him of the said list, file a list of such additional documents as he considers necessary for the determination of the appeal.

13. After the expiry of the time fixed for the filing of the additional list by the respondent, the Registrar shall fix a day for the settlement of list of documents to be included in the appeal record and shall give notice thereof to the parties who have entered appearance. In settling the lists the Registrar, as well as the parties concerned, shall endeavour to exclude from the record all documents that are not relevant to the subject-matter of the appeal and generally to reduce the bulk of the record as far as practicable.

14. Where the respondent objects to the inclusion of a document on the ground that it is not necessary or is irrelevant and the appellant nevertheless insists upon its inclusion, the record as finally printed shall, with a view to subsequent adjustment of cost of and incidental to the printing of the said document, indicate in the index of papers or otherwise the fact that the respondent has objected to the inclusion of the document and that it has been included at the instance of the appellant.

15. Where the appellant objects to the inclusion of a document on the ground that it is not necessary or is irrelevant and the respondent nevertheless insists upon its inclusion, the Registrar, if he is of opinion that the document is not relevant, may direct that the said document be printed separately at the expense of the respondent and require the respondent to deposit within such time as he may prescribe, the necessary charges therefor, and the question of the costs thereof shall be dealt with by the Court at the time of the determination of the appeal.

16. As soon as the index of the records is settled, the Registrar concerned shall cause an estimate of the costs of the preparation of the record to be prepared and served on the appellant and require him to deposit within thirty days of such service the said amount. The appellant may deposit the said amount in lump sum or in such installments as the Registrar may prescribe.

17. Where the record has been printed for the purpose of the appeal before the High Court and sufficient number of copies (if it is in English) are available, no fresh printing of the record shall be necessary except of such additional papers as may be required.

18. Where an appeal paper book is likely to consist of two hundred or less number of pages, the Registrar may, instead of having it printed, have the record photocopied under his supervision.

19. If at any time during the preparation of the record the amount deposited is found insufficient, the Registrar shall call upon the appellant to deposit such further sum as may be necessary within such further time as may be deemed fit but not exceeding twenty-eight days in the aggregate.

20. Where the appellant fails to make the required deposit, the preparation of the records shall be suspended and the Registrar concerned shall not proceed with the preparation thereof without an order in this behalf of the Court and where the record is under preparation in the Court appealed from, of the Court appealed from.

21. When the record has been made ready the Registrar shall certify the same and give notice to the parties of the certification of the record and append to the record a certificate showing the amount of expenses incurred by the party concerned for the preparation of the record.

22. Each party who has entered appearance shall be entitled to three copies of the record for his own use.

23. Subject to any special direction from the Court to the contrary, the costs of, and incidental to, the printing of the record shall form part of the costs of the appeal, but the costs of, and incidental to, the printing of any document objected to by one party in accordance with rule 15 or rule 16, shall, if such document is found, on taxation of costs, to be unnecessary or irrelevant, be disallowed to, or borne by the party insisting on including the same in the record.

24. Where the record is directed to be prepared under the supervision of the Registrar of the Court appealed from, the provisions contained in rules 12 to 22 shall apply *mutatis mutandis* to the preparation thereof.

SPECIAL CASE

25. Where the decision of the appeal is likely to turn exclusively on a question of law, any party, with the sanction of the Registrar of the Court, may submit such question of law in the form of a special case, and the Registrar may call the parties before him, and having heard them and examined the record, may report to the Court as to the nature of the proceedings and the record that may be necessary for the discussion of the same. Upon perusing the said report, the Court may give such directions as to the preparation of the record and hearing of the appeal, including directions regarding the time within which or otherwise, the parties shall lodge their respective statements of case:

Provided that nothing herein contained shall in any way prevent this Court from ordering the full discussion of the whole case if the Court shall so think fit.

WITHDRAWAL OF APPEAL

26. Where at any stage prior to the hearing of the appeal an appellant desires to withdraw his appeal, he shall present a petition to that effect to the Court. At the hearing of any such petition a respondent who has entered appearance may apply to the Court for his costs.

NON-PROSECUTION OF APPEALS-CHANGE OF PARTIES

27. If an appellant fails to take any steps in the appeal within the time fixed for the same under these rules, or if no time is specified, it appears to the Registrar of the Court that he is not prosecuting the appeal with due diligence, the Registrar shall call upon him to explain his default and, if no Explanation is offered, or if the Explanation offered appears to the Registrar to be insufficient, the Registrar may issue a summons calling upon him to show cause before the Court why the appeal should not be dismissed for non-prosecution.

28. The Registrar shall send a copy of the summons mentioned in the last specified rule to every respondent who has entered appearance. The Court may, after hearing the parties, dismiss the appeal for non-prosecution or give such other directions thereon as the justice of the case may require.

29. Where at any time between the filing of the petition of appeal and the hearing of the appeal the record becomes defective by reason of the death or change of status of a party to the appeal, or for any other reason, an application shall be made to the Court, stating who is the proper person to be substituted or entered on the record in place of, or in addition to the party on record.

30. Upon the filing of such an application the Registrar of the Court shall, after notice to the parties concerned, determine who in his opinion is the proper person to be substituted or entered on the record in place

of, or in addition to the party on record, and the name of such person shall thereupon be substituted or entered on the record:

Provided that no such order of substitution or revivor shall be made by the Registrar-

(i) where a question arises as to whether any person is or is not the legal representative of the deceased party, or

(ii) where a question of setting aside the abatement of the cause is involved;

and in such a case he shall place the matter before the Court for orders:

Provided further that where during the course of the proceedings it appears to the Registrar that it would be convenient for the enquiry that investigation in regard to the person who is to be substituted on record, be made by the Court appealed from or a Court subordinate thereto, the Registrar may place the matter before the Judge in Chambers and the Judge in Chambers may thereupon make an order directing to the Court appealed from to investigate into the matter either itself or cause an enquiry to be made by a Court subordinate to it, after notice to the parties, and submit its report thereon to this Court within such time as may be fixed by the order. On receipt of the report from the Court below the matter shall be posted before the Judge in Chambers again for appropriate orders.

31. Save as aforesaid the provision of Order XXII of the Code relating to abatement shall apply *mutatis mutandis* to appeals and proceedings before the Court.

32. (1) Within forty-five days of the service on him of the notice of authentication of the record, the appellant shall lodge in the Court the statement of his case and serve a copy thereof on the respondent. The respondent shall lodge statement of case within thirty-five days thereafter. In appeals where printing of record is dispensed with, the appellant shall file statement of case within 45 days from the date of order dispensing with the printing of appeal record or from the expiry of period granted by the Court for filing additional papers or record, whichever is later and the respondent shall file statement of case within 35 days either from the date on which the period of 30 days from the date of service of notice of lodgment of petition of appeal expires or from the date of service of statement of case of the appellant, whichever is later.

(2) If the appellant does not file a statement of case within the time, as provided for in sub rule (1), it shall be presumed that the appellant has adopted the list of dates/synopsis containing chronology of events as filed at the time of presentation of petition for seeking special leave to appeal (SLP)/Appeal, as statement of case, and does not desire to file any further statement of case:

Provided that where a respondent, who has entered appearance, does not file a statement of case within the time, as provided in sub-rule (1), it shall be presumed that the respondent does not desire to lodge statement of case in the appeal.

33. (1) The statement of a case shall consist of two parts as follows :

Part I shall consist of a concise statement of the facts of the case in proper sequence. A list of the dates of the relevant events leading up and concerning the litigation in chronological order and pedigree tables, wherever necessary, shall be given at the end of the part.

Part II shall set out the contentions of facts and law sought to be urged in support of the claim of the party lodging the statement of case and the authorities in support thereof. Where authorities are cited, reference shall be given to the Official Reports, if available, where text books are cited, the reference shall if possible, be to the latest available editions. Where a statute, regulation, rule, ordinance or bye law is cited or relied on, so much thereof as may be necessary to the decision of the case shall be set out. At the end of the part shall ordinarily be set out a table of cases cited.

(2) The statement of case shall consist of paragraphs numbered consecutively. Reference shall be given by page and line to the relevant portions of the record in the margin and care shall be taken to avoid, as far as possible, the re-producing in the statement of case of long extracts from the Record. The statement of case shall not travel beyond the limits of the certificate or the special leave, as the case may be, and of such additional grounds, if any, as the Court may allow to be urged on application made for the purpose. The Taxing Officer in taxing the costs of the appeal shall, either of his own motion, or at the instance of the opposite party, enquire into any unnecessary prolixity in the case, and shall disallow the costs occasioned thereby.

34. Two or more respondents may, at their own risk of costs, lodge separate statement of cases in the same appeal.

35. A respondent who has not entered appearance shall not be entitled to receive any notice relating to the appeal from the Registrar of the Court, nor allowed to lodge a statement of case in the appeal.

36. The appeal shall be set down for hearing one month after the expiry of the time prescribed for lodging the statement of case by the respondent.

37. If the printing of record has not been dispensed with, the appellant shall, within two weeks of the receipt of the notice setting down the appeal for hearing, attend at the Registry and obtain eight copies of the record and the statements of case to be bound in cloth or in one-fourth leather with paper sides, and six leaves of blank paper shall be kept for the use of the Court. The front cover shall bear a label stating the title and Supreme Court number of the appeal, the contents of the volume and the name and address of the advocates-on-record. The several documents indicated by inducts shall be arranged in the following order:-

(1) Appellant's Statement of Case;

(2) Respondent's Statement of Case;

(3) Record (if in more than one Part, showing the separate Parts by inducts, all Parts being paged at the top of the page);

(4) Supplemental Record (if any) and the short title and Supreme Court number of appeal shall also be shown on the back.

38. The appellant shall lodge the bound copies not less than ten clear days before the date fixed for the hearing of the Appeal.

39. The provisions of rule 11 of Order XVIII of the rules shall, so far as may be, apply to the parties in matters to which this Order applies.

40. Except where specifically otherwise provided in these Rules, the provisions of this Order with necessary modifications and adaptations, shall apply to Statutory Appeals filed under any enabling Act or provision.

(C) CRIMINAL APPEALS

ORDER XX

1. Every criminal appeal in which a certificate of the nature referred to in clause (1) of article 132 or sub-clause (c) of clause (1) of article 134 has been granted under article 134A of the Constitution shall be lodged in the Court within sixty days from the date of the certificate granted by the High Court, and every appeal under article 134(l)(a) and (b) of the Constitution or under any other provision of law within sixty days from the date of the Judgment, final order or sentence appealed from:

Provided that in computing the period, the time requisite for obtaining a copy of the Judgment or order appealed from, and where the appeal is on a certificate, of the certificate, and the order granting the certificate shall be excluded:

Provided further that the Court may, for sufficient cause shown extend the time.

2. (1) The memorandum of appeal shall be in the form of a petition. It shall state succinctly and briefly, and as far as possible, in chronological order, the principal steps in the proceedings from its commencement till its conclusion in the High Court.

(2) The petition of appeal shall be accompanied by a certified copy of the judgment or order appealed from and in the case of an appeal on a certificate also of the certificate granted by the High Court, and of the order granting the said certificate. In appeals falling under any of the categories enumerated in sub-rule (1) of rule 5, however, in addition to the documents mentioned above, a certified copy (or uncertified copy if such copy is affirmed to be true copy upon affidavit) of the Judgment or order of the Court immediately below shall also be filed before the appeal is listed for hearing ex-parte. At least seven copies of the aforesaid documents shall be filed in the Registry.

3. Where the appellant has been sentenced to a term of imprisonment, the petition of appeal shall state whether the appellant has surrendered and if he has surrendered then the appellant shall, by way of proof of such surrender, file the certified copy of the order of the Court in which he has surrendered or a certificate of the competent officer of the Jail in which he is undergoing the sentence. A mere attestation of the signatures on the Vakalatnama from the Jail authorities shall not be considered as sufficient proof of surrender. Where the appellant has not surrendered to the sentence, the petition of appeal shall not be accepted by the Registry unless it is accompanied by an application for seeking exemption from surrendering. Where the petition of appeal is accompanied by an application for exemption from surrendering, that application alone shall be posted for hearing/orders before the Court in the first instance.

4. Where the appellant is in jail, he may present his petition of appeal and the documents mentioned in rule 2 including any written argument which he may desire to advance to the officer-in-charge of the jail, who shall forthwith forward the same to the Registrar of the Court.

5. (1) The petition of appeal shall be registered and numbered as soon as it is found to be in order. Each of the following categories of appeals, on being registered, shall be put for hearing ex-parte before the Court, which may either dismiss it summarily or direct issue of notice to all necessary parties, or may make such orders, as the circumstances of the case may require, namely:

(a) an appeal from any Judgment, final order or sentence in a criminal proceeding of a High Court summarily dismissing the appeal or the matter, as the case may be, before it;

(b) an appeal on a certificate granted by the High Court under article 134A of the Constitution being a certificate of the nature referred to in clause (1) of article 132 or sub-clause (c) of clause (1) of article 134 of the Constitution or under any other provision of law if the High Court has not recorded the reasons or the grounds for granting the certificate.

(c) an appeal under clause (b) of sub-section (1) of section 19 of the Contempt of Courts Act, 1971 (70 of 1971).

(2) On the registration of the appeal and in the appeals falling under sub-rule (1) as soon as notice is directed to be issued, the Registrar shall send a copy of the petition of appeal and the accompanying papers, if any, to the High Court or the Tribunal concerned; and shall cause notice of the appeal to be given, where the appeal is by a convicted person to the Attorney-General for India or to the Advocate General or the Government Advocate of the State concerned, or to both as the case may require, and in cases where the appeal is by the Government to the accused and in cases under section 341(1) of the Code of Criminal Procedure, 1973 to the respondent.

6. The respondent may enter appearance in the Court within thirty days of the service of the notice of lodgment of the petition of appeal on him.

PREPARATION OF THE RECORD

7. The record of the appeal shall be printed in accordance with the rules contained in the First Schedule to these rules, and unless otherwise directed by the Court, it shall be printed under the supervision of the Registrar of this Court and at the expense of the appellant. In appeals involving sentence of death and in other cases in which the Court thinks fit so to direct, the record shall be printed at the expense of the State concerned.

8. The record of appeal arising out of the petition for special leave to appeal shall normally consist of the petition of appeal and the paper book of the Court below, if available plus such additional documents that the parties may file from the record of the case, if the printed record of the Court below be not available. In that event, no fresh printing of the record shall be necessary, and the original record will be called for, from the Court below for reference of the Court:

Provided however, that where the records are printed for the purpose of the appeal before the High Court, the High Court shall prepare 10 extra copies in addition to the number of copies required by the High Court for use in the Court, if the said record be in English:

Provided further that where in a particular case the Court feels that fresh printing of record is necessary, a specific order to that effect shall be made by the Court at the time of granting special leave to appeal, and the provisions contained in Order XIX relating to preparation of record shall, with necessary modification and adaptation apply.

9. (1) Save as otherwise provided for in the rules, the provisions contained in Order XIX relating to the printing and preparation of the record in civil appeals shall with necessary modifications and adaptations, apply to the printing and preparation of records in Criminal Appeals.

(2) In all cases where the record has been printed for the purposes of the appeal before the High Court or other proceedings all available copies of the printed record except one, if the record be in English, shall be dispatched to this Court along with the entire original record including the records of the Court below. One of such copies shall be duly authenticated by the Registrar of the Court appealed from.

(3) If a minimum number of 5 copies of the said printed record is available, no fresh printing of the record shall be necessary except of such additional papers as may be required.

Explanation I - For the purposes of this rule the original record shall not include judgments of the High Court and the Courts below, but only duly authenticated copies thereof.

Explanation II.- Printing for the purpose of this rule includes photocopying and typing and printed record includes photocopied or typed record.

(4) Two copies of the High Court paper book if available for dispatch to this Court shall be treated as transcript record for the purpose of printing in this Court. In that event only such of the additional documents as the parties choose to include for the hearing of the appeal in this Court shall be typed in duplicate and transmitted to this Court along with the High Court paper books, one copy of each of which shall be duly authenticated.

(5) For the purpose of transcript record proper of the appeal, to be laid before this Court, such of the documents in vernacular as have already been translated for the purpose of the High Court appeal and which are included in the High Court appeal paper book need not be translated again.

10. Where the appellant fails to take necessary steps to have the record prepared and transmitted to the Court with due diligence, the Registrar of the Court appealed from shall report the default to the Registrar of this Court and the Registrar of this Court may thereupon issue a summons to the appellant calling upon him to show cause before the Court on a date to be specified in the summons why the appeal should not be dismissed. The Court may thereupon dismiss the appeal for non-prosecution or pass such orders as the justice of the case may require.

11. Where an appeal has been dismissed for non-prosecution, the appellant may, within thirty days of the order, present a petition praying that the appeal may be restored and the Court may, after giving notice of the application to the respondent, if he has entered appearance, restore the appeal if good and sufficient cause is shown.

12. (1) In the event of the Court ordering the printing of the record under the supervision of the Registrar of the Court appealed from, he shall dispatch to the Registrar of this Court unless otherwise directed by this Court, not less than 15 copies where the appeal raises a question as to the interpretation of the Constitution, and not less than 10 copies in other cases. In the event of the Record being printed in this Court the Registrar will fix the number of copies to be printed for the use of this Court.

(2) In all cases involving a sentence of death the printed record shall be made ready and dispatched to this Court within a period of 60 days after the receipt of the intimation from the Registrar of this Court of the filing of the petition of appeal or of the order granting special leave to appeal.

13. As soon as the record is ready the Registrar concerned shall give notice thereof to the parties to the appeal, and where the record is prepared under the supervision of the Registrar of the Court appealed from, the said Registrar shall after service of the notice, send to the Registrar of this Court a certificate as to the date or dates on which the notice has been served.

HEARING OF THE APPEAL

14. Each party who has entered appearance shall be entitled to two copies of the record for his own use.

15. Unless otherwise ordered by the Court the appeal shall be set down for hearing thirty days after the expiry of the time prescribed for entering appearance by the respondent.

16. The provisions of rule 11 of Order XVIII of the rules shall, so far as may be, apply to the parties in matters to which this Order applies.

17. (1) Due notice shall be given to the accused, where he is not represented, of the date fixed for the hearing of the appeal. The accused person may, if he so wishes present his case by submitting his arguments in writing and the same shall be considered at the hearing of the appeal.

(2) It shall not be necessary for an accused person in custody to be produced before the Court at the hearing unless the Court thinks fit in the interest of justice to direct him to be produced to enable him to argue his case or for other reasons.

18. Pending the disposal of any appeal under these rules the Court may order that the execution of the sentence or order appealed against be stayed on such terms as the Court may think fit.

19. After the appeal has been disposed of, the Registrar shall, with the utmost expedition, send a copy of the Court's judgment or order to the High Court or Tribunal concerned.

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

21. Except where specifically otherwise provided in these rules, the provisions of this Order with necessary modifications and adaptations, shall apply to Statutory Appeals filed under any enabling Act or provision.

(D) PROVISIONS REGARDING SPECIAL LEAVE PETITIONS UNDER ARTICLE 136 OF THE CONSTITUTION

ORDER XXI

SPECIAL LEAVE PETITIONS (CIVIL)

1. Where certificate of fitness to appeal to the Court was refused in a case by the High Court, a petition for special leave to appeal to the Court shall, subject to the provisions of sections 4, 5,12 and 14 of the Limitation Act, 1963 (36 of 1963), be lodged in the Court within sixty days from the date of the order of refusal and in any other case within ninety days from the date of the Judgment or Order sought to be appealed from:

Provided that where an application for leave to appeal to the High Court from the Judgment of a single Judge of that Court has been made and refused, in computing the period of limitation in that case under this rule, the period from the making of that application and the rejection thereof shall also be excluded.

Explanation.- For purposes of this rule, the expression 'order of refusal' means the order refusing to grant the certificate under article 134A of the Constitution being a certificate of the nature referred to in article 132 or article 133 of the Constitution on merits and shall not include an order rejecting the application on the ground of limitation or on the ground that such an application is not maintainable.

2. Where the period of limitation is claimed from the date of the refusal of a certificate under article 134A of the Constitution, being a certificate of the nature referred to in article 132 or article 133 of the Constitution, it shall not be necessary to file the order refusing the certificate, but the petition for special leave shall be accompanied by an affidavit stating the date of the Judgment sought to be appealed from, the date on which the application for a certificate of fitness to appeal to the Court was made to the High Court, the date of the order refusing the certificate, and the ground or grounds on which the certificate was refused and in particular whether the application for the certificate was dismissed as being out of time.

3. (1) (a) The petition for seeking special leave to appeal (SLP) filed before the Court, under Article 136 of the Constitution shall be in Form No. 28 appended to the rules. No separate application for interim relief need be filed. Interim prayer if any should be incorporated in Form No. 28.

(b) Alongwith the petition, list of dates in chronological order with relevant material facts or events pertaining to each of the dates shall be furnished.

(c) SLPs shall be confined only to the pleadings before the Court/Tribunal whose order is challenged. However, the petitioner may, with due notice to the respondent, and with leave of the Court urge additional grounds, at the time of hearing.

(d) (i) The petitioner may produce copies of such petition/documents which are part of the record in the case before the Court/Tribunal below if and to the extent necessary to answer, the question of law arising for consideration in the petition or to make out the grounds urged in the SLP, as Annexures to the petition-numbering them as Annexure 1, 2, 3 and so on. The documents filed as annexures shall be arranged in chronological order. The documents shall not be indexed collectively and each document shall be indexed separately. The Petition, where it refers to annexures with annexure number, shall also indicate the page no(s).

(ii) If the petitioner wants to produce any document which was not part of the records in the Court below he shall make a separate application stating the reasons for not producing it in the Court/Tribunal below and the necessity for its production in the Court and seek leave of the Court for producing such additional documents.

(iii) The English version of the relevant provisions of the Constitution, statutes, ordinances, rules, regulations, bye laws, orders, etc. referred to in the impugned judgment or order shall be filed as Appendix to the Special Leave Petition.

(e) Every petition shall be supported by the affidavit of the petitioners or one of the petitioners as the case may be or by any person authorised by the petitioner in which the deponent shall state that the facts stated in the petition are true and the statement of dates and facts furnished along with the SLP are true to his knowledge and/or information and belief.

(f) The papers of the SLP shall be arranged in the following order:

(i) List of dates in terms of clause (b) of sub-rule (1).

(ii) Certified copies of the judgment and order against which the leave to appeal is sought for.

(iii) The special leave petition in the prescribed Form No. 28.

(iv) Appendix containing relevant provisions of the Constitution, statutes, ordinances, rules, regulations, bye laws, orders, etc.

(v) Annexures, if any, filed alongwith the SLP, giving the page number(s).

(g) If notice is ordered on the special leave petition, the petitioner should take steps to serve the notice on the respondent:

Provided that in the case of a special leave petition against an interlocutory order or in any proceeding pending in the Court below, the notice may be served on the advocate appearing for the party in the Court/Tribunal before whom the matter is pending.

(2) No petition shall be entertained by the Registry unless it contains a statement as to whether the petitioner had filed any petition for special leave to appeal against the impugned Judgment or order earlier and if so, with what result, duly supported by an affidavit of the petitioner or his Pairokar only.

(3) The Court shall, if it finds that the petitioner has not disclosed the fact of filing a similar petition earlier and its dismissal by this Court, dismiss the second petition if it is pending or, if special leave has already been granted therein, revoke the same.

(4) The petition shall also contain a statement as to whether the matter was contested in the Court appealed from and if so, the full name and address of all the contesting parties shall be given in the statement of facts in the petition.

(5) The Special Leave Petition shall also contain a statement as to whether a letters patent appeal or writ appeal lies against the impugned judgment or order and whether the said remedy has been availed.

4. The petition shall be accompanied by-

(i) a certified copy of the Judgment or order appealed from; and

(ii) an affidavit in support of the statement of facts contained in the petition.

5. No annexures to the petition shall be accepted unless such annexures are certified copies of documents which have formed part of the record of the case in the Court sought to be appealed from; provided that uncertified copies of documents may be accepted as annexures if such copies are affirmed to be true copies upon affidavit.

6. The petitioner shall file at least three spare sets of the petition and of the accompanying papers.

7. Where any person is sought to be impleaded in the petition as the legal representative of any party to the proceedings in the Court below, the petition shall contain a prayer for bringing on record such person as the legal representative and shall be supported by an affidavit setting out the facts showing him to be the proper person to be entered on the record as such legal representative.

8. Where at any time between the filing of the petition for special leave to appeal and the hearing thereof the record becomes defective by reason of the death or change of status of a party to the appeal or for any other reason, an application shall be made to the Court stating who is the proper person to be substituted or entered on the record in place of or in addition to the party on record. Provisions contained in rule 30 of Order XIX shall apply to the hearing of such applications.

9. (1) Unless a caveat as prescribed by rule 2 of Order XV has been lodged by the other parties, who appeared in the Court below, petitions for grant of special leave shall be put up for hearing ex-parte, but the Court, if it thinks fit, may direct issue of notice to the respondent and adjourn the hearing of the petition:

Provided that where a petition for special leave has been filed beyond the period of limitation prescribed therefor and is accompanied by an application for condonation of delay, the Court shall not condone the delay without notice to the respondent.

(2) Where a caveat has been lodged, notice of the hearing of the petition shall be given to the caveator; but a caveator shall not be entitled to costs of the petition, unless the Court otherwise orders.

(3) Notwithstanding anything contained in sub-rules (1) and (2) above, the Respondents who contested the matter in the Court appealed from shall be informed about the decision on the petition after it is heard ex-parte, if the petition stands dismissed.

10. The provisions of rule 11 of Order XVIII of the rules shall, so far as may be, apply to the parties in matters to which this Order applies.

11. On the grant of special leave, the petition for special leave shall, subject to the payment of additional Court-fee, if any, be treated as the petition of appeal and it shall be registered and numbered as such. The provisions contained in Order XIX shall with necessary modifications and adaptations, be applicable to appeals by special leave and further steps in the appeal shall be taken in accordance with the provisions therefor:

Provided that if the respondent had been served with the notice in the Special Leave Petition or had filed caveat or had taken notice, no further notice is required after the lodging of the appeal.

12. The record of the appeal arising out of the petition for special leave shall normally consist of the petition of appeal and the paper book of the Court below, if available, plus such additional documents that the parties may file from the record of the case, if the printed record of the Court below be not available. In that event, no fresh printing of the record shall be necessary, and the original record will be called for, from the Court below for reference of the Court:

Provided however, that where in a particular case the Court feels that fresh printing of record is necessary, a specific order to that effect shall be made by the Court at the time of granting special leave to appeal, the provisions contained in Order XIX relating to preparation of record shall with necessary modification and adaptation apply.

13. While granting special leave in all matters in which the Bench granting special leave is of the opinion that the matter is capable of being disposed of within a short time, say within an hour or two, it will indicate accordingly. The office shall maintain a separate register of such matters to enable the Chief Justice to constitute a Bench for the disposal of such matters.

14. (1) Respondent to whom a notice in a Special Leave Petition is issued or who had filed a caveat shall be entitled to oppose the grant of leave or interim orders, without filing any written objections. He shall also be at liberty to file his objections within 30 days from the date of receipt of notice or not later than 2 weeks before the date appointed for hearing, whichever be earlier, but shall do so only by setting out the grounds in opposition to the questions of law or grounds set out in the SLP and may produce such pleadings and documents filed before the Court/Tribunal against whose order the SLP is filed and shall also set out the grounds for not granting interim order or for vacating interim order if already granted.

(2) No separate application for vacating interim order need be filed. The respondent shall, however, be at liberty to file application for vacating stay separately before or after filing objections.

(3) (a) Where any statement of objection is filed by the respondent, it shall be supported by an affidavit of the party or any person authorised by him verifying to the correctness of the statements made therein and also to the effect that annexures produced are the true copies of the originals which formed part of record in the Court below.

(b) If respondent wants to produce any document which was not part of the record in the Court below, he shall file an application seeking permission of the Court to produce such documents setting out the reason as to why it was not produced in the Court below as also the necessity of producing it before the Court.

(4) The respondent may, if considered necessary, file additional list of dates with material facts in addition to those furnished by the petitioners if he considers that the list of dates and facts by the petitioner is inaccurate or incomplete.

15. The provisions contained in this order shall apply to an application for leave to appeal to the Supreme Court under Section 31(2), *second part*, of the Armed Forces Tribunal Act, 2007, with such modifications and adaptations as may be necessary.

ORDER XXII

SPECIAL LEAVE PETITIONS IN CRIMINAL PROCEEDINGS

1. (1) Where leave to appeal to the Court was refused in a case by the High Court, a petition for special leave to appeal shall, subject to the provisions of sections 4, 5, 12 and 14 of the Limitation Act, 1963 (36 of 1963), be lodged in the Court within sixty days from the date of order of refusal and in any other case not involving sentence of death, within ninety days from the date of Judgment or order sought to be appealed from and in a case involving sentence of death within sixty days from the date of Judgment or order sought to be appealed from:

Provided that where an application for leave to appeal to the High Court from the Judgment of a Single Judge of that Court has been made and refused, in computing the period of limitation in that case under this rule, the period from the making of that application and the rejection thereof shall also be excluded.

Explanation.- For purposes of this rule, the expression 'order of refusal' means an order refusing to grant the certificate under article 134A of the Constitution, being a certificate of the nature referred to in article 132 or article 134, as the case may be, of the Constitution on merits and shall not include an order rejecting the application on the ground of limitation or on the ground that such an application is not maintainable.

(2) Where the period of limitation is claimed from the date of refusal of a certificate, it shall not be necessary to file the order refusing a certificate, but the petition for special leave shall be accompanied by an affidavit stating the date of the Judgment sought to be appealed from, the date on which the application for a certificate was made to the High Court, the date of the order refusing the certificate and the ground or grounds on which the certificate was refused and in particular whether the application for a certificate was dismissed as being out of time.

2. (1) The provisions contained in Rule 3(1) of Order XXI, shall with necessary modifications and adaptations, be applicable to these petitions seeking special leave.

(2) No petition shall be entertained by the Registry unless it contains a statement as to whether the petitioner had filed any petition for special leave to appeal against the impugned Judgment or order earlier, and if so, with what result, duly supported by an affidavit of the petitioner or his pairokar only.

(3) The Court shall, if it finds that the petitioner has not disclosed the fact of filing a similar petition earlier and its dismissal by this Court, dismiss the second petition if it is pending or if special leave has already been granted therein, revoke the same.

(4) SLPs shall be confined only to the pleadings before the Court/Tribunal whose order is challenged and the other documents relied upon in those proceedings. No additional facts, documents or grounds shall be stated or relied upon without express prior permission of the Court obtained on an application made for this purpose.

3. The petition shall be accompanied by-

(1) a certified copy of the Judgment or order appealed from; and

(2) an affidavit in support of the statement of facts contained in the petition.

4. No annexures to the petition shall be accepted unless such annexures are certified copies of documents which have formed part of the record in the Court or Tribunal sought to be appealed from provided that uncertified copies of documents may be accepted as annexures if such copies are affirmed to be true copies upon affidavit.

5. Where the petitioner has been sentenced to a term of imprisonment, the petition of appeal shall state whether the petitioner has surrendered and if he has surrendered then the petitioner shall, by way of proof of such surrender, file the certified copy of the order of the Court in which he has surrendered or a certificate of the competent officer of the Jail in which he is undergoing the sentence. A mere attestation of the signatures on the Vakalatnama from the jail authorities shall not be considered as sufficient proof of surrender. Where the petitioner has not surrendered to the sentence, the petition of appeal shall not be accepted by the Registry unless it is accompanied by an application for seeking exemption from surrendering. Where the petition of appeal is accompanied by an application for exemption from surrendering, that application alone shall be posted for hearing/orders before the Court in the first instance.

6. The Respondent shall be at liberty to file his objections within 30 days from the date of receipt of notice or not later than 2 weeks before the date appointed for hearing, whichever be earlier.

7 (1) If the petitioner is in jail and is not represented by an advocate-on-record, he may present his petition for special leave to appeal together with the certified copy of the Judgment and any written argument which he may desire to advance to the officer-in charge of the jail, who shall forthwith forward the same to the Registrar of this Court. Upon receipt of the said petition, the Registrar of the Court shall, whenever necessary call, from the proper officer of the Court or the Tribunal appealed from, the relevant documents for determination of the petition for special leave to appeal.

(2) As soon as all necessary documents are available the Registrar shall direct engagement of an Advocate from the panel of Supreme Court Legal Services Committee, or assign a Panel Advocate at the cost of the state and thereafter place the petition and complete documents for hearing before the Court. The fee of the advocate so engaged shall be such, as may, from time to time, be fixed by the Chief Justice.

(3) After the hearing of the petition or the appeal, as the case may be, is over, the Registrar, the Additional Registrar or the Deputy Registrar shall issue to the Advocate, engaged at the cost of the State, a certificate in the prescribed form indicating therein the name of the said Advocate engaged at the cost of the State concerned and the amount of fees payable to the said advocate.

(4) The State concerned shall pay the fees specified in the certificate issued under sub-rule (3) to the Advocate named therein within three months from the date of his presenting before it his claim for the fees supported by the certificate. If the fees are not paid within the period above-said, the Advocate shall be entitled to recover the same from the State concerned by enforcement of the certificate as an order as to costs under the Supreme Court (Decrees and Orders) Enforcement Order, 1954.

Explanation. - For the purposes of this rule, the term "State" shall include a Union Territory.

8. On the granting of the special leave, the petition for special leave shall be treated as the petition of appeal and shall be registered and numbered as such.

9 While granting special leave, in all matters in which the Bench granting special leave is of the opinion that the matter is capable of being disposed of within a short time,say, within an hour or two, it will indicate accordingly. The office shall maintain a separate register of such matters to enable the Chief Justice to constitute a Bench for the disposal of such matters.

10. Upon an order being made granting special leave to appeal, the Registrar shall transmit to the Court appealed from, a certified copy of the order together with a certified copy of the petition for special leave, and the affidavit, if any, filed in support thereof.

11. On receipt of the said order, the Court appealed from shall give notice of the order to the respondent and require the parties to take all necessary steps to have the record of the case transmitted to the Court in accordance with the directions contained in the order granting special leave. The Registrar of the Court appealed from shall certify to the Registrar of the Court that the respondent has received notice of the order of the Court granting special leave to appeal.

12. The provisions contained in this order shall apply to an application for leave to appeal to the Supreme Court under Section 31(2), second part, of the Armed Forces Tribunal Act, 2007, with such modifications and adaptations as may be necessary.

(E) APPEALS UNDER THE SPECIAL ACTS

ORDER XXIII

APPEALS UNDER SECTION 38 OF THE ADVOCATES ACT, 1961 (25 OF 1961)

1. An appeal from an order made by the Disciplinary Committee of the Bar Council of India under section 36 or section 37 of the Advocates Act, 1961 (25 of 1961) shall be lodged in the Court by the aggrieved person, or the Attorney General for India, or the Advocate General of the State concerned, as the case may be, within sixty days from the date on which the order complained of is communicated to aggrieved person:

Provided that in computing the period of sixty days the time requisite for obtaining an authenticated copy of the order sought to be appealed from shall be excluded.

2. The memorandum of appeal shall be in the form of a petition. It shall state succinctly and clearly all the relevant facts leading up to the order complained of, and shall set forth in brief the objections to the decision appealed from and the grounds relied on in support of the appeal. The petition shall also state the date on which the order complained of was received by the appellant. The allegations of facts contained in the petition which cannot be verified by reference to the duly authenticated copies of the documents accompanying it shall be supported by affidavit of the appellant.

3. The petition shall be divided into paragraphs,numbered consecutively, each paragraph being confined to a distinct portion of the subject and shall be typed or photocopied or printed on one side of standard petition paper, demy-foolscape size,or on paper of equally superior quality.

4. The petition shall be made on a court-fee stamp of the value of five thousand rupees and shall be signed by the appellant, where the appellant appears in person, or by a duly authorised advocate-on-record on his behalf.

5. The petition of appeal shall be accompanied by -

(i) an authenticated copy of the decision sought to be appealed from; and

(ii) at least seven spare sets of the petition and the papers filed with it.

6. The Registrar after satisfying himself that the petition of appeal is in order, shall endorse thereon the date of presentation, register the same as an appeal and send a copy thereof to the Secretary, Bar Council of India, for record.

7. On the registration of the petition of appeal, the Registrar shall, after notice to the appellant or his advocate-on-record, if any, post the appeal before the Court for preliminary hearing and for orders as to issue of notice. Upon such hearing, the Court, if satisfied that no prima facie case has been made out for its interference, may dismiss the appeal, and, if not so satisfied, direct that notice of the appeal be issued to the Advocate-General of the State concerned or to the Attorney-General for India or to both and to the respondent.

8. Within ten days of the receipt by him of the intimation of admission of appeal under rule 7, the Secretary of the Bar Council of India shall transmit to the Court the entire original record relating to the case and such number of copies of the paper books prepared for the use of the Disciplinary Committee of the Bar Council of India as may be available.

9. Within fifteen days of the service of the notice of admission of appeal under rule 7 the Advocate-General of the State or the Attorney-General or the respondent may cause an appearance to be entered either personally or by an advocate-on-record on his behalf.

10. Where a respondent does not enter appearance within the time limited under rule 9, the appeal shall be set down for hearing ex-parte as against him on the expiry of the period of one month from the receipt by him of the notice of the admission of appeal.

11. After the receipt of the original record the Registrar shall with all convenient speed, in consultation with the parties to the appeal, select the documents necessary and relevant for determining the appeal and cause sufficient number of copies of the said record to be typed or photocopied or printed at the expense of the appellant.

12. Unless otherwise ordered by the Court, every appeal under this Order shall be made ready and if possible posted for hearing before the Court within four months of the registration thereof.

13. Where the appellant fails to take any steps in the appeal within the time fixed for the purpose by these rules or unduly delays in bringing the appeal to a hearing, the Registrar shall call upon him to explain his default and if no Explanation is offered, or if the Explanation offered is, in the opinion of the Registrar, insufficient, the Registrar may after notifying all the parties who have entered appearance, place the appeal before the Court for orders on the default, and the Court may dismiss the appeal for want of prosecution or give such directions in the matter as it may think fit and proper.

14. The costs of and incidental to all proceedings in the appeal shall be in the discretion of the Court.

ORDER XXIV

APPEALS UNDER SECTION 23 OF THE CONSUMER PROTECTION ACT, 1986 (68 OF 1986)

1. The petition of appeal from an order made by the National Consumer Disputes Redressal Commission (hereinafter referred to as 'The National Commission') under sub- clause (i) of clause (a) of section 21 of the Consumer Protection Act, 1986 (68 of 1986), shall, subject to the provisions of sections 4, 5 and 12 of the Limitation Act, 1963 (36 of 1963), be presented by an aggrieved person within thirty days from the date of the order sought to be appealed against:

Provided that for computing the said period, the time requisite for obtaining a copy of such order shall be excluded.

2. The petition of appeal shall recite succinctly and clearly all the relevant facts leading up to the order appealed from, and shall set forth in brief the objections to the order appealed from and the grounds relied on in support of the appeal. The petition shall also state the date of the order appealed from as well as the date on which it was received by the appellant.

3. The petition of appeal shall be accompanied by: -

(i) an authenticated copy of the order appealed from;

(ii) at least three spare sets of the petition and the papers filed with it; and

(iii) a Bank draft for rupees fifty thousand or fifty percent of the amount whichever is less, required to be paid by the person intending to appeal, in terms of the order of the National Commission, drawn in favour of the Registrar, Supreme Court of India,payable at New Delhi.

4. After the appeal is registered, it shall be put up for hearing ex-parte before the Court which may either dismiss it summarily or direct issue of notice to all necessary parties or may make such orders as the circumstances of the case may require.

5. A fixed Court fee of Rs.5000/- shall be payable on the petition of appeal under this order.

6. The amount so deposited by the appellant in terms of the provisions of clause (iii) of rule 3 will remain in the Suitors' Fund Account till the disposal of the appeal or till such time as the Court may direct from time to time.

7. If the appeal is allowed by the Court the amount deposited by the appellant would be refunded to him without interest but if it is dismissed, the same will be allowed to be withdrawn by the respondent or may be disbursed as per the direction of the Court in that behalf.

8. Save as otherwise provided by the rules contained in this order, the provisions of other orders shall apply so far as may be, to appeals under section 23 of the Consumer Protection Act, 1986 (68 of 1986).

PART - III

ORIGINAL JURISDICTION

[A] ORIGINAL SUITS

ORDER XXV

PARTIES TO SUITS

1. Two or more plaintiffs may join in one suit in whom any right to relief in respect of or arising out of the same act or transaction or series of acts or transactions is alleged to exist.

2. Two or more defendants may be joined in one suit against whom any right to relief in respect of or arising out of the same act or transaction or series of acts or transactions is alleged to exist.

3. (1) The Court may at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the Court to be just, order that the name of any plaintiff or defendant improperly joined be struck out, and that the name of any plaintiff or defendant who ought to have been joined, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit, be added.

(2) No person shall be added as a plaintiff without his consent.

4. Where it appears to the Court that any cause of action joined in one suit cannot conveniently be tried or disposed of together the Court may order separate trials or make such other order as may be expedient.

5. Where it appears to the Court that any joinder of plaintiffs or defendants may embarrass or delay the trial of the suit, the Court may order separate trials or make such order as may be expedient.

ORDER XXVI

PLAINTS

1. Every suit shall be instituted by the presentation of a plaint.

2. A plaint shall be presented to the Registrar, and all plaints shall be registered and numbered by him according to the order in which they are presented.

3. Every plaint shall comply with the rules contained in Order XXIX of these rules so far as they are applicable.

4. A plaint shall contain the following particulars:-

(a) the names of the plaintiff and of the defendant;

(b) the facts constituting the cause of action and when it arose;

(c) the facts showing that the Court has jurisdiction;

(d) the declaration or relief which the plaintiff claims.

5. The plaintiff shall endorse on the plaint, or annex thereto a list of the documents (if any) which he has produced along with it and the Registrar shall sign the list if on examination he finds it to be correct.

6. The plaint shall be rejected:-

(a) where it does not disclose a cause of action.

(b) where the suit appears from the statement in the plaint to be barred by any law.

7. Where a plaint is rejected the Court shall record an order to that effect with the reasons for the order.

8. The rejection of the plaint shall not of itself preclude the plaintiff from presenting a fresh plaint in respect of the same cause of action.

9. Where a plaintiff sues upon a document in his possession or power, he shall produce it to the Registrar when the plaint is presented and shall at the same time deliver the document or a copy thereof to be filed with the plaint.

10. Where the plaintiff relies on any other documents (whether in his possession or power or not) as evidence in support of his claim, he shall enter such documents in a list to be added or annexed to the plaint.

11. Where any such document is not in the possession or power of the plaintiff, he shall, if possible, state in whose possession or power it is.

12. A document which ought to be produced in Court by the plaintiff when the plaint is presented or to be entered in the list to be added or annexed to the plaint, and which is not produced or entered accordingly, shall not without the leave to the Court, be received in evidence at the hearing of the suit.

ORDER XXVII

ISSUE AND SERVICE OF SUMMONS

1. When a suit has been duly instituted a summons shall be issued to the defendant to appear and answer the claim.

2. Every summons shall be signed by the Registrar, and shall be sealed with the seal of the Court.

3. Every summons shall be accompanied by a copy of the plaint.

4. The summons shall be served by being sent by registered post to the Attorney-General for India or the Advocate-General for the State, as the case may be, or to an advocate-on-record of the defendant empowered to accept service.

5. There shall be endorsed on every summons a notice requiring the defendant to enter an appearance within twenty-eight days after the summons has been served.

6. A defendant shall enter the appearance by filing in the Registry a memorandum in writing containing the name and place of business of his advocate-on-record if any, and in default of appearance being entered within the time mentioned in the summons, or as hereinafter provided, the suit may be heard ex-parte.

7. The defendant shall forthwith give notice of his having entered an appearance to the plaintiff.

8. The plaintiff shall within fourteen days after the defendant has entered an appearance take out a summons for directions returnable before the Judge in Chambers, and the Judge shall on the hearing of the summons give such direction with respect to pleadings, interrogatories, the admission of documents and facts, the discovery, inspection and production of documents and such other interlocutory matters as he may think expedient.

ORDER XXVIII

WRITTEN STATEMENT, SET-OFF AND COUNTER-CLAIM

1. It shall not be sufficient for a defendant in his written statement to deny generally the facts alleged by the plaintiff but he shall deal specifically with each allegation of fact of which he does not admit the truth, except damages.

2 Where a defendant denies an allegation of fact he shall not do so evasively but shall answer the point of substance.

3. Each allegation of fact in the plaint, if not denied specifically or by necessary implication, or not expressly stated to be not admitted in the pleading of the defendant, shall be taken to be admitted, but the Court may in its discretion require any fact so admitted to be proved otherwise than by such admission.

4. Where the defendant claims to set-off against a demand by the plaintiff any ascertained sum of money, he may in his written statement, but not afterwards without the leave of the Court, state the grounds of his claim and the particulars of the debt sought to be set-off.

5. The written statement containing the particulars mentioned in rule 4 of this order shall have the same effect as a plaint in a cross suit so as to enable the Court to pronounce a final judgment in respect both of the original claim and of set-off.

6. The rules relating to a written statement by a defendant shall apply to a written statement by a plaintiff in answer to a claim of set-off.

7. No pleading subsequent to the written statement of a defendant other than by way of defence to a set-off shall be presented except by the leave of the Court and upon such terms as the Court may think fit, but the Court may at any time require a written statement or additional written statement from any of the parties and may fix a time for presenting the same.

8. Where any party from whom a written statement is so required fails to present the same within the time fixed by the Court, the Court may pronounce judgment against him or make such orders in relation to the suit as it thinks fit.

9. The defendant, in addition to his right of pleading a set-off may set up by way of counter-claim against the claims of the plaintiff any right or claim in respect of a cause of action accruing to him either before or after the filing of the suit but before he has delivered his defence and before the time limited for delivering his defence has expired whether that counter-claim sounds in damages or not, and the counter-claim shall have the same effect as a cross-suit, so as to enable the Court to pronounce a final judgment in the same suit, both on the original claim and on the counter-claim.

10. The Court may, if in its opinion the counter-claim cannot be disposed of in the pending suit or ought not to be allowed, refuse permission to the defendant to avail himself thereof, and require him to file a separate suit.

ORDER XXIX

PLEADINGS GENERALLY

1. In this Order 'pleading' means plaint or written statement.

2. Every pleading shall contain, and contain only, a statement in a concise form of the material facts on which the party pleading relies, but not the evidence by which those facts are to be proved, nor any argumentative matter, and shall be divided into paragraphs numbered consecutively.

3. Dates, sums and numbers shall be expressed in figures.

4. A further and better statement of the nature of the claim or defence, or further and better particulars of any matter stated in any pleading may in all cases be ordered, upon such terms as to costs and otherwise, as may be just.

5. Wherever the contents of any document are material, it shall be sufficient to state the effect thereof as briefly as possible, without setting out the whole or any part thereof, unless the precise words of the document or any part thereof are material.

6. Every pleading shall be signed by an advocate-on-record on behalf of the Attorney-General for India or by an advocate-on-record on behalf of the Advocate- General for the State, as the case may be.

7. The Court may at any stage of the proceeding order to be struck out or amended any matter in any pleading which may be unnecessary or scandalous or which may tend to prejudice or embarrass or delay the trial of the suit, or which contravenes any of the provisions of this Order.

8 The Court may, at any stage of the proceedings, allow either party to amend his pleading in such manner and on such terms as may be just, but only such amendments shall be made as may be necessary for the purpose of determining the real question in controversy between the parties.

9. If a party who has obtained an order for leave to amend does not amend accordingly within the time limited for that purpose by the order, or if no time is thereby limited then within fourteen days from the date of the order, he shall not be permitted to amend after the expiration of such limited time or of such fourteen days, as the case may be unless the time is extended by the Court.

10 Amendments of pleadings made only for the purpose of rectifying a clerical error may be made on an order of the Registrar without notice, but unless otherwise ordered a copy of the order shall be served on all other parties.

ORDER XXX

DISCOVERY AND INSPECTION

1. Order XI of the First Schedule to the Code except rules 5 and 23 of that order, shall apply with respect to discovery and inspection in suits instituted before the Court.

2. Where the Court has made an order allowing one party to deliver interrogatories to the other, those interrogatories shall be answered by such persons as the Court may direct.

3. No application for leave to deliver interrogatories shall be made by the defendant until after he has filed his written statement.

4. After an order has been made for the delivery of interrogatories one set of the interrogatories, as allowed, shall be annexed and served with the order upon the person to be interrogated.

5. The Court may, for sufficient reason, allow any affidavit to be sworn, on behalf of the party from whom discovery, production or inspection is sought, by any person competent to make the same.

6. Where any document is ordered to be deposited in Court a copy of the order and a schedule of the document shall be left in the Registry at the time when the deposit is made.

7. When the purpose for which any documents have been deposited in Court is satisfied, the party by whom they were deposited may, pending the suit, have them delivered out to him, if he has the consent in writing of the other party, or an order of the Court.

ORDER XXXI

ADMISSIONS

Order XII in the First Schedule to the Code with respect to admissions shall apply in suits instituted before the Court.

ORDER XXXII

SUMMONING AND ATTENDANCE OF WITNESSES

1. The provisions of Sections 28 and 32 of the Code shall apply to summons to give evidence or to produce documents under these rules.

2. Order XVI in the First Schedule to the Code with respect to the summoning and attendance of witnesses shall apply, with the exception of the proviso to sub-rule (3) of rule 10, and the words '(a) within the local limits of the Court's ordinary original jurisdiction, or (b) without such limits but' in rule 19.

ORDER XXXIII

ADJOURNMENTS

In suits instituted before the Court, Order XVII in the First Schedule to the Code with respect to adjournments shall, apply, with the substitution in rule 2 of the words 'in such manner as it thinks just' for the words 'in one of the modes directed in that behalf by Order IX or make such other order as it thinks fit'.

ORDER XXXIV

HEARING OF THE SUIT

1. Rules 1, 2, 3, 16, 17 and 18 of Order XVIII in the First Schedule to the Code with respect to the hearing of suits and examination of witnesses shall apply in suits instituted before the Court.

2. Witnesses in attendance shall be examined orally in open Court and their evidence taken down in shorthand in the form of question and answer by such officers of the Court as may be appointed for the purpose.

3. The transcript of the shorthand note shall be signed by the officer recording the note and shall be deemed the deposition of the witness and shall form part of the record.

4. The party to any suit or matter in which the evidence has been taken in shorthand, and the witness whose evidence has been taken, shall be entitled upon payment of the prescribed fee to be furnished with a certified copy of the handscript.

ORDER XXXV

WITHDRAWAL AND ADJUSTMENT OF SUITS

1. Rules 1, 2 and 3 of Order XXIII in the First Schedule to the Code with respect to the withdrawal and adjustment of suits shall apply in suits instituted before the Court.

2 No new suit shall be brought in respect of the same subject-matter until the terms or conditions, if any, imposed by the order permitting the withdrawal of a previous suit or giving leave to bring a new suit have been complied with.

ORDER XXXVI

PAYMENT INTO COURT

Order XXIV in the First Schedule to the Code with respect to payment into Court shall apply in suits instituted before the Court.

ORDER XXXVII

SPECIAL CASE

Rules 1, 2 and 5 of Order XXXVI in the First Schedule to the Code with respect to procedure by way of special case shall apply in suits instituted before the Court, except the words- 'which would have jurisdiction to entertain a suit the amount or value of the subject-matter of which is the same as the amount or value of the subject-matter of the agreement' in sub-rule (1) of rule 3, the words 'claiming to be interested as plaintiff or plaintiffs' to the end of sub-rule (2) of rule 3; and the words 'and upon the judgment so pronounced a decree shall follow' in sub-rule (2) of rule 5.

(B) PETITIONS UNDER ART.32 OF THE CONSTITUTION

ORDER XXXVIII

APPLICATIONS FOR ENFORCEMENT OF FUNDAMENTAL RIGHTS (ARTICLE 32 OF THE CONSTITUTION)

1. (1) Every petition under article 32 of the Constitution shall be in writing and shall be heard by a Division Court of not less than five Judges provided that a petition which does not raise a substantial question of law as to the interpretation of the Constitution may be heard and decided by a Division Court of less than five Judges, and, during vacation, by the Vacation Judge sitting singly.

(2) All interlocutory and miscellaneous applications connected with a petition under article 32 of the Constitution, may be heard and decided by a Division Court of less than five Judges, and, during vacation, by the Vacation Judge sitting singly, notwithstanding that in the petition a substantial question of law as to the interpretation of the Constitution is raised.

2. No Court-fees shall be payable on petitions for habeas corpus or other petitions under Article 32 of the Constitution arising out of criminal proceedings, or in proceedings connected with such petitions.

HABEAS CORPUS

3. A petition for a writ of habeas corpus shall be accompanied by an affidavit by the person restrained stating that the petition is made at his instance and setting out the nature and circumstances of the restraint.

Provided that where the person restrained is unable owing to the restraint to make the affidavit, the petition shall be accompanied by an affidavit to the like effect made by some other person acquainted with the facts, which shall state the reason why the person restrained is unable to make the affidavit.

The petition shall state whether the petitioner has moved the High Court concerned for similar relief and if so, with what result.

4 The petition shall be posted before the Court for preliminary hearing, and if the Court is of the opinion that a prima facie case for granting the petition is made out, rule nisi shall issue calling upon the person or persons against whom the order is sought, to appear on a day to be named therein to show cause why such order should not be made and at the same time to produce in Court the body of the person or persons alleged to be illegally or improperly detained then and there to be dealt with according to law.

5. On the return day of such rule or 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 improperly detained shall be set at liberty. If cause is shown and allowed, the rule shall be discharged. The order for release made by the Court, shall be a sufficient warrant to any gaoler, public official, or other person for the release of the person under restraint.

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

MANDAMUS, PROHIBITION, CERTIORARI, QUO-WARRANTO AND OTHER DIRECTIONS OR ORDERS

7. A petition for a direction, or order, or writ including writs in the nature of mandamus, prohibition, quo-warranto or certiorari shall set out the name and description of the petitioner, the nature of the fundamental right infringed, the relief sought and the grounds on which it is sought and shall be accompanied by an affidavit verifying the facts relied on and at least three copies of the petition and affidavit shall be lodged in the Registry. The petition shall also state whether the petitioner has moved the High Court concerned for similar relief and, if so, with what result.

8. The petition shall be posted before the Court for preliminary hearing and orders as to the issue of notice to the respondent. Upon the hearing, the Court, if satisfied that no fundamental right guaranteed by the Constitution has been infringed or that the petition is otherwise untenable, shall dismiss the petition and if not so satisfied, shall direct a rule nisi to issue to the respondent calling upon him to show cause why the order sought should not be made, and shall adjourn the hearing for the respondent to appear and be heard.

9. If the Court, on preliminary hearing, orders issue of show cause notice to the Respondent, he shall be entitled to file his objections within 30 days from the date of receipt of such notice or not later than 2 weeks before the date appointed for hearing, whichever be earlier, unless directed otherwise by the Court.

10. Upon making the order for a rule nisi, the Court may, if it thinks fit, grant such ad-interim relief to the petitioner as the justice of the case may require, upon such terms if any as it may consider just and proper.

11. (1) Unless the Court otherwise orders, the rule nisi together with a copy of the petition and of the affidavit in support thereof shall be served on the respondent not less than twenty-one days before the returnable date. The rule shall be served on all persons directly affected and on such other persons as the Court may direct.

(2) Affidavits in opposition shall be filed in the Registry not later than four days before the returnable date and affidavits in reply shall be filed within two days of the service of the affidavit in opposition.

(3) Within four weeks of the filing of the pleadings, the petitioner shall file written brief prepared in the following manner, namely:-

(a) At the outset, the brief shall contain a short summary of the pleading essential for the decision of the points in issue. This shall ordinarily not exceed two pages:

(b) Thereafter, the petitioner shall formulate propositions of fact and law that are proposed to be advanced at the hearing citing under each of those propositions, authorities including text books, statutory provisions, regulations, ordinances or bye-laws or orders that are desired to be relied upon. In the case of decisions, reference shall be given to official reports, if available. In the case of text books reference shall, if possible, be given to the latest edition. Where any statute, regulation, rule or ordinance or bye-law is cited or relied upon, so much thereof as may be necessary for the decision of the points in issue shall be set out.

(4) Within four weeks of the service of the petitioner's written brief on him, the contesting respondent shall file his written brief setting out briefly the grounds on the basis of which he is opposing each of the propositions formulated by the petitioner. Under each of those grounds he shall cite such authorities as he may seek to rely in the same manner as the petitioner is required to do under sub-rule (3). In his written brief, the respondent may raise objections as to the maintainability or sustainability of either the petition as a whole or any relief claimed therein in the form of propositions, supported by authorities in the manner mentioned earlier.

(5) Within one week of the receipt of the brief filed by the respondent, the petitioner may submit his reply brief which shall be concise and to the point in respect of the points raised in the respondent's brief.

(6) Copies of affidavits and briefs required to be filed under this rule shall be served on the opposite party or parties and the affidavits or brief shall not be accepted in the Registry, unless they contain an endorsement of service signed by such party or parties. Every party to the proceeding shall supply to any other party on demand and on payment of the proper charges, copies of any affidavit or brief filed by him. At least seven copies of affidavits and briefs shall be lodged in the Registry.

(7) If the Court considers any of the propositions formulated or grounds taken by any of the parties in the written briefs filed as being irrelevant or frivolous the Court may award against such party or parties such costs as the Court may consider fit.

(8) At the hearing of rule nisi, except with the special permission of the Court, no party shall be allowed to advance any proposition or urge any ground not taken in the written briefs, nor shall be allowed to rely on any authorities (including provisions of statute, rule, bye-law, regulation or order) other than those mentioned in the briefs, unless such authorities or provisions have been published or made after the written briefs were filed into Court.

(9) At the hearing of the rule nisi, if the Court is of the opinion that an opportunity be given to the parties to establish their respective cases by leading further evidence, the Court may take such evidence or cause such evidence to be taken in such manner as it may deem fit and proper.

(10) No party to a petition under this rule shall be entitled to be heard by the Court unless he has previously lodged his written brief in the petition.

PUBLIC INTEREST LITIGATION

12. (1) A Public Interest Litigation Petition may commence in any of the following manners:

(a) as a *suo moto* petition in pursuance of the order of the Chief Justice or Judge of the Court.

(b) in pursuance of an order of the Chief Justice or a Judge nominated by the Chief Justice on a letter or representation.

(c) by an order of the Court to treat a petition as a Public Interest Litigation Petition.

(d) by presentation of a petition in the Court.

(2) In a petition filed under clause (d) of sub-rule (1) the petitioner shall

(i) disclose:

(a) his full name, complete postal address, e-mail address, phone number, proof regarding personal identification, occupation and annual income, PAN number and National Unique Identity Card number, if any;

(b) the facts constituting the cause of action;

(c) the nature of injury caused or likely to be caused to the public;

(d) the nature and extent of personal interest, if any, of the petitioner(s);

(e) details regarding any civil, criminal or revenue litigation, involving the petitioner or any of the petitioners, which has or could have a legal nexus with the issue(s) involved in the Public Interest Litigation; and

(f) whether the concerned Government Authority was moved for relief(s) sought in the petition and if so, with what result.

(ii) file an affidavit stating that there is no personal gain, private motive or oblique reason in filing the Public Interest Litigation.

(3) The Court may impose exemplary costs on the petitioner(s) if it finds that the petition was frivolous or instituted with oblique or mala fide motive or lacks bona fides.

13. The provisions contained in Order XV relating to petitions generally shall, so far as may be applicable, apply to petitions under this Order.

(C) APPLICATIONS FOR TRANSFER OF CASES

ORDER XXXIX

APPLICATIONS FOR TRANSFER OF CRIMINAL PROCEEDING UNDER SECTION 406 OF THE CRIMINAL PROCEDURE CODE, 1973 AND SECTION 11 OF THE TERRORIST AFFECTED AREAS (SPECIAL COURTS) ACT, 1984

1. Every petition for transfer under section 406 of the Code of Criminal Procedure, 1973 or under section 11 of the Terrorist Affected Areas (Special Courts) Act, 1984 shall be in writing. It shall set out concisely in separate paragraphs the facts and particulars of the case, the relief sought and the grounds therefor and shall be supported by an affidavit or affirmation.

2. The petition shall be posted before the Court for preliminary hearing and orders as to issue of notice. Upon the hearing the Court, if satisfied that no prima facie case for transfer has been made out or that the petition is otherwise not tenable, shall dismiss the petition; and if upon such hearing the Court is satisfied that a prima facie case for granting the petition is made out, it shall direct that notice be issued to the respondent to show cause why the order sought for should not be made; such notice shall be given to the accused person where he is not the applicant, to the respondent State and to such other parties interested as the Court may think fit to direct.

3. The notice shall be served not less than twenty-one days before the date fixed for the final hearing of the petition. Affidavits in opposition shall be filed in the Registry not later than four days before the date appointed for hearing and the affidavit in reply shall be filed not later than 2 p.m. preceding the day of the hearing of the petition. Copies of affidavits in opposition and in reply shall be served on the opposite party or parties and the affidavits shall not be accepted in the Registry unless they contain an endorsement of service signed by such party or parties.

4. Where the petition is dismissed the Court, if it is of opinion that the application was frivolous or vexatious, may order the applicant to pay by way of compensation to any person who has opposed the application such sum as it may consider proper in the circumstances of the case.

ORDER XL

APPLICATIONS FOR TRANSFER UNDER ARTICLE 139A (1) OF THE CONSTITUTION

1. Every application under Article 139A (1) of the Constitution shall be in writing. It shall set out concisely in separate paragraphs, the facts and particulars of the cases, pending before the Supreme Court and one or more High Courts or as the case may be, before two or more High Courts, the names and addresses of the parties, the questions of law involved and a statement that the same or substantially the same questions of law are involved in all the cases and that such questions are substantial questions of general importance. In the case of an application made by the Attorney-General no affidavit shall be necessary in support thereof but it shall be accompanied by a certificate of the advocate-on-record to the effect that such questions are substantial questions of general importance in terms of clause (1) of article 139A of the Constitution, and in the case of an application made by a party to a case it shall be accompanied by an affidavit in support thereof and also by a certificate as aforesaid.

2. The application shall be posted before the Court for preliminary hearing and orders as to issue of notice. If upon such hearing, the Court is satisfied that a prima facie case for granting the application is made out, it shall direct that notice be issued to the parties in the case concerned to show cause why the cases be not withdrawn. A copy of the order shall be transmitted to the High Courts concerned which shall report within four weeks the stages at which the concerned cases stand in the High Courts.

3. The notice shall be served through the High Court not less than six weeks before the date fixed for the final hearing of the application. Affidavits by the parties shall be filed in the Registry not later than two weeks before the date appointed for hearing and the affidavit in reply by the Attorney-General shall be filed not later than two days preceding the day of the hearing of the application. Copies of affidavits shall be served on the parties and the Attorney-General and the affidavits shall not be accepted in the Registry unless they contain an endorsement of service.

4. After hearing the Attorney-General and the parties, if the Court is satisfied that a case for granting the application has been made out, it shall require the High Court to transfer the case to this Court for its decision after it is ripe for hearing. The order will be transmitted to the High Court with utmost expedition.

5. (1) On transfer, the case shall be registered in the Court as Transferred Case.

(2) The Registrar of the High Court shall have the record of the transferred case prepared and printed in accordance with the First Schedule to the Rules and transmit, within six months from the date of the order of the transfer, twenty copies of the said printed record, one copy of which shall be duly authenticated by him.

(3) Where the Court has ordered the transfer of the case at the instance of a party, the record abovesaid shall be prepared at the cost of such party.

(4) Where the Court has directed the transfer of the case upon the application by the Union of India or the State Government, the record abovesaid shall be prepared at the cost of the Government of India or the State concerned, as the case may be.

(5) Where the Court has directed the transfer of a case on its own motion, the record shall be prepared in accordance with the rules of the High Court or subject to the directions of the Court, if any, regarding the cost thereof:

Provided, however, that where the record has been printed for the purpose of the case before the High Court and sufficient number of copies of the said printed record are available, the same shall be sent to the Court and no fresh printing of the record shall be necessary, except, however, such additional papers as may be required.

(6) The Registrar of the High Court shall give notice to the parties to the transferred case regarding the transmission of the printed record to the Court simultaneously with such transmission of the printed record.

(7) Where in a case, the Court directs that the original record be sent for and the case record, prepared in the Court, the record shall be prepared under the supervision of the Registrar of the Court, and in accordance with the provisions of rules 12 to 15 of Order XIX and the First Schedule to the Rules, the cost of the preparation of the record being borne as per the sub-rules (3), (4) and (5) of rule 5 of this Order, and as soon as the index of the record is settled, the Registrar of the Court shall cause an estimate of the cost of the preparation of the record to be prepared and served upon the party who is to bear the cost as per the sub-rule abovesaid and require the said party to deposit the said amount of cost within 30 days of the service of the estimate. The said party may deposit the amount of estimate in lump sum or in such installments as the Registrar may prescribe.

6. The parties shall enter appearance in this Court in the Transferred Cases within 30 days of the service on them of such notice of transmission of the record unless they have already entered their appearance at an earlier stage.

7. Within sixty days of the receipt of the said notice regarding the dispatch of the record to this Court, the petitioner/appellant/plaintiff shall file his written brief prepared in the following manner, namely:

(1) At the outset the brief shall contain a short summary of the facts essential for the decision of the questions in issue.

(2) Thereafter, it shall contain propositions of law that are proposed to be advanced at the hearing, citing under each of those propositions, authorities including text books, statutory provisions, regulations, rules or Ordinances or bye-laws or orders that are desired to be relied upon. In the case of decisions, reference shall be given to official reports, if available. In the case of text books reference shall, if possible, be given to the latest edition. Where any statute, Regulation, Rule or Ordinance or bye-law is cited or relied upon so much thereof as may be necessary for the decision of the questions in issue shall be set out. A list of the dates of the relevant events leading upto and concerning the litigation, in chronological order shall also be given at the end of the brief.

(3) Within four weeks of the service of the written brief, the respondent/defendant shall file his written brief setting out briefly the grounds on the basis of which he is opposing each of the propositions of the Petitioner/Appellant/Plaintiff. Under each of those grounds, he shall cite such authorities as he may seek to rely on in the same manner as is required under sub-rule (2).

(4) Copies of the briefs shall be served by such parties on the Attorney- General for India, and the Advocate-General for the State, where necessary, and he may file his written brief within four weeks of such service.

(5) Within one week of the receipt of the brief filed by the respondent/defendant/Attorney-General/Advocate-General, the petitioner/Appellant/plaintiff may submit his reply brief which shall be concise and to the point.

(6) Copies of the briefs required to be filed shall be served on the opposite party or parties and briefs shall not be accepted in the Registry unless they contain an endorsement of service signed by such party or parties. Every party to the proceeding shall supply to any other party, on demand and on payment of the proper charges, copies of any briefs filed by him. At least fifteen copies of the written briefs shall be lodged in the Registry.

(7) At the hearing of the reference, except with the special permission of the Court, no party shall be allowed to advance any proposition or urge any ground not taken in the written briefs nor shall he be allowed to rely on any authorities (including provisions of statute, Ordinance, rule, bye-law, regulation or order) other than those mentioned in the briefs unless such authorities or provisions have been published or made after the written briefs were filed in Court.

(8) No party to the Transferred Case shall be entitled to be heard by the Court unless he has previously lodged his written brief.

8. The Transferred Cases shall thereafter be listed for final hearing before the Court.

9. The Court may pass such orders as to costs as it may deem proper.

10. Save as otherwise provided by the rules contained in this Order, the provisions of other Orders shall, so far as may be, apply to a Transferred Case under this Order.

ORDER XLI

APPLICATIONS FOR TRANSFER UNDER ARTICLE 139A(2) OF THE CONSTITUTION AND SECTION 25 OF THE CODE OF CIVIL PROCEDURE, 1908

1. Every petition under article 139A(2) of the Constitution or section 25 of the Code of Civil Procedure, 1908, shall be in writing. It shall state succinctly and clearly all relevant facts and particulars of the case, the name of the High Court or other Civil Court in which the case is pending and the grounds on which the transfer is sought. The petition shall be supported by an affidavit.

2. The petition shall be posted before the Court for preliminary hearing and orders as to issue of notice. Upon such hearing the Court, if satisfied that no prima facie case for transfer has been made out, shall dismiss the petition and if upon such hearing the Court is satisfied that a prima facie case for granting the petition is made out, it shall direct that notice be issued to the parties in the case concerned to show cause why the case be not transferred. A copy of the Order shall be transmitted to the High Court concerned.

3. The notice shall be served not less than four weeks before the date fixed for the final hearing of the petition. Affidavits in opposition shall be filed in the Registry not later than one week before the date appointed for hearing and the affidavit in reply shall be filed not later than two days preceding the day of the hearing of the petition. Copies of affidavits in opposition and in reply shall be served on the opposite party or parties and the affidavits shall not be accepted in the Registry unless they contain an endorsement of service signed by such party or parties.

4. The petition shall thereafter be listed for final hearing before the Court.

5. Save as otherwise provided by the rules contained in this Order the provisions of other orders (including Order LI) shall, so far as may be, apply to petition under this Order.

(D) REFERENCES

ORDER XLII

SPECIAL REFERENCE UNDER ARTICLE 143 OF THE CONSTITUTION

1. On the receipt by the Registrar of the Order of the President referring a question of law or fact to the Court under article 143 of the Constitution the Registrar shall give notice to the Attorney-General for India to appear before the Court on a day specified in the notice to take the directions of the Court as to the parties who shall be served with notice of such reference, and the Court may, if it considers it desirable, order that notice of such reference, shall be served upon such parties as may be named in the order.

2. Subject to the directions of the Court the notice shall require all such parties served therewith as desired to be heard at the hearing of the reference to attend before the Court on the day fixed by the order to take the directions of the Court with respect to statements of facts and arguments and with respect, to the date of the hearing.

3. Subject to the provisions of this Order, on a reference under article 143 of the Constitution, the Court shall follow as nearly as may be the same procedure as is followed in proceedings before the Court in the exercise of its original jurisdiction, but with such variations as may appear to the Court to be appropriate and as the Court may direct.

4. After the hearing of the reference under article 143 of the Constitution the Registrar shall transmit to the President the report of the Court thereon.

5. The Court may make such order as it thinks fit as to the costs of all parties served with notice under these rules and appearing at the hearing of the reference under article 143 of the Constitution.

ORDER XLIII

REFERENCE MADE BY THE PRESIDENT UNDER ARTICLE 317(1) OF THE CONSTITUTION OR ANY STATUTE, OR BY GOVERNOR UNDER ANY STATUTE

1. On receipt by the Registrar of reference from the President under article 317(1) of the Constitution or any Statute or from Governor under any statute, referring to the Court, grounds for inquiry, it shall be registered in the Register maintained for the purpose and numbered as "Reference No..... of 20.....under..... [Article 317(1) of the Constitution/Section and Name of the Act under which the reference is made].

2. As soon as the reference is registered and numbered, the Registrar shall give notice to the person sought to be removed from the concerned office and to the Attorney-General for India, or the Advocate-General of the particular State or to such person as the statute under which the reference is made, so provides, to appear before the Court on a day specified in the notice to take the directions of the Court in the matter of the inquiry. A copy of the charges preferred against him alongwith the documents relied upon, shall be furnished to the respondent along with the notice.

3. The Court may devise its own procedure for hearing of the reference.

4. The Court may summon such witnesses as it considers necessary.

5. After the hearing of the reference the Registrar shall transmit to the President or the Governor, as the case may be, the Report of the Court.

6. No Court-fees or process fees shall be payable in connection with any reference dealt with by the Court under this Order.

ORDER XLIV

REFERENCE MADE BY THE CENTRAL GOVERNMENT/ STATUTORY TRIBUNALS UNDER STATUTES

1. A reference under the provisions of any Act enabling making of such reference by the Central Government/Statutory Tribunal to the Court shall be forwarded to the Registrar of the Court.

2. The reference shall contain inter alia all the relevant facts of the case, definite charges against the person sought to be removed from the concerned office by virtue of the enabling provision for such removal and the statement of grounds on which each such charge is based.

3. The Central Government/Statutory Tribunal shall along with the reference transmit seven copies thereof and eight copies of transcript in English of the documents relating to the grounds on which the removal of the person is sought, one of which shall be duly authenticated.

4. On receipt of such reference, it shall be registered in the Register maintained for the purpose and numbered as "Reference No..... of 20... under ..... (Section and Name of the Act under which the reference is made). No Court-fee shall be payable on such reference.

5. (1) As soon as the reference is registered and numbered, the Registrar shall give notice to the person sought to be removed calling upon him within four weeks from the date of service of notice on him to put in a written statement of his defence together with seven copies thereof and to state whether he desires to be heard in person. A copy of the documents mentioned in rules 2 and 3 shall be enclosed with the notice.

(2) Notice stating the date fixed for filing written statement by the person sought to be removed snall be given to the Attorney-General for India and the Central Government/Statutory Tribunal.

6. (1) After the written statement is received from the person sought to be removed, or if no such written statement is received within the time allowed, the Court shall fix a date for the inquiry.

(2) If the person sought to be removed does not appear on the date fixed for inquiry, the Court may proceed with the inquiry in his absence.

(3) At the inquiry, the oral and documentary evidence as the case may be, in support of the grounds on which the removal of the person is sought, shall be recorded. The oral evidence may be recorded on affidavits and/or on Commission, if the Court so directs. The person sought to be removed shall be entitled to cross-examine the witnesses.

(4) The evidence for the defence shall then be recorded and the witnesses examined who shall be liable to cross examination by the prosecution.

(5) The provisions relating to hearing of the suits under the rules, shall, as far as may be, apply to the recording of evidence.

7. The person sought to be removed shall have a right to be defended.

8. Every witness who is summoned to give evidence or to produce a document or thing before the Court shall be paid travelling and daily allowances at such rates as the Court may fix.

9. (1) After the close of the inquiry, the Court shall make an order at once or on such other day as may be fixed by it.

(2) The Court may pass such orders as to costs as it may deem proper.

10. After the order of the Court has been announced, the Registrar shall send a copy thereof to the Central Government/Statutory Tribunal.

11. Save as otherwise provided by the rules contained in this Order, the provisions of these rules shall, so far as may be, apply to reference dealt with under this Order.

12. Notwithstanding anything contained in these rules, the Court may devise any other procedure of its own to hear and decide the reference.

ORDER XLV

REFERENCE UNDER SECTION 257 OF THE INCOME TAX ACT, 1961

1. A reference under section 257 of the Income Tax Act, 1961, shall be forwarded to the Registrar of the Supreme Court.

2. On receipt of such reference, the reference shall be numbered as "Tax Reference Case No. ..... of 20..". No Court-fee shall be payable on such reference.

3. The reference shall be in the form of a statement of case containing numbered paragraphs setting out all relevant facts and proceedings, which have a bearing on the question or questions raised in chronological order with relevant dates. It shall contain an account of the conflict in the decisions of the High Courts which necessitate the Reference.

4. The Income Tax Appellate Tribunal shall, together with the reference through the President, submit the following documents:-

(i) A copy of the order of the Income Tax Officer;

(ii) Memorandum of appeal to the Appellate Assistant Commissioner;

(iii) A copy of the order of the Appellate Assistant Commissioner;

(iv) Memorandum of appeal to the Appellate Tribunal;

(v) A copy of the order of the Income Tax Appellate Tribunal under section 254 of the Income Tax Act, 1961;

(vi) A copy of the application for reference under section 256 of the Income Tax Act, 1961; and

(vii) Such other documents, as in the opinion of the Income Tax Appellate Tribunal, may be required by the Supreme Court at the hearing of the reference.

5. The Income Tax Appellate Tribunal shall together with the reference prepare and transmit through its President at the expense of the party who moved the application under section 256 of the Income Tax Act, 1961, along with the order of Reference, three copies of the transcript in English of the documents mentioned in rule 4, one of which shall be duly authenticated.

6. When the Income Tax Appellate Tribunal refers a case to the Supreme Court and transmits the transcript record of the said reference, it shall give notice of that fact to the parties, calling upon them to take such steps in the Supreme Court as may be necessary for bringing the reference to a final hearing and certify to the Registrar of the Court, the date or dates of service of notice.

7. The parties to the reference under section 256 of the Income Tax Act, 1961, shall, within 30 days of the service of the notice referred to in rule 6, enter appearance in this Court and take further steps for bringing the reference to a final hearing.

8. Upon receipt from the Income Tax Appellate Tribunal of the English transcript of the record as aforesaid, the Registrar of the Court shall require the party, who moved the application under section 256 of the Income Tax Act, 1961, to deposit the charges for printing the said record within such time as he may prescribe, but not exceeding 30 days and with all convenient speed arrange for preparation thereof.

9. The rules contained in Order XIX, shall apply mutatis mutandis to such References with regard to the preparation of record and authentication thereof.

10. Upon the receipt of the reference along with the documents mentioned in rule 4, the Registrar shall lay the matter before the Chief Justice of India who shall appoint a bench of not less than three Judges to hear the reference.

11. Unless otherwise ordered by the Court, costs shall be taxed by the Taxing Officer under the provisions of Second Schedule to these rules as may be applicable.

12. A copy of the order made by the Court hearing the reference, shall be sent forthwith to the Income Tax Appellate Tribunal under the Seal of the Court and the signature of the Registrar.

13. Save as otherwise provided by the rules contained in this Order, the provisions of other rules (including the rules relating to appearance of Advocates, but excluding rules 32, 33 and 34 of Order XIX) shall so far as may be, apply to references under section 257 of the Income Tax Act, 1961.

(E) ELECTION PETITIONS

ORDER XLVI

ELECTION PETITIONS UNDER PART III OF THE PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTIONS ACT, 1952 (31 OF 1952)

1. In this Order, unless the context or subject-matter otherwise requires:-

(a) 'the Act' means the Presidential and Vice-Presidential Elections Act, 1952;

(b) the words defined in Sections 2 and 13 of the Act shall have the respective meanings assigned to them by those Sections.

2. An application calling in question an election shall only be by a petition made and presented in accordance with the provisions of this Order.

3. The petition shall be made on a Court-fee stamp of the value of rupees twenty thousand and shall be signed by the petitioner, or all the petitioners, if there are more than one, or by a duly authorised advocate on record of the Court, on his or their behalf.

4. The petition shall be divided into paragraphs, numbered consecutively, each paragraph being confined to a distinct portion of the subject, and shall be printed or typed legibly on one side of standard A-4 size paper.

5. The petition shall state the right of the petitioner under the Act to petition the Court and briefly set forth the facts and grounds relied on by him to sustain the relief or reliefs claimed by him.

6. The allegations of fact contained in the petition shall be verified by an affidavit to be made personally by the petitioner or by one of the petitioners, if more than one:

Provided that where the petitioner is unable to make such affidavit by reason of absence, illness or other sufficient cause it may with the sanction of the Judge in Chambers to be given at the time of the presentation of the petition, be made by any person duly authorised by the petitioner and competent to make the same.

7. A petition calling in question an election may be presented on one or more of the grounds specified in sub-section (1) of section 18 and section 19 of the Act, by any candidate at such election, or

(i) in the case of Presidential election, by twenty or more electors joined together as petitioners;

(ii) in the case of Vice-Presidential election, by twenty or more electors joined together as petitioners.

8. Every petition calling in question an election shall bear a certificate from an Advocate designated as Senior Advocate to the effect that the petition discloses one or more substantial questions for challenging the election of the President or the Vice-President as the case may be

9. Where the petitioner claims a declaration under clause (a) of Section 16 of the Act, he shall implead the returned candidate as the respondent, and where he claims a declaration under clause (b) of the said section, he shall implead as respondents all candidates, other than himself, duly nominated at the election.

10. The petition may be presented at any time after the date of publication of the declaration containing the name of the returned candidate at the election under Section 12 of the Act, but not later than thirty days from the date of such publication.

11. The presentation of the petition shall be made by delivering it to the Registrar of the Court in his Chambers in the Court House, unless it is presented before the Judge in Chambers under rule 6.

12. The petitioner shall also lodge, along with the petition, at least twelve copies of the petition and of all documents which accompany it.

13. Upon the presentation of the petition, the petitioner, shall deposit a sum of Rupees fifty thousand in cash/by bank draft with the Registrar or officer nominated by him as Security for the payment of all costs that may become payable by the petitioner.

14. The petitioner presenting a petition shall be represented by an advocate and in case it is so necessary the Court may direct that legal aid be provided to the petitioner.

15. Upon presentation of a petition the same shall be posted before a bench of the Court consisting of five Judges for preliminary hearing and orders for service of the petition and advertisement thereof as the Court may think proper and also appoint a time for hearing of the petition. Upon preliminary hearing, the Court, if satisfied, that the petition does not deserve regular hearing as contemplated in Rule 22 of this Order may dismiss the petition or pass any appropriate order as the Court may deem fit.

16. Unless otherwise ordered, the notice of the presentation of the petition, accompanied by a copy of the petition, shall within five days of the presentation thereof or within such further time as the Court may allow, be served by the petitioner or his advocate on record on the respondent or respondents, the Secretary to the Election Commission, the Returning Officer and the Attorney-General for India. Such service shall be effected personally or by registered post, as the Court or Registrar may direct. Immediately after such service the petitioner or his advocate on record shall file with the Registrar an affidavit of the time and manner of such service.

17. Unless dispensed with by the Judge in Chambers or the Registrar, as the case may be, notice of the presentation of the petition shall be published in the Official Gazette and also advertised in newspapers at the expense of the petitioner or petitioners, fourteen clear days before the date appointed for the hearing thereof in such manner as the Court or the Registrar may direct.

18. Every elector shall on payment of the usual fees, be entitled within twenty-four hours after such payment, to be furnished by the petitioner or his advocate on record with a copy of the petition and of the affidavit in verification thereof and shall also be entitled upon payment of the prescribed fees to obtain copies from the Court.

19. A person on whom the notice of the presentation of the petition has been served or any other candidate or an elector who intends to appear on the hearing of the petition shall leave with, or send by registered post to, the petitioner or his advocate on record, notice of such intention signed by him or his advocate on record, if any. Such notice shall be served or if sent by registered post, shall be posted in time to reach the addressee not later than two clear days before the day appointed for the hearing of the petition. No person who has failed to comply with this rule shall be allowed to appear on the hearing of the petition without the leave of the Court.

20. An affidavit intended to be used by a person other than the petitioner either in support of the petition or in opposition to the same shall be filed not less than five days before the date fixed for the hearing thereof and notice of the filing thereof shall be given to the petitioner or his advocate on record on the day on which the affidavit is filed. If any person fails to comply with this rule the affidavit, unless the Court otherwise directs, shall not be used at the hearing of the petition.

21. An affidavit intended to be used in reply to an affidavit filed in opposition to, or in support of the petition shall be filed not less that two days before the date fixed for the hearing of the petition. Notice of such filing shall be given forthwith to the person by whom the affidavit in opposition to, or in support of the petition, as the case may be, was filed or to his advocate on record.

22. Every petition calling in question an election shall be posted before and be heard and disposed of by a Bench of the Court consisting of not less than Five Judges.

23. The petition shall not be withdrawn, save with the leave of the Court to be obtained upon application made for the purpose by notice of motion.

24. Where there are more petitioners than one, no application to withdraw a petition shall be made except with the consent of all the petitioners given in writing.

25. An application for leave to withdraw a petition which has been advertised in accordance with the provisions of rule 17 shall not be heard at any time before the date fixed in the advertisement for the hearing of the petition.

26. No application for withdrawal shall be granted if in the opinion of the Court such application has been induced by any extraneous or improper bargain or consideration.

27. When a petitioner applies for leave to withdraw his petition or asks that it be dismissed or that the hearing thereof be adjourned without mentioning sufficient cause or fails to appear in support thereof or if appearing does not apply for an order in terms thereof or if for any other sufficient reason the Court thinks so to do, the Court may, upon such terms as it thinks just, make an order permitting the petitioner to withdraw or striking off the petitioner from the petition and may, upon such terms as it thinks just, substitute as petitioner any other candidate or any other elector or body of electors who in its opinion would have a right to present a petition and is desirous of prosecuting the petition already admitted.

28. If no order for substitution of a new petitioner or petitioners be made by the Court under the rules but the Court only permits the withdrawal of the petition, or strikes off the petitioner or petitioners from the petition, notice of the order of withdrawal of the petition or striking off the petitioner or petitioners shall be published by the Registrar in the Official Gazette and in the newspapers in which the original petition had been advertised under rule 17 and the Court may, on the application made within fourteen days of the publication of such notice in the Official Gazette by any other candidate or in the case of Presidential election, another twenty electors, and in the case of Vice-Presidential election another ten electors who might himself or themselves have been a petitioner or petitioners make an order upon such terms as it thinks fit, substituting such petitioner or petitioners in place of the petitioner or petitioners withdrawing or not appearing at the hearing or not proceeding with the petition. If no such application is made within the time aforesaid or, if made, the Court does not think fit to grant the same, the original petition shall stand dismissed.

29. Where the Court allows a candidate or any elector or body of electors to be substituted as petitioner or petitioners under rule 27 or rule 28, the Court shall appoint a date for the hearing of the petition and such substituted petitioner or petitioners shall within seven days from the making of the order file a clean copy of the petition with such consequential amendments as may be necessary by reason of the order of substitution therein and shall also file an affidavit verifying such amendments. The amended petition shall be treated as the petition for calling in question the election.

30. Upon hearing the application for withdrawal or at the time of making an order for substitution, the Court may, if it thinks fit, by order direct that the amount deposited by the original petitioner or petitioners as security for the costs of the respondent be applied in payment of the costs incurred by him up to the date of the substitution of the new petitioner or petitioners, so far as it may be necessary, and the balance, if any, shall be refunded to the original petitioner or petitioners within seven days from the date of the order of substitution or such further time as the Court may allow.

31. Unless otherwise ordered by the Court, the substituted petitioner or petitioners shall deposit with the Registrar a sum of Rupees fifty thousand as and by way of security for the costs of the respondents.

32. An election petition shall abate by the death of a sole petitioner or in case of several petitioners on the death of the survivor of them:

Provided that there shall be no abatement after the hearing of the petition has been concluded.

33. The abatement of a petition shall not affect the liability of the amount deposited by the petitioner as security for costs or the estate of the petitioner or petitioners for the payment of costs previously incurred.

34. On the abatement of a petition under rule 32, notice of such abatement having taken place shall be published by the Registrar in the Official Gazette and the newspapers in which the original petition had been advertised and the Court may on the application made within fourteen days of the publication of such notice in the Official Gazette by any other candidate or body of electors who might have been a petitioner or petitioners as the case may be make an order, upon such terms as it thinks fit, substituting him or them in the place of the original petitioner or petitioners and the procedure prescribed in rule 29 and the provisions of rule 31 shall apply in relation to the substituted petitioner or petitioners

35. If before the conclusion of the hearing of an election petition any contesting respondent dies or gives notice that he does not intend to oppose the petition and there is no other respondent who is opposing the petition, the Registrar shall cause a notice of such facts to be published in the Official Gazette and the newspapers in which the original petition had been advertised and any candidate or in the case of Presidential election, twenty electors, and in the case of Vice-Presidential election, ten electors who might have been a petitioner or petitioners may, within fourteen days after such publication, apply to be substituted in the place of the respondent dying or not proceeding with his opposition to oppose the petition and the Court may make such order upon such terms as it thinks fit.

36. Subject to the provisions of this Order or any special order or directions of the Court, the procedure on an election petition shall follow, as nearly as may be, the procedure in proceedings before the Court in the exercise of its original jurisdiction.

37. At the conclusion of the hearing of the election petition, the Court shall make an order at once or on some future day of which due notice shall be given by the Registrar to all persons who appeared at the hearing of the petition.

38. Soon after the conclusion of the hearing of the petition, the Registrar shall submit a statement to the Court showing the Court-fees and other expenses incurred by each party to the petition and the total number of days of hearing of the petition.

39. At the time of passing the final order under rule 37, the Court shall also make an order fixing the total amount of costs payable and shall further direct by and to whom the said costs shall be paid.

40. After the order of the Court has been announced, the Registrar shall send a copy thereof to the Central Government for publication in the Official Gazette.

PART - IV

ORDER XLVII

REVIEW

1. The Court may review its judgment or order, but no application for review will be entertained in a civil proceeding except on the ground mentioned in Order XLVII, rule 1 of the Code, and in a criminal proceeding except on the ground of an error apparent on the face of the record.

The application for review shall be accompanied by a certificate of the Advocate on Record certifying that it is the first application for review and is based on the grounds admissible under the Rules.

2. An application for review shall be by a petition, and shall be filed within thirty days from the date of the judgment or order sought to be reviewed. It shall set out clearly the grounds for review.

3. Unless otherwise ordered by the Court an application for review shall be disposed of by circulation without any oral arguments, but the petitioner may supplement his petition by additional written arguments. The Court may either dismiss the petition or direct notice to the opposite party. An application for review shall as far as practicable be circulated to the same Judge or Bench of Judges that delivered the judgment or order sought to be reviewed.

4. Where on an application for review the Court reverses or modifies its former decision in the case on the ground of mistake of law or fact, the Court, may, if it thinks fit in the interests of justice to do so, direct the refund to the petitioner of the court-fee paid on the application in whole or in part, as it may think fit.

5. Where an application for review of any judgment and order has been made and disposed of, no further application for review shall be entertained in the same matter.

ORDER XLVIII

CURATIVE PETITION

1. Curative Petitions shall be governed by Judgment of the Court dated 10th April, 2002 delivered in the case of 'Rupa Ashok Hurrah v. Ashok Hurrah and Ors.' in Writ Petition (C) No. 509 of 1997.

2. (1) The petitioner, in the curative petition, shall aver specifically that the grounds mentioned therein had been taken in the Review Petition and that it was dismissed by circulation.

(2) A Curative Petition shall be accompanied by a certificate of the Senior Advocate that the petition meets the requirements delineated in the above case.

(3) A curative petition shall be accompanied by a certificate of the Advocate on Record to the effect that it is the first curative petition in the impugned matter.

3. The Curative Petition shall be filed within reasonable time from the date of Judgment or Order passed in the Review Petition.

4. (1) The curative petition shall be first circulated to a Bench of the three senior-most judges and the judges who passed the judgment complained of, if available.

(2) Unless otherwise ordered by the Court, a curative petition shall be disposed of by circulation without any oral arguments but the petitioner may supplement his petition by additional written arguments.

(3) If the Bench before which a curative petition was circulated concludes by a majority that the matter needs hearing then it shall be listed before the same Bench, as far as possible.

(4) If the Court, at any stage, comes to the conclusion that the petition is without any merit and vexatious, it may impose exemplary costs on the petitioner.

PART - V

ORDER XLIX

COSTS

1. Subject to the provisions of any Statute or of these rules, the costs of and incidental to all proceedings, shall be in the discretion of the Court. Unless the Court otherwise orders an intervener shall not be entitled to costs.

2. Where it appears that the hearing of any suit or matter cannot conveniently proceed by reason of the advocate on record of any party having neglected to attend personally or by some proper person on his behalf, or having omitted to deliver any paper necessary for the use of the Court which are in his possession and which according to the practice ought to have been delivered, the advocate on record shall personally pay to all or any of the parties such costs as the Court may think fit to award.

3. Where in any proceeding, costs are awarded to any party, the Court may direct the payment of a sum in gross in lieu of taxed costs and may further direct by and to whom the said sum shall be paid.

ORDER L

TAXATION

1. The Registrar, or such other officer as the Chief Justice may appoint for the purpose, shall be the Taxing Officer of the Court.

2. The Taxing Officer shall allow all such costs, charges and expenses as appear to him to have been necessary or proper for the attainment of justice or for defending the rights of any party, and shall not allow any costs, charges and expenses which appear to him to have been incurred or increased unnecessarily or through negligence or mistake.

3. Where in the opinion of the Taxing Officer a fee ought to be allowed for any matter not provided for in these rules or a question arises in taxation on which he considers it necessary to obtain the directions of the Chamber Judge, the Taxing Officer may refer such matter to the Chamber Judge for orders.

4. Where the Taxing Officer is of opinion that any costs have been injuriously or unnecessarily occasioned by the negligence or improper conduct of any advocate on record, he shall not allow any charge for the same without the leave of the Court.

5. The Taxing Officer shall without delay bring to the notice of the Chamber Judge any wrong charge which appears to him to have been willfully made in any bill of costs.

6. Every bill of costs lodged for taxation between party and party shall contain a certificate from the advocate lodging the same that the fee paid to him by his client or agreed to be paid to him is not less than the amount of fee claimed by him in the bill.

7. Every bill of costs shall be properly dated throughout and shall show in a column for the purpose the money paid out of pocket.

8. Every bill of costs shall be certified by the signature of the advocate on record in the case.

9. The fee for taxation and registration of every bill of costs shall be paid in Court-fee stamps when the bill is lodged for taxation.

10. Every bill of costs shall, wherever possible, be accompanied by vouchers, and every item of disbursement and the cause thereof shall be distinctly specified, and no payment out of pockets shall be allowed except on production of the necessary voucher, or in the case of advocate's fee, without the signature of the advocate that the fee has been paid, or agreed to be paid.

11. Within eight weeks from the date of the judgment or order awarding costs, or within such further time not exceeding four weeks as the Taxing Officer may for good cause allow, the party to whom the costs have been awarded shall lodge in the Registry the bill of costs and vouchers. He shall also serve on the opposite party

a copy of the bill of costs and file in the Registry proof of such service. The Taxing Officer shall fix a date for the taxation of the bill and shall notify the parties of the date fixed.

12. A bill of costs presented out of time shall be returned to the party and the Taxing Officer shall not receive or tax the same except by order of the Chamber Judge.

13. Except as otherwise provided in these rules or by any law for the time being in force, the fees set out in the Second Schedule to these rules may be allowed to advocates.

14. No retaining fee to an advocate shall be allowed on taxation as between party and party.

15. Where an advocate appears for different parties in the same suit, appeal or matter only one set of fees shall be allowed unless the Court otherwise orders.

16. Where two or more appeals arising out of a single proceeding are heard together and costs are awarded in both or all of them, only one set of advocate's fee shall be allowed for the hearing, unless the Court or the Chamber Judge otherwise directs.

17. In defended appeals, suits and references under article 143 and 317 (1) of the Constitution, the first day's hearing fee shall be allowed in full, for the first four and a half hours of the hearing or part thereof, in accordance with the Schedule subject to the provisions contained in rules 19 and 20.

18. No refresher shall be allowed unless the hearing has lasted for more than two days i.e. nine hours, and the Taxing Officer shall have discretion to reduce the refresher or to allow a refresher having regard to the duration of the hearing after the first nine hours:

Provided that when a matter is adjourned without any arguments on merits, no fee shall be charged for that day.

19. Where the hearing of a part-heard case is held up on account of the Court being occupied with any miscellaneous matters, the time taken in the hearing of such miscellaneous matters shall be taken into consideration by the Taxing Officer for the purposes of a refresher.

20. In cases involving less than twenty thousand rupees in value the Taxing Officer shall have discretion to reduce the fees, including the first day's hearing fee and the 'acting fee' suitably according to the nature of the case.

21. Where an appeal is compromised prior to its being set down for hearing the fees to be allowed to advocate under item 1 of Part I of the Schedule II shall be half the amounts specified therein subject to the terms of the compromise.

22. The fees provided in items 3 to 8 of Part I of the Second Schedule shall be subject to reduction in the discretion of the Taxing Officer according to the nature of the case.

RULES RELATING TO ADVOCATES AND CLIENT TAXATION

23. Where a dispute arises between the advocate on record and his client as to the fees and charges payable to the advocate, either party may apply to the Chamber Judge for an order to have the bill taxed and, on an order for taxation being made, the Taxing Officer may proceed to tax the bill. The application when made by the advocate, shall be accompanied by a copy of the bill sought to be taxed:

Provided that where the client has expressed his consent in writing to the taxation of costs between himself and his advocate on record in any proceeding, the advocate may present his bill of costs in that proceeding for taxation without an order of the Chamber Judge, and the Taxing Officer shall thereupon proceed to tax the bill.

24. In every case of taxation between advocate and his client, the client shall be duly summoned by the Taxing Officer to attend the taxation, and the summons shall be served on the client at least two weeks prior to the date fixed for taxation.

25. Subject to any agreement in writing to the contrary, the rules regulating the taxation of costs between party and party shall be applicable as far as may be to taxation between advocate and client.

26. No agreement between the advocate on record and his client to pay fees higher than those prescribed in the Second Schedule shall be recognised unless the same has been recorded in writing and is signed by the client and has been filed before the commencement of the hearing.

Explanation.- For the purpose of this rule "agreement in writing" shall include the correspondence between the advocate on record and his client from which such an intention may be gathered.

27. Where the Taxing Officer is of the opinion that any such agreement filed as aforesaid is unfair or unreasonable, he may place the matter before the Chamber Judge for orders and the Judge may make such order as he may think just, and the taxation shall proceed in accordance with such order:

Provided that where fees are payable by the client personally or out of a fund belonging entirely to him, any fees actually paid by the advocate on record to the senior or other advocate in excess of the fees prescribed in the Schedule shall not be called in question if the payment of such fee is duly authorised by the client.

28. Where the amount of a bill of costs between advocate and client is reduced by 1/6th or more, the advocate's fee for attending taxation shall be disallowed.

29. An advocate whose bill against his client has been taxed may apply to the Chamber Judge for an order against his client or his legal representative for payment of the sum allowed on taxation or such sum thereof as may remain due to him. The order so made may be transmitted for execution to such Court as the Chamber Judge may direct.

REVIEW OF TAXATION AND MISCELLANEOUS PROVISIONS

30. Any party who is dissatisfied with the allowance or disallowance by the Taxing Officer of the whole or any part of the items in a bill of costs may apply to the Taxing Officer to review the taxation in respect thereof.

31. An application for review shall be made within three weeks and a copy of the application shall be served on the opposite party.

32. Objections in writing specifying concisely the items or parts of the bill objected to and the grounds for the objections shall be served with the notice on the other party, and a copy thereof shall at the same time be carried in before the Taxing Officer.

33. Objections which were not taken in at the time of the taxation shall not be taken in at the stage of review, unless allowed by the Taxing Officer.

34. Upon application to review his order, the Taxing Officer shall reconsider his taxation upon the objections carried in and may, where he thinks fit, receive further evidence in respect thereof, and shall state in a certificate the grounds of his decision thereon and any special facts or circumstances relating thereto.

35. Any party dissatisfied with the decision of the Taxing Officer on review may, not later than seven days from the date of the decision, or within such further time as the Taxing Officer or the Chamber Judge may allow, apply to the Chamber Judge for an order to review the decision of the Taxing Officer and the Chamber Judge may thereupon make such order as may seem just.

36. No evidence shall be received by the Chamber Judge upon the review of the Taxing Officer's decision which was not before the Taxing Officer when he taxed the bill or reviewed his taxation unless the Chamber Judge otherwise directs.

37. The certificate of the Taxing Officer by whom any bill has been taxed shall unless it is set aside or altered by the Chamber Judge, be final as to the amount of the costs covered thereby.

38. The allowance to be made to witnesses per diem shall be such as the Taxing Officer may think reasonable having regard to the profession or status of the witness.

39. Witnesses residing more than five miles from the place where the Court sits shall be allowed travelling expenses according to the sums reasonably and actually paid by them and shall also be allowed such sums for subsistence money and carriage hire as the Taxing Officer, having regard to the daily allowances under rule 38, considers reasonable.

40. Every person summoned to give evidence shall have tendered to him with the summons a reasonable sum for his travelling expenses (if any) and for the first day's attendance and shall, if obliged to attend for more than one day, be entitled, before giving his evidence, to claim from the party by whom he has been summoned the appropriate allowances and expenses for each additional day that he may be required to attend.

41. Witnesses who have not been paid such reasonable sums for their expenses as the Court allows by its rules may apply to the Court at any time in person to enforce the payment of such sum as may be awarded to them.

42. For the purposes of these rules, a folio shall be deemed to consist of two hundred words; seven figures shall be counted as one word; and more than half a folio shall be reckoned as a folio.

PART - VI

MISCELLANEOUS

ORDER LI

NOTICE OF PROCEEDINGS TO THE ATTORNEY-GENERAL FOR INDIA OR ADVOCATE-GENERAL OF STATES

1. The Court may direct notice of any proceedings to be given to the Attorney-General for India or to the Advocate-General of any State, and the Attorney-General for India, or the Advocate-General to whom such notice is given may appear and take such part in the proceedings as he may be advised.

2. The Attorney-General for India or the Advocate-General of any State may apply to be heard in any proceedings before the Court, and the Court may, if in its opinion the justice of the case so requires, permit the Attorney-General for India or the Advocate-General so applying to appear and be heard, subject to such terms as to costs or otherwise as the Court may think fit.

ORDER LII

FORMS TO BE USED

1. Every writ, summons, orders, warrant or other mandatory process shall bear the attestation of the Chief Justice, and shall be signed by the Registrar with the day and the year of signing, and shall be sealed with the seal of the Court.

2. The forms set out in the Fourth Schedule to these rules, or forms substantially to the like effect with such variations as the circumstances of each case may require, shall be used in all cases where those forms are appropriate.

ORDER LIII

SERVICE OF DOCUMENTS

1. Except where otherwise provided by any Statute or prescribed by these rules, all notices, orders or other documents required to be given to or served on, any person shall be served by the Registry in the manner provided by the Code for the service of a summons.

In criminal proceedings, to compel appearance of an accused, the Court may direct issuance of warrant and other processes in the manner provided by the Code.

(a) In order to avoid delay in the service of the notices, the following procedure shall be adopted for effecting service on Union of India or State Government(s) as respondents :-

(i) In all matters in which the Court directs the issue of notice to the Union of India or to any State Government or to any of its authorities, the petitioner/appellant shall specify the proper department and address of the Union of India or the State Government as the case may be, on whom the notice is required to be served.

(ii) The notice alongwith a copy of the petition with its annexures shall be served on -

1. the proper department;
2. additionally on the Standing Counsel/Advocate of the Union Government or the State Government;
3. In-charge of the Central Agency Section at Supreme Court of India, in case of Union Government;
4. Special Officer/Resident Commissioner so appointed by the State Government or any of its authorities in Delhi, as the case may be. The respective Government may also authorise Special Officer/Resident Commissioner in Delhi to execute vakalatnama in favour of their respective Advocate-on-Record to enable them to take appropriate steps to complete pleadings expeditiously.

(b) The service of notice on the said Standing Counsel/ Advocate/In-charge of the Central Agency Section/Special Officer/Resident Commissioner shall be treated as sufficient service on the concerned Government or any of its Departments.

2. Service of any notice, order or other document on the Advocate-on-record of any party at his address registered with office or registered e-mail address shall be deemed sufficient service on the party whom he

represents and may be effected by delivering it to the Advocate-on-record or by leaving it with a clerk in his employ at his office or by sending it at his registered e-mail address.

3. Service of any notice, order or other document upon a person who resides at a place within the territory of India may ordinarily be effected by posting a copy of the document required to be served in a pre-paid envelope registered for acknowledgment addressed to the party or personally at the place where he ordinarily resides and through the District Judge concerned:

Provided that the Registrar may direct in a particular case or class of cases, that the service shall be effected in the manner provided by the Code for the service of summons:

Provided further that, where 'dasti' service (i.e. service through party) is directed or allowed, the party shall (unless permitted otherwise), within fifteen days of issue of dasti, tender the 'dasti' notice to addressee in person and obtain an acknowledgment of service from the addressee. In case the addressee declines to receive, or acknowledge the service of, notice the party shall move the principal civil court (other than High Court) within local limits of whom addressee resides (or carries on business or personally works for gain), for service through special bailiff, the process fee/charges for which shall be borne by the said party. The concerned court shall direct expeditious service of notice through special bailiff and cause a report of service to be sent to the Registrar of this Court by registered /Speed Post A.D., the charges for which shall be paid by the concerned party, and forward a copy of the said report through the party, for being submitted to this Court.

4. A document served by post shall be deemed to be served at the time at which it would be delivered in the ordinary course of post.

5. Except where the notice or process has been served through Registry, the party required to effect the service shall file an affidavit of service, along with such proof thereof as may be available stating the manner in which the service has been effected.

6. Where the notice, order or other document has been served through another Court, the service may be proved by the deposition or affidavit of the serving officer made before the Court through which the service was effected.

7. Service effected after Court hours shall for the purpose of computing any period of time subsequent to that service be deemed to have been effected on the following day.

8. If service of any notice, order or document has not been completed within six months from the date of issue of notice, the matter shall be reported to the Court for direction after notice to the Advocates-on-record for the parties. The Court may thereupon dismiss the matter for non-prosecution or give such direction in the matter as it deems fit.

ORDER LIV

COMMISSIONS

1. Order XXVI in the First Schedule to the Code with respect to commissions shall apply except rules 13, 14, 19, 20, 21 and 22 thereof.

2. An application for the issue of a commission may be made by summons in Chambers after notice to all parties who have appeared or ex-parte where there has been no appearance.

3. The Commissioner shall, if the advocate or other person examining a witness so desires, record a question disallowed by the Commissioner and the answer thereto, but the same shall not be admitted as evidence until the Court before which the deposition is put in evidence shall so direct.

4. The Court may, when the commission is not one for examination on interrogatories, order that the Commissioner shall have all the powers of a Court under Chapter X of the Indian Evidence Act, 1872 (1 of 1872), to decide question as to the admissibility of evidence and to disallow any question put to a witness.

5. Unless otherwise ordered, the party at whose instance the commission is ordered to issue, shall lodge in the Court, copies of the pleadings in the case within twenty-four hours of the making of the order and those copies shall be annexed to the commission when issued.

6 Any party aggrieved by the decision of the Commissioner refusing to admit evidence or allow a question to be put may apply to the Court to set aside the decision and for direction to the Commissioner to admit the evidence or to allow the question but no such application shall be entertained if made later than seven days after the examination of the witness has been closed.

7. After the deposition of any witness has been taken down and before it is signed by him, it shall be read over and where necessary, translated to the witness, and shall be signed by him and left with the Commissioner who shall subscribe his name and the date of the examination.

8. Commissions shall be made returnable within such time as the Court may direct.

ORDER LV

POWER TO DISPENSE AND INHERENT POWERS

1. The Court may, for sufficient cause shown, excuse the parties from compliance with any of the requirements of these rules, and may give such directions in matters of practice and procedure as it may consider just and expedient.

2. An application to be excused from compliance with the requirements of any of the rules shall be addressed, in the first instance, to the Registrar, who shall take instructions of the Judge in Chambers thereon and communicate the same to the parties, but, if, in the opinion of the Registrar, it is desirable that the application should be dealt with in open Court, he may direct the applicant to serve the other party with a notice of motion returnable before the Court.

3. The Court may enlarge or abridge any time appointed by these rules or fixed by any order enlarging time, for doing any act or taking any proceeding, upon such terms (if any) as the justice of the case may require, and any enlargement may be ordered, although the application therefor is not made until after the expiration of the time appointed or allowed.

4. The Court may at any time, either of its own motion or on the application of any party, make such orders as may be necessary or reasonable in respect of any of the matters mentioned in rule 8 of Order XXVII of these rules, may issue summonses to persons whose attendance is required either to give evidence or to produce documents, or order any fact to be proved by affidavit.

5. Where there are two or more appeals arising out of the same matter, the Court may at any time either on its own motion or on the application of any party, order that the appeals be consolidated. Unless otherwise ordered by this Court the liability of the parties to pay separate Court-fees shall not be affected by any order for consolidation.

6. Nothing in these rules shall be deemed to limit or otherwise affect the inherent powers of the Court to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Court.

7. At any time before or as soon after the commencement of arguments at the final hearing of a case as may be feasible, the Court will ascertain from the counsel of each party to be heard the time which the counsel's arguments on the matter are likely to take. The Court may then fix the time for the arguments of each party or each counsel. The counsel may be permitted to supplement the oral arguments by written submission, but will not be allowed to exceed the time so fixed unless the Court itself considers it necessary, or desires that he should do so on any matter requiring further elucidation by oral arguments.

PART - VII

ORDER LVI

DESTRUCTION OF RECORDS

1. There shall be an index of the records in every case in the form prescribed below -

Index of Papers

in

Civil Appeal No._____ of _____(or Criminal Appeal No._____ or Petition No. _____or Suit No._____)

Cause Title

Serial No.	Date of filing the paper in the record	Description of paper	No. of the part to which it belongs	Remarks

2. The record in each case shall be divided into two parts, Part I to be preserved permanently in physical, digitized, scanned, microfilmed or such other form as may be decided by the Chief Justice of India and Part II to be preserved for the period as hereinafter provided.

3. Each paper as and when it is filed in the record shall be numbered and entered in the Index and classified in the manner as specified in this Order as soon as it is filed by writing on top right corner of the document on first page as to the part it will belong.

4. The period for which any particular record is to be preserved shall be reckoned from the date of the final decree or order in the proceeding to which the record belongs, and in case an application for a review is filed against the decree or order, from the date of the final decree or order made on review. In the case of registers, the period shall be reckoned from the date of the last entry in the register.

5. All papers forming the record relating to admission matters including petitions for preliminary hearing, objections, rejoinder and documents (except original documents), if any, and such like matters may not be retained in the Registry beyond one year of their disposal. Only the index of documents filed, original documents and the order disposing of the petitions may be preserved permanently and the rest of the papers discarded and destroyed in the manner indicated in Rule 8.

6. The Registrar may direct that any paper assigned to Part II be transferred to Part I for being preserved permanently.

7. Records which do not fall under Part I or Part II as classified below shall be referred to the Registrar who shall decide the part under which they should be included.

8. When any record is ripe for destruction, it shall be effectively shredded and the shredded strips may be disposed of as waste and the sale proceeds shall be credited to the Central Government.

9. As soon as a record is destroyed, a note shall be made in the Index against the record showing that it has been destroyed and the date of destruction.

PART I

The following papers shall be included under Part I (to be preserved permanently):-

1. Index.
2. Judgment.
3. Decree or Order.
4. Pleadings (Plaint, written statement, set off and counter claim).
5. Petition of appeal, reply in petition of appeal and rejoinder to the reply, with such annexures as are original documents.
6. Statement of Case.
7. Original petitions including admitted Special Leave Petitions and Article 32 petitions, objection/reply to the notice and rejoinder to the reply, with such annexures as are original documents.
8. Reference received under article 143.
9. Reference received under article 317(1) or under any statute.
10. Memorandum of compromise, award of arbitrators, which results in a decree.
11. Original documents.
12. Papers of historical, sociological, scientific or archival value and such other papers, as in the opinion of the Court or the Registrar should be permanently preserved.
13. Served summons and notices.
14. Acknowledgment(s) of receipt of summons and notices by the respondent(s)/opposite party(ies).
15. Affidavit of service, if any, filed under Rule 5, Order LIII of these Rules.
16. Any other document evidencing the service of summons and notices on the respondent(s)/opposite party(ies).

REGISTERS :

1. Registers of Suits, Civil and Criminal appeals, petitions under article 32, special leave petitions, special references and miscellaneous petitions.

2. Rolls of advocates and enrolment files.

PART II

The following papers shall be included in Part II and shall be destroyed after the period indicated below:-

1.	Appearance, power of attorney and Vakalatnama.	One year
2.	Affidavits.	One year
3.	Taxation files including bills of costs.	One year
4.	Register of bills of costs.	One year
5.	Despatch register.	One year
6.	Applications for condonation of delay and such other formal applications.	One year
7.	Correspondence in cases.	One year
8.	"Unclaimed documents other than original documents".	One year
9.	Office notes in the case files.	One year
10.	Copies of Unserved summons and notices.	One year
11.	Copying register.	One year
12.	Surplus copies of printed records, and of pleading and petitions.	One year
13.	Minutes Book of the Judge to be destroyed by burning on the laying down of office by the Judge unless the Judge desires to retain them in his personal custody.	One year

PART - VIII

ORDER LVII

REPEAL

The Supreme Court Rules, 1966 stand repealed.

PART - IX

SCHEDULES

FIRST SCHEDULE

RULES AS TO PRINTING OF RECORD

1. The record in appeals to the Court shall be printed in the form known as demy quarto on both sides of the paper with single spacing..

2. The size of the paper used shall be such that the sheet, when folded and trimmed, will be about 11 inches in height and $8^{1/2}$ inches in width or 29.7 cm. in height and 21 cm. in width.

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

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

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

Part II - The exhibits and documents.

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

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

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

Part II shall be arranged in the most convenient way for the use of the Court, as the circumstances of the case require. The documents shall be printed as far as suitable in chronological order, mixing plaintiff's and defendant's documents together when necessary. Each document shall show its exhibit mark, and whether it is a plaintiff's or defendant's document (unless this is clear from the exhibit mark) and in all cases documents relating to the same matter such as:-

(a) a series of correspondence, or

(b) proceedings in a suit other than the one under appeal, shall be kept together. The order in the record of the documents in Part II will probably be different from the order of the Index, and the proper page number of each document shall be inserted in the printed Index.

The parties will be responsible for arranging the record in proper order for the Court, and in difficult cases counsel may be asked to settle it.

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

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

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

PART I

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

(b) The heading of the document shall then appear consisting of the number and the description of the documents in the Index, with the date, except in the case of oral evidence.

(c) In the case of oral evidence, 'Plaintiff's evidence' or 'Defendant's evidence' shall appear next to the name of the court and then the number in the Index and the witness's name, with 'examination', 'cross-examination' or 're-examination', as the case may be.

PART II

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

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

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

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

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

SECOND SCHEDULE
Fees Payable to Advocates
PART I

S. No.		Fee on brief not exceeding Rs.		Refresher not exceeding Rs.
1.	Defended appeals, suits or reference under Article 143 or Article 317 (1) of the Constitution or under any Statute or defended petitions under Article 32 of the Constitution.	Leading Counsel	24,000/-	24,000/-
		Associate Advocate, if any Advocate-on-Record for instructing.	12,000/-	6,000/-
2.	Undefended appeals.	One fee	14,000/-	No refresher
3.	Petitions for special leave (or appeals on a certificate heard *ex- parte*).	Leading Counsel	8,000/-	No refresher
		Advocate-on-Record when not pleading but only instructing.	4,000/-	No refresher
4	Undefended petitions under Article 32 of the Constitution.	Leading Counsel	15,000/-	7,500/-
		Advocate-on-Record when not pleading but only instructing	8,000/-	4,000/-
5	Notices of motion other than petitions under Article 32 of the Constitution when opposed.	Leading Counsel	15,000/- per appearance	No refresher
		Advocate-on-Record	8,000/- per appearance	No refresher
6	Petitions in courts for review.	Leading Counsel	15,000/-	No refresher
		Advocate-on-Record	10,000/-	No refresher
7	Opposed applications for investigations in Chambers.	One fee	10,000/-	
8	Unopposed motions and Chamber applications and review applications in taxation.	One fee	5,000/-	
9	Attending taxation or hearing judgment.	One fee	2,500/-	
10	Attending settlement of Index and for taking other steps for preparation of the record.	One fee	5,000/-	
11	Fee to the Amicus Curiae appointed by the Court.		6,000/- upto admission stage and 10,000/- on final disposal stage or hearing on regular side after admission/grant of leave, or as directed by the Court/Chief Justice.	
12	Fee to the Panel Advocate appointed by the Registry.		6,000/- upto admission stage and 10,000/- on final disposal stage or hearing on regular side after admission/grant of leave, or as directed by the Court/Chief Justice.	

PART II

S. No.		Not exceeding (Rs.)
1	To junior Advocate for drafting petitions for special leave and petitions under Article 32 of the Constitution inclusive of the affidavits in support of the petition.	12,000/-
	To the senior for settling petitions for special leave and petitions under Article 32 of the Constitution inclusive of the affidavits in support of the petition.	10,000/-
2	To junior Advocate for drafting other petitions or affidavits (other than formal petitions like petitions for excusing delay and affidavits in them and affidavits of service) or written briefs.	5,500/-
	To senior Advocate for settling other petitions or affidavits (other than formal petitions like excusing delay and affidavits in them and affidavits of service).	7,500/-
3	To Junior Advocates for drawing statement of case in appeals, pleadings in suit or special case.	12,000/-
	To Senior Advocate for settling statement of case in appeals, pleadings in suit or special case in consultation with Junior, if allowed.	18,000/-
4	Acting Fees -	
	In appeals (defended and undefended) including suits and References under Article 143 or Article 317 (1) of the Constitution or under any statute or defended petitions under Article 32 of the Constitution.	20,000 /- but not less than 12,000/- as the Taxing Officer may in his discretion allow, having regard to the nature and duration of the 'Acting' work involved in the case.
	In undefended petitions under Article 32 of the Constitution.	10,000/-
	Actual postal and telegraph charges where necessary to be allowed in the discretion of the Taxing Officer.	

PART III

1	Printing of paper book	Actual cost at a reasonable rate to be allowed by the Taxing Officer

THIRD SCHEDULE

TABLE OF COURT FEES

PART I

ORIGINAL JURISDICTION

S.No.		Rs.
1.	Filing and registering plaint	2500/-
2.	Filing and registering written statement	500/-
3.	Filing and registering set-off or counter-claim	500/-
4.	Reply to a counter-claim	500/-
5.	Petitions under Article 32 of the Constitution other than petitions for *habeas corpus* and petitions arising out of criminal proceedings	500/-

PART II

APPELLATE JURISDICTION

S.No.		Rs.
1.	Petition for special leave to appeal other than petitions for which Court fee has been distinctly prescribed in entry 2 below.	1,500/- [At the time of institution]
2.	Petition for special leave to appeal in the matters falling in any of subject categories mentioned in Part IV of this Schedule	5,000/- [At the time of institution]
3.	Lodging and registering petition of appeal/SLP at after notice stage/other than the matters for which Court Fee has been distinctly prescribed in entry 4 below	
	Where the amount or value of the subject-matter in dispute does not exceed Rs. 50,000.	1,500/-
	For every Rs. 50,000 or part thereof, in excess of Rs. 50,000	500/-
	In case where it is not possible to estimate at a money value the subject-matter in dispute:	1,500/-
	Provided- (1) that the maximum fee payable in any case shall not exceed Rs.10,00,000/- and (2) that where an appeal is brought by special leave granted by the court or where notice is issued in the Special Leave Petition by the Court, credit shall be given to the appellant/petitioner, as the case may be, for the amount of court-fee paid by him at the time of institution of SLP/Notice and no more Court fee will be charged even if leave is subsequently granted in 'after notice' matter and the petition is converted into an appeal	

4.	Lodging and Registering of appeal/SLP at 'after notice' stage/in the matters falling in any of subject categories mentioned in Part IV of this Schedule where -	
	(i) value of the subject matter in dispute does not exceed Rupees one lakh.	5,000/-
	(ii) for every Rs.50,000/- or part thereof in excess of Rs.1,00,000/- till the value reaches Rs.20,00,000/-	1,000/-
	(iii) for every Rs.1,00,000/- or part thereof in excess of Rs.20,00,000/- :	1,000/-
	Provided -	
	(1) The maximum fee payable in any case shall not exceed	25,00,000/-
	(2) That where an appeal is brought by special leave granted by the Court or where notice is issued in the Special Leave Petition by the Court, credit shall be given to the appellant/petitioner, as the case may be, for the amount of court-fee paid by him at the time of institution of SLP/Notice and no more court fee will be charged even if leave is subsequently granted in 'after notice' matter and the petition is converted into an appeal.	
	(3) In case where it is not possible to estimate at a money value the subject-matter in dispute.	5,000/-
5.	Lodging of caveat	500/-
6.	Application for review of judgment or order of Court	The same fee as was paid on the original proceedings.
7.	Curative Petition	The same fee as was paid on the original proceedings.
8.	Petition of Appeal under Consumer Protection Act, 1986	5000/-
9.	(i) Transfer Petitions other than the petitions arising out of Matrimonial Disputes	2,500/- per matter to be transferred.
	(ii) Transfer Petitions arising out of Matrimonial Disputes	500/- per matter to be transferred.
10	Election Petition under Order XLVI of these Rules	20,000/- Along with security deposit of Rs.50,000/-
11	Appeal under Section 38 of the Advocates Act, 1961	5,000/-
12	Appeal under Section 116A of the Representation of the Peoples Act, 1951	20,000/-

For the purpose of this Schedule -

1. Matter disposed of after hearing the Caveator shall be treated to have reached "after notice" stage.
2. Any dispute regarding subject category, valuation, Court Fee payable or recovery of Court Fee shall be dealt with and decided by Registrar/ Taxing Officer.
3. Appeal against orders of Registrar/Taxing Officer deciding subject category, valuation, Court Fee payable or recovery of Court Fee shall lie to the Judge in Chambers whose decision in this regard shall be final.
4. Registrar/ Taxing Officer shall take suitable steps for recovery of unpaid Court Fee by placing Office Report before the Court if matter is still pending in the Court.

Where a matter has been disposed of and for any purpose is pending before any High Court/ Subordinate Court/ Tribunal, Forum or Authority, the Registrar/ Taxing Officer shall report the fact in writing to the concerned High Court/ Subordinate Court/ Tribunal, Forum or Authority, as the case may be, to direct Petitioner/ Appellant to first pay/ settle unpaid Court Fee in this Court, or, steps may be taken to recover unpaid Court Fee as arrears of land revenue.

PART III

MISCELLANEOUS

S.No		Rs.
1	Vakalatnama	10/-
2	Every application to the court not specially provided for	100/-
3	Every application to the court by notice of motion where an *ad interim ex- parte* order is prayed for	200/-
4	Every application to a Judge in Chambers, the Registrar or Taxing Officer not specially provided for	50/-
5	Every affidavit affirmed or sworn	20/-

N.B. : In the case of references under the Constitution/any statute, such of the above fees as may be appropriate shall be charged.

PART IV

SUBJECT CATEGORIES

03 DIRECT TAXES MATTER

0301 Income Tax Reference under Section 257 of the Income Tax Act, 1961

0302 Appeals under Section 261 of Income Tax Act, 1961 upon a certificate granted by the High Court

0303 Other matters under Income Tax Act, 1961

0304 Cases relating to Excess Profit Tax Act, 1940

0305 Business Profit Tax Act, 1947

0306 Agricultural Income Tax

0307 Reference under Section 27(3)(a) of the Wealth Tax Act, 1957

0308 Appeals under Section 29(1) of the Wealth Tax Act, 1957 upon a certificate granted by the High Court

0309 Gift Tax Act, 1958

0310 Property Tax

0311 Valuation

0312 Capital Gains

0313 SLPs relating to Wealth Tax

0314 Income from salaries

0315 Income from House Property

0316 Income from Business or Profession

0317 Income from other sources

0318 Deductions/exemptions

0319 Penalties/Prosecution/Settlement Commission

0320 Re-assessment/Revisional Power/Rectification

0321 CBDT Circular

0322 Registration

0323 Others

0324 Matters relating to recovery of Direct Tax due

04 INDIRECT TAXES MATTERS

0401 Interpretation of the Customs Act, Rules & Regulations

0402 Interpretation of exemption notification under Customs Act, 1962

0403 Interpretation of other notification under Customs Act, 1962

0404 Valuation of Goods under the Customs Act, 1962

0405 Sales Tax Act (Central & various States)

0406 Cess Acts (Rubber, Coffee, Tea, Sugar, etc.)

0407 Entry Taxes

0408 Motor Vehicles Taxation

0409 Purchase Tax

0410 Licence Fee

0411 Classification under the Indian Tariff Act, 1934 & Customs Tariff Act, 1975

0412 Reference under Section 82C of the Gold Control Act

0413 Hotel Receipts Tax Act

0414 Entertainment Tax

0415 Terminal Tax

0416 Octroi

0417 Valuation

0418 Toll Tax

0419 Interpretation of the Central Excise Act & the rules

0420 Interpretation of exemption notifications under Central Excise Act, 1944

0421 Interpretation of other notifications under Central Excise Act, 1944

0422 Valuation of goods under the Central Excise Act, 1944

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 License

0427 Import/Export Policy

0428 Others

0429 Professional Tax

0430 Water & Sewage Tax

0431 Service Tax

0432 Appeals under section 130 E of Customs Act, 1962

0433 Appeals under section 35 L of Central Excise and Salt Act, 1944.

0434 Anti Dumping Duty

0435 Value Added Tax

0436 Matters relating to recovery of Indirect Tax due

10 COMPANY LAW, MRTP, TRAI, SEBI, IDRAI & RBI

1001 Matters relating to winding up

1002 Matters relating to Sick Industries

1003 Matters arising out of orders of Company Law Board under Section 397 & 398 of Companies Act, 1956

1004 Reference under Section 7(2) of the MRTP Act, 1969

1005 Appeals under Section 55 of the MRTP Act, 1969

1006 Others

1007 Matters relating to disinvestment

1008 Appeals under section 15 Z of Securities and Exchange Board of India Act, 1992.

1009 Matters filed against the orders of MRTP Commission/Competition Commission.

1010 Matters pertaining to TRAI / SEBI / IDRAI and RBI including Appeals under section 18 of TRAI Act, Indian Electricity Acts, 1910 and 2003, Electricity Supply Act, 1948 and Electricity Reforms Commission Act, 1998

11 ARBITRATION MATTERS

28 MERCANTILE LAWS, COMMERCIAL TRANSACTIONS INCLUDING BANKING

2801 Partnership

2802 Sale of Goods Act

2803 Contract Act

2804 Trade Marks/Copy Rights/Patents/Design Act

2805 Negotiable Instruments Act

2806 Banks mortgage disputes

2807 Hypothecation, Pledge

2808 Others

2809 Matters relating to recovery of debts/bank loans due under the banks and financial institutions

2810 Bank Guarantee matters

2811 Matters relating to Securitisation and Reconstruction of Financial Assets and Reinforcement of Security Interest Act, 2002.

29 SIMPLE MONEY & MORTGAGE MATTERS ETC.

2901 Money Lending Act

2902 Mortgage private

2903 Others

42 MATTERS RELATING TO LEASES, GOVT. CONTRACTS & CONTRACTS BY LOCAL BODIES

4201 Tenders invited or contracts awarded/leases granted or determined by Central Government

4202 Tenders invited or contracts awarded/leases granted or determined by public sector undertakings

4203 Tenders invited or contracts awarded/leases granted or determined by State Governments/Union Territories

4204 Tenders invited or contracts awarded/leases granted or determined by local bodies

4205 Others

43 STATE EXCISE - TRADING IN LIQUOR - PRIVILEGES, LICENCES DISTILLERIES BREWERIES

FOURTH SCHEDULE

FORMS

NO. 1

Application for the Registration of a Clerk

(S.C.R., Order IV Rule 13)

IN THE SUPREME COURT OF INDIA

1. Name of advocate/firm of advocates on whose behalf the clerk is to be registered.

2. Particulars of the clerk to be registered :

(i) Full name (In capitals) :

(ii) Father's name :

(iii) Age and date of birth

(iv) Place of birth and nationality :

(v) Educational qualifications :

(vi) Particulars of previous employment, if any :

I, ... (clerk above-named), do hereby affirm that the particulars relating to me given above are true.

.....

(Signature of Clerk)

3. Whether the advocate/firm of advocates has a clerk already registered in his/its employ, and whether the clerk sought to be registered is in lieu of or in addition to the clerk already registered.

4. Whether the clerk sought to be registered is already registered as a clerk of any other advocate and if so, the name of such other advocate.

I, ... (advocate) certify that the particulars given above are true to the best of my information and belief and that I am not aware of any facts which would render undesirable the registration of the said ..... (name) as a clerk.

.....

(Signature of advocate/

Dated..... partner of firm of advocates)

To

The Registrar,

Supreme Court.

NO. 2

Form of Summons for an Order in Chambers

(S.C.R., Order V)

IN THE SUPREME COURT OF INDIA

[Appellate Jurisdiction]

.....

[Original Jurisdiction]

Appeal

Case No..... of .....20..... .....

[A.B.] [Appellant]

[State of A.B.] [Plaintiff]

Vs.

[C.D.] [Respondent]

[State of C.D.] [Defendant]

Let all parties concerned attend before ..... in Chambers at the Court House (New Delhi) on the ..... day of ....., 20 .....at ..... o'clock in the forenoon on the hearing of an application on the part of the above-named plaintiff (or appellant, defendant, respondent as the case may be) for an order that (here state the precise object of the application).

Dated this the ..... day of ..... 20 .....

(Take notice that this summons will be attended by counsel for the applicant)

(Signed).....

Advocate on record for the plaintiff

This summons was taken out by ..... Advocate on record for the plaintiff.

To

....

Advocate on record for the defendant.

NO. 3

Notice of Appeal from Registrar

(S.C.R., Order V Rule 3)

IN THE SUPREME COURT OF INDIA

[Appellate Jurisdiction]

.....

[Original Jurisdiction]

Appeal ____

Case No..... of .....20.....

[A.B.] [Appellant]

_____ _____

[State of A.B.] [Plaintiff]

Vs.

[C.D.] [Respondent]

_____

[State of C.D.] [Defendant]

Take notice that the above-named plaintiff (or appellant, respondent, defendant as the case may be) intends to appeal against the decision of the Registrar, given on the .....day of..... (ordering or refusing to order) that

And further take notice that you are required to attend before the Judge in Chambers at the Court House (New Delhi) on the..... day of ....., 20..... at ..... o'clock in the forenoon on the hearing of an application by the said plaintiff (or appellant, respondent, defendant as the case may be) for an order that (here state the order sought to be obtained).

Signed.....

Advocate on record for the plaintiff

To

Advocate on record for the defendant

NO. 4

Notice of Motion

(S.C.R., Order XI Rule 2)

IN THE SUPREME COURT OF INDIA

[Appellate Jurisdiction]

.....

[Original Jurisdiction]

Civil /Criminal Misc.Petition No..... of ..... 20.....

[Appeal]

....

Case No. of 20.....

[A.B.] [Petitioner]

[State of A.B.] [Appellant]

[Plaintiff]

Vs.

[C.D.] [Respondent]

[State of C.D.] [Defendant]

Take notice that the Court will be moved on the..... day of ..... 20..... at 10-30 o'clock in the forenoon, or so soon thereafter as counsel can be heard, by Mr..... ..... counsel for the above-named plaintiff (or defendant, petitioner, appellant, respondent as the case may be), that (or for an order that, or for) (here state the precise object of the motion).

A copy of the application is enclosed herewith.

Take further notice that meanwhile this Court has been pleased to pass the following order, (here quote the interim order of the Court).

Dated this the ..... day of ..... 20.....

.....

Advocate on record for the

Petitioner / Appellant / Plaintiff.

Address: .....

To

Advocate on record for the

Opposite party/respondent/defendant

NO. 5

Form of Oath by Translator

(S.C.R., Order VIII Rule 4)

IN THE SUPREME COURT OF INDIA

In the matter of ....., a translator.

I, ..., solemnly affirm and say that I will translate correctly and accurately all documents given to me for translation.

Dated this the ..... day of ..... 20.....

Before me.

.....

Registrar

NO. 6

Application for production of Record

(S.C.R., Order X Rule 1)

IN THE SUPREME COURT OF INDIA

[Appellate Jurisdiction]

.....

[Original Jurisdiction]

Appeal

Case No..... of .....20.....

[A B.] [Appellant]

[State of A.B.] [Plaintiff]

Vs.

[C D.] [Respondent]

[State of C.D] [Defendant]

To

The Registrar,

Supreme Court of India

Sir,

Please produce the records of the within mentioned case before ..... no (here insert the number and title of the case of which the records are required.)

Dated this the .....day of ..... 20.....

(Signature)

NO. 7

Notice to the Respondent of Lodgement of Petition of Appeal

(S.C.R., Order XIX Rule 8)

IN THE SUPREME COURT OF INDIA

Civil Appellate Jurisdiction

Civil Appeal No..... of ..... 20.....

(Appeal from the judgment and decree / order of the High Court of judicature at ..... (full particulars to be given.....).

(A.B.) (Appellant)

Vs.

.....

(C.D.) (Respondent)

To

Through Shri.....

Advocate-on-record,

Supreme Court of India,

New Delhi.

OR

(give the address of the respondent if no appearance of an advocate-on-record has been entered).

TAKE NOTICE that the Appellant above-named has on ..... filed in the Registry of the Supreme Court a petition of appeal (copy enclosed) from the judgment and decree/order of the High Court of Judicature at ..... and the said petition has been registered in Supreme Court as Civil Appeal No.....of.....20.....

Notice is hereby given to you that if you wish to contest the appeal you may appear within thirty days of the receipt of this notice before this Court either personally or by an advocate-on-record of the Court appointed by you in that behalf, and take such part in the proceeding as you may be advised.

Take further notice that in default of your appearance within the time prescribed the appeal will be proceeded with and determined in your absence and no further notice in relation thereto shall be given to you.

Dated this the ..... day of .....20.....

.....

Assistant Registrar

Address for service on the Appellant :

(If the appeal has been filed through an advocate-on-record, the address of the advocate-on-record should be given.

OR

If the party is appearing in person then a local address should be given).

NOTE :—

Where the record of the appeal is required to be prepared under the supervision of the Registrar of the Court appealed from, the notice shall also state this fact and shall in relation to the preparation of the record, also require the respondent to take steps before the Court appealed from (vide rule 11 of Order XIX of the Supreme Court Rules, 2013).

NO. 8

Memorandum of Appearance in Person
(S.C.R., Order XIX Rule 9)

IN THE SUPREME COURT OF INDIA

[Appellate Jurisdiction]

Appeal No..... of ..... 20.....

(A.B.) (Appellant)

Vs.

(C.D.) (Respondent)

To

The Registrar,

Please enter my/our appearance for the respondent above-named in this appeal.

Dated this the ..... day of ..... 20.....

(Signature).....

Address for Service.

NO. 9

Memorandum of Appearance through Advocate-on-Record

(S.C.R., Order XIX Rule 9)

IN THE SUPREME COURT OF INDIA

[Appellate Jurisdiction]

.....

[Original Jurisdiction]

Appeal No.....of ..... 20.....

Case

[A.B.]	[Appellant]
---	---
[State of A.B.]	[Plaintiff]
	Vs.
[C.D.]	[Respondent]
---	---
[State of C.D.]	[Defendant]

To

The Registrar,

Please enter an appearance for the above-named Respondent (or the defendant) in this appeal/case.

Dated this the ..... day of .....20.....

(Signed).....

Advocate on record for the Respondent.

NO. 10

Certificate to the Advocate appointed at the cost of the State

[S.C.R., Order XX Rule 16 and Order XXII Rule 7(3)]

IN THE SUPREME COURT OF INDIA

Criminal Appellate Jurisdiction

Petition for Special leave to Appeal (Criminal) No.....of .... 20.....

Criminal Appeal No..... of .....20 .....

A B. Petitioner(s)/Appellant(s)

Vs.

The State of Respondent(s)

CERTIFICATE

Certified that Shri ..... Advocate was engaged at the cost of the State in above Petition / Appeal which was heard on ..... and that Rs..... only [Rupees (in words)..... only] are payable to him as his fees by the State of .....

.....

Registrar/

Additional Registrar

Note : - Strike out whichever is not applicable.

NO. 11

Notice to Respondent of Lodging of Appeal

(S.C.R., Order XX Rule 5)

IN THE SUPREME COURT OF INDIA

(Appellate Jurisdiction)

Criminal Appeal No..... of ..... 20.....

[Appeal from the judgment (order sentence or decision) of the High Court of Judicature at ..... Court or Tribunal]

[A.B.] [Appellant]

Vs.

[The State] [Respondent]

To

The Attorney-General for India and /or

The Advocate-General concerned

Take notice that an appeal from the judgment (order, sentence or decision) of the High Court of judicature at .....of the court, in case No..... dated the .....(here give number of Case in High Court, or Judicial Commissioner's Court) was presented by the above-named appellant on the ..... day of ..... .20..... and has been registered in this Court as Criminal Appeal No.....of ..... 20.....

Dated this the ..... day of .....20.....

.....

Registrar

NO. 12

Summons for Disposal of Suit

(S.C.R., Order XXVII Rule 1)

IN THE SUPREME COURT OF INDIA

(Original Jurisdiction)

Case No. of 20.....

[State of A.B.] [Plaintiff]

Vs.

[C.D.] [Defendant]

To

WHEREAS the above-named plaintiff has instituted a suit in the Court against you claiming..... you are hereby required to cause an appearance to be entered for you in the Registry of the Court within twenty-eight days from the service upon you of this *summons*, exclusive of the day of such service; and you are summoned to appear before this Court by an Advocate on record of the Court to answer the plaintiff's claim on the day the case is set down for hearing upon which date you must be prepared to produce all your witnesses and all documents in your possession or power upon which you intend to rely in support of your case.

And you are hereby required to take notice that in default of your causing an appearance to be so entered, the suit will be liable to be heard and determined in your absence.

Witness ..... Chief Justice of India, at the Supreme Court, New Delhi.

the..... day of..... in the year two thousand and.....

Advocate on record

At the Supreme Court, New Delhi

Address :..... .....

Registrar

NO. 13

Notice of Appearance

(S.C.R., Order XXVII, Rule 7)

IN THE SUPREME COURT OF INDIA

(Original Jurisdiction)

Case No.....of .....20.....

[State of A.B.] [Plaintiff]

Vs.

[State of C.D.] [Defendant]

To

(The plaintiff or his Advocate on record)

Take notice that appearance has been entered for the above-named defendant in this case.

Dated this the ..... day of ..... 20 .....

(Signed) .....

Advocate on record for the defendant

NO. 14

Summons for Directions

(S.C.R., Order XXVII, Rule 8)

IN THE SUPREME COURT OF INDIA

(Original Jurisdiction)

Case No.....of .....20.....

[State of A B.] [Plaintiff]

Vs.

[State of C.D.] [Defendant]

Let all parties concerned attend,..... in Chambers at the Court House (New Delhi) on the ..... day of .....20....., at ....o'clock in the forenoon on the hearing of an application by the plaintiff for directions in this action as follows :- (The applicant should specifically state what he applies for, and strike out what he does not apply for.)

(Here state the direction required as thus :
That the plaintiff may be at liberty to amend
his statement of claim by (State amendments
proposed); and generally as he may be advised)

Pleadings

Particulars

Admission of document and facts

Discovery

Interrogatories

Inspection and production of documents

Inspection of real or personal property

Commissions

Examination of witnesses

Place of trial

Mode of trial

Dated this the .....day of .....20.....

.....

Registrar

This summons was taken out by

Advocate-on-record for the plaintiff.

To .....

Advocate-on-record for the defendant.

NO. 15

Notice of Payment of Money into Court

(S.C.R., Order XXXVI)

IN THE SUPREME COURT OF INDIA

(Original Jurisdiction)

Case No .....of .....20 .....

[State of A.B.] [Plaintiff]

Vs.

[State of C.D.] [Defendant]

Take notice that the defendant has paid into Court Rs. ..... and say that (Rs. ..... part of) that sum is enough to satisfy the plaintiff's claim (for ..... and Rs. ..... the other part of that sum is enough to satisfy the plaintiff's claim for .....) and admits (but denies) liability therefor.

Dated this the ..... day of .....20 .....

(Signed).....

Advocate-on-record for the defendant

Address

To

....

Advocate-on-record for the plaintiff

2224 GI/14-6

NO. 16

Acceptance of sum paid into Court

(S.C.R., Order XXXVI)

IN THE SUPREME COURT OF INDIA

(Original Jurisdiction)

Case No .....of .....20 .....

[State of A.B.] [Plaintiff]

Vs.

[State of C.D.] [Defendant]

The Plaintiff accepts the sum of Rs. ..... paid by the defendant into Court in satisfaction of the claim in respect of which it was paid in (and abandons his other claims in this action).

Dated this the .....day of ..... 20 .....

(Signed).....

Advocate-on-record for the Plaintiff

Address

To

.....

Advocate-on-record for the defendant,

Address.

NO. 17

Notice to the Attorney-General for India of Reference under Article 143 of the Constitution of India

(S.C.R., Order XLII)

IN THE SUPREME COURT OF INDIA

Reference No. .....of .....20.....

In the matter of a Reference under Article 143 of the Constitution of India

To

The Attorney-General for India.

WHEREAS under Article 143 of the Constitution of India, the President has referred the following question(s) of law (or fact) for consideration and report to this Court :-

(Here set out the question or questions referred)

Take notice that you are hereby required to appear before this Court on the .....day of .....20....., at .....o' clock in the forenoon to take the directions of the Court in the matter.

Witness ....., Chief Justice of India, the ..... day of ..... in the year two thousand and .....

.....

Registrar

NO. 18

Notice to parties of Reference under Article 143 of the Constitution of India

(S.C.R., Order XLII)

IN THE SUPREME COURT OF INDIA

Reference No. .....of .....20.....

In the matter of (here state the subject matter under reference).

and

In the matter of a Reference under article 143 of the Constitution of India.

To

.....

(Name of parties)

WHEREAS under article 143 of the Constitution of India, the President has referred the following question(s) of law (or fact) for consideration and report to this Court:-

(Here set out the question or questions referred.)

Take notice that you are hereby required if you desire to be heard to cause an appearance to be entered for you in the Registry of this Court on or before the.... .....day of.....20..... ..., and to attend on the said day at ..... o'clock in the forenoon before the Court by an advocate of the Court to take the directions of the Court with respect to the statements of facts and arguments and with respect to the date of the hearing.

Witness....., Chief Justice of India, the.....day of.....in the year two thousand and ....

.....

Registrar

NO. 19

Summons to attend Taxation

(S.C.R., Order L, Rule 11)

IN THE SUPREME COURT OF INDIA

[Appellate Jurisdiction]

.....

[Original Jurisdiction]

Appeal No.....of 20.....

Case

(A.B.)	(Appellant)
---	---
(State of A.B.)	(Plaintiff)
	Vs.
(C.D.)	(Respondent)
---	---
(State of C.D.)	(Defendant)

Bill No. .....of 20..... (Here state the names of the parties to the bill.)

WHEREAS Mr. E.F., advocate-on-record for the appellant (or as the case may be) has lodged a bill of costs (copy appended hereto) for taxation as between [party and party and also as between] advocate-on-record and client, notice is hereby given that the Taxing Officer of the Court will proceed to tax the said bill on the .....day of.....20..... at .....o'clock in the forenoon (afternoon) when you may attend the Taxing Officer in his Chambers at the Court House and contest the said bill or any items therein.

Dated this the.....day of.....20.....

Taxing Officer

NO. 20

Affidavit of Service of Summons

(S.C.R., Order LIII, Rule 5)

IN THE SUPREME COURT OF INDIA

[Original Jurisdiction]

Appeal No.....of 20.....

Case

(A.B.) (Appellant)

--- ---

(State of A.B.) (Plaintiff)

Vs.

(C.D.) (Respondent)

--- ---

(State of C.D.) (Defendant)

I,.....of.....Advocate-on-record for the above named ....., make oath/solemnly affirm and say as follows :-

I, did on the.....day of.....20....., serve Mr..... advocate on- record for the above named.....in this action (or appeal) with a true copy of the summons now produced and shown to me marked A, by leaving it before four o'clock in the afternoon at the (office or dwelling house) of the said .....situate .....

being the address for service in this action (or appeal) (with his clerk or his servant or as may be there) of by post-envelope addressed to the said.....at .....,being the address for service in this action (or appeal).

Sworn at.....this .....day of.....20.....

Before me.

This affidavit is filed on behalf of the

NO. 21

Affidavit of Service by Post

(S.C.R., Order LIII, Rule 5)

IN THE SUPREME COURT OF INDIA

[Appellate Jurisdiction]

.....

[Original Jurisdiction]

Appeal No.....of 20.....

Case

(A B) (Appellant)

---------- ----------

(State of A.B.) (Plaintiff)

Vs.

(C.D) (Respondent)

---------- ----------

(State of C.D.) (Defendant)

I,.....of.....Advocate-on-record for the above named ....., make oath/solemnly affirm and say as follows :-

I did serve the advocate-on-record for the above-named..... in this action (or appeal) (or the above-named.....if he has appeared in person) with the summons (or notice or other documents) now produced and shown to me marked A, by posting it on the .....day of .....20.....at (name of post office) a true copy of the said summons (or as may be) in a pre-paid envelope registered for acknowledgment addressed to the said advocate on record (or respondent or as may be) at ....., which is his address for service.

The postal acknowledgment is attached hereto.

Sworn at.....this..... day of.....20.....

Before me.

This affidavit is filed on behalf of the

NO. 22

Certificate of Taxation

(S.C.R., Order L)

IN THE SUPREME COURT OF INDIA

[Appellate Jurisdiction]

[Original Jurisdiction]

Appeal No.....of 20.....

Case

(A.B.)	(Appellant)
---	---
(State of A.B.)	(Plaintiff)
Vs.	
(C.D.)	(Respondent)
---	---
(State of C.D.)	(Defendant)

Bill No. ..... of 20 ....., ... (Here state the names of the parties to the bill)

I do hereby certify that I have taxed the above bill of costs, lodged in this Court by Mr. E.F. Advocate on record for appellant (or as the case may be) and do allow, as between party and party the sum of (amount in figures and words).

Dated this the .....day of .....20.....

.....

Taxing Officer

NO. 23

Notice for Proceedings to Attorney-General for India or Advocate-General of a State

(S.C.R., Order LI Rule 1)

IN THE SUPREME COURT OF INDIA

[Appellate Jurisdiction]

.....

[Original Jurisdiction]

Appeal No.....of 20.....

Case

(A.B.) (Appellant)

---------- ----------

(State of A.B.) (Plaintiff)

Vs.

(C.D.) (Respondent)

---------- ----------

(State of C.D.) (Defendant)

To

The Attorney-General for India

or

Advocate-General of a State

Take notice that the above-named appeal/case has been filed in this Court [and is fixed for hearing on the .....day of ..... 20...., and shall be taken up for hearing by the Court on that day, at ..... o'clock in the forenoon or so soon thereafter as may be convenient to the Court] [and shall be fixed for hearing on a suitable date of which due notice will be given to you.]

As the appeal/case raises [an] important question[s] [here state briefly the question(s) involved] notice is hereby given to you so that you may appear and take such part in the proceedings before this Court as you may be advised.

Dated this the.....day of.....20.....

.....

Registrar

NO. 24
Writ of Commission
(S.C.R., Order LIV)
IN THE SUPREME COURT OF INDIA
[Original Jurisdiction]
Case No.....of 20 .....

[State of A.B.] [Plaintiff]

Vs.

[State of C.D.] [Defendant]

To

The Commissioner appointed to examine the undermentioned witnesses on behalf of

I,....., hereby appoint you and give you full power and authority to swear or affirm and diligently to examine on.....interrogatories and viva voce.....as shall be produced before you as .....witness(es)..... on behalf of the said.....in a certain Case No.....of..... now pending in the Supreme Court (wherein) and I further command you that you do at certain days and places to be appointed by you for that purpose of which reasonable notice shall be given to all parties cause the said witness(es) to come before you and then and there examine and cross examine such witness(es) either upon oath or solemn affirmation which we hereby give you full power and authority to administer to such witness(es) in the form firstly specified at the foot hereof, and that you do take such examination and reduce the same into writing on paper; and when you shall have so taken the same you are to send the same before the (returnable date as given in the order for the issue of this commission) to the Registrar of the said Supreme Court closed up under your Seal together with such documents as shall be spoken to and marked exhibits and this writ.

And I further empower you to appoint if necessary, a competent interpreter to interpret such of the proceedings under this commission as you may deem necessary to have interpreted from or into the English language. And I further command you that the interpreter employed in interpreting the depositions of the said witness(es) to be examined by virtue of this writ shall, before he be permitted to act as such interpreter as aforesaid, take the oath or affirmation lastly specified at the foot hereof which I hereby give you power and authority to administer to such interpreter. And I do lastly order that parties to this suit do appear before you in person or by their pleaders.

Witnesses....., Chief Justice of India at the Supreme Court, New Delhi, the .....day of ..... in the year two thousand and ..... Advocate-on-record for .... (Names of witnesses to be examined)

.....
Registrar

NOTE 1- The Commissioner shall not be bound to execute this commission unless such a sum as he thinks reasonable be deposited with him for the expenses of executing the same and also of summoning the witnesses and defraying their travelling and other expenses.

NOTE 2- After the deposition of any witness has been taken down and before it is signed by him, it shall be distinctly read over, and, where necessary, translated to the witness in order that mistakes or omissions may be rectified or supplied. The deposition shall be signed by the witness and left with the Commissioner who shall subscribe his name and date of the examination.

Form of the oath or affirmation to be administered to the witness

I swear in the presence of Almighty God (or solemnly affirm) that the evidence which I shall give in this case shall be true, that I will conceal nothing, and that no part of my evidence shall be false.

So help me God.

Form of the oath or affirmation to be administered to the interpreter

I swear in the presence of Almighty God (or solemnly affirm) that I understand and speak the ..... and English language, and that I will well and truly and faithfully interpret, translate and explain to the witness to be produced before the Commissioner, all questions and answers and all such matters as the Commissioner may require me to interpret and explain.

So help me God.

N.B. The Words "so help me God" are to be omitted when an affirmation is administered.

The execution of this commission appears by the Schedule hereunto annexed.

NO. 25

Form of Lodgment Schedule

IN THE SUPREME COURT OF INDIA

Suit/Appeal/Petition No. ..... of.....

..... Plaintiff(s)/appellant (s)/Petitioner (s)

Versus

..... Defendant(s)/Respondent (s)

Date of Order	Amount	Party on whose behalf and the purpose for which the payment is made	Remarks

Dated.....

Issue Challan

Time for payment till .....

....

(Signature) (Signature)

Advocate or party making the Payment Registrar

NO. 26

SUPREME COURT OF INDIA

REVENUE DEPOSITS

FORM T.R. 61

Deposit Repayment Order and Voucher

(See rule 629 of the Treasury Rules)

To

The Pay & Accounts Officer
Supreme Court of India
NEW DELHI – 110201.

K-Deposits-and-Advances-(B) Deposits-not-bearing-interest-843-Civil

Deposits-Civil Courts-Deposits-Criminal Courts-Deposits-Supreme Court

---

Original Number of the Challan: Name of Depositor : Registrar, Supreme Court of India, New Delhi on behalf of the appellant in

Date of Deposit: Amount originally deposited: Rs..... (Rupees ....)

Examined & Entered Received this ..... day of .....20 ..... the sum of Rupees ....)

Dated..... ..... (Pay & Accounts Officer) being the amount payable on account of ..... out of the said deposit as per orders of the Supreme Court dated ..... made in Civil Misc. Petition No. ..... of 20..... in .....

Pay Rupees.. ....

CLAIMANT'S SIGNATURE

.....

Pay & Accounts Officer Passed for payment to .....

.....

Dated..... for Rupees ..... (Rupees .....)
as per order of the Supreme Court dated
..... in Civil Misc. Petition No.
..... of 20 ..... in New Delhi.

Dated : DEPUTY REGISTRAR/ADDL.REGISTRAR(ADMN.)
SUPREME COURT OF INDIA

Encl : Original Challan
(Under Rupees .....)

NO. 27
Form of Bank Guarantee

In the matter of : .....
Civil Appeal /Petition/C.M.P. ..... (here give the number of Cause/matter/appeal).
And
In the matter of : .....
..... (Give the name of the parties).

Whereas ..... (Here give the name of the party obtaining the order) .....above-named has filed an Appeal in the Supreme Court against the Judgment and decree/order of the ..... (here describe the Court and the number of the cause) .....

And whereas on a motion made for the purpose on the ..... (here give the date) the Supreme Court of India has in the aforesaid proceedings been pleased to order inter alia as follows :

(Here quote the relevant terms of the order).

And whereas (here give the name of the party concerned)..... the respondent (or appellant, as the case may be)..... has requested us ..... (here give the name of the Bank) having its registered office at .... (here give the registered address of the place of business of the Bank) to guarantee the due payment of the said sum of Rs..... (here give the amount) by the said ..... (here give the name of the Party) in the event of the Supreme Court allowing / modifying / dismissing the said appeal and setting aside the decree or such other lesser amount as the Court may order. We..... (here give the name of the Bank) are hereby held firmly bound unto the Supreme Court of India through the Registrar of the said Court for the payment to it or to the ..... (here give the name of the party concerned) .....on demand and without demur of the said sum ..... (here give the amount) or such other lesser amount as may be ordered by the Supreme Court and require to be paid or refunded by the ..... (here give the name of the party concerned, to the ..... (here give the name of the party to whom the amount is to be paid) as a result of the final disposal of the said ..... (here indicate the appeal, cause or matter) and the guarantee herein contained shall not be affected by any change in the constitution of the Bank and it is HEREBY agreed by and between the parties that this guarantee shall remain in full force and virtue till the disposal of the ..... (here give the number of the case, appeal, cause or matter) to which the aforesaid order of the Court relates and until an order of the Supreme Court is made discharging this guarantee.

IN WITNESS WHEREOF we the .....(here give the name of the Bank) has executed this.

This the ..... day of ..... 20.....

Signed
For the .....
(here give the name
of the Agent of the Bank)

Witness :.....

NO.28

IN THE SUPREME COURT OF INDIA

[S.C.R., Order XXI Rule 3(1) (a)]

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION

(Under Article 136 of the Constitution of India)

S.L.P. (Civil) No. ..... of .....

BETWEEN Position of Parties

	In the Court/Tribunal from whose order the petition arises	In this Court
(A) (Here insert the name/names of the Petitioner	Petitioner/ Respondent/ Appellant	Petitioner
(B)		
(C)		
AND		
(D) Here insert the name/names of Respondent	Petitioner/ Respondent/ Appellant	Respondent
(E)		
(F)		

To

Hon'ble the Chief Justice of India and His Companion Judges of the Supreme Court of India.

The Special Leave Petition of the Petitioner most respectfully showeth:

1. The petitioner / petitioners above named respectfully submits this petition seeking special leave to appeal against the judgment/order of (Here specify the Court / Tribunal against whose order the leave to appeal is sought for together with number of the case, date of the order and nature of the order such as allowing or dismissing the matter or granting or refusing the interim order, etc.)

2. QUESTIONS OF LAW :

The following questions of the law arise for consideration by this Hon'ble Court :

(Here set out the questions of law arising for consideration precisely)

3 DECLARATION IN TERMS OF RULE 3(2) :

The petitioner states that no other petition seeking leave to appeal has been filed by him against the impugned judgment and order.

4 DECLARATION IN TERMS OF RULE 5:

The Annexures produced alongwith the SLP are true copies of the pleadings/documents which formed part of the records of the case in the Court / Tribunal below against whose order the leave to appeal is sought for in this petition.

5. GROUNDS :

Leave to appeal is sought for on the following grounds.

(Here specify the grounds precisely and clearly)

6. GROUNDS FOR INTERIM RELIEF :

(Here specify briefly the grounds on which interim relief is sought for)

7. MAIN PRAYER :

(Here set out the main prayer)

8. INTERIM RELIEF :

(Here set out the interim prayer)

Place : Advocate for the petitioner

Date:

Settled by :

(Specify the name of the Advocate in case where the petition is settled by an advocate.)

NO. 29
Application for Issue of Certified copy/Unauthenticated "Copy"
IN THE SUPREME COURT OF INDIA
(S.C.R., Order XIII, Rule 3)

Copy Application No._____ of _____201 Court No.____ Item No._____
(To be filled up by the Office)
Whether pending or disposed of _____

If disposed of, then date of disposal _____

Between

_____ Petitioner/Applicant

and

_____ Respondent

Name with full address of the applicant ----------

Whether party to the proceedings _____ [Yes/No]
If yes, then status as _____

Nature of the copying application _____ [Urgent/Ordinary]

Whether the copy is required to be sent by post _____

It is prayed that the certified copy/unauthenticated "copy" of the documents hereunder mentioned may be furnished to the applicant:-

Sl. No.	Description of Document	Date
1.	_____	_____
2.	_____	_____

Reasons for which copy is required :

Signature/Thumb Impression of the applicant/Advocate on Record
[With name in Block Letters]

Instructions

1. The application for certified copy/unauthenticated "copy" should contain the full description of the documents of which copies are sought and the dates of the documents.

2. Applications for certified copy/ unauthenticated "copy", made by person who is not a party to the proceedings should also be accompanied by an affidavit of such person specifying the grounds or reasons for which the copy is required and stating how the applicant is interested in obtaining the copy.

No. 30

Appearance Slip

IN THE SUPREME COURT OF INDIA

Date of Listing .....

Court No ...../In Chambers Item No. .....

Case No. .....

Name of Advocate Enrolment No.

1 ....

2 ....

Appearing for

Petitioner Respondent

No. No.

.....

[Signature of AOR]

.....

[Name of AOR]

Note :

Court Master shall ensure to record appearance in the Record of Proceedings only of Senior Advocate/AOR/Advocate who are physically present and arguing in the Court at the time of hearing of the matter and one Advocate/AOR each for assistance in Court to such arguing Senior Advocate/AOR/Advocate, as the case may be.

REGULATIONS REGARDING

ADVOCATES-ON-RECORD EXAMINATION

In pursuance of the provisions contained in sub-rule (i) of rule 5 of Order IV, Supreme Court Rules, 2013, the following Regulations are published for general information.

(1) The examination shall be held under the general supervision of a Committee of three Judges of the Court to be appointed by the Chief Justice of India and to be designated as the Examination Committee; unless otherwise specifically ordered by the said Committee the examination will be held twice a year preferably in May and December.

(2) The examination will be held in the Court Building in New Delhi or at such other place as the Committee may direct on a date to be appointed by the Committee and notified in the Gazette of India.

(3) The examination shall be conducted by a Board of Examiners to be nominated by the Committee, of which Board the Registrar of the Court will be ex officio Secretary.

(4) (a) The examination shall be held in the following subjects:

Subject	Syllabus
1	2
(I)Practice & Procedure of the Supreme Court.	(i) Relevant provisions in the Constitution of India relating to the jursidiction of the Court.
	(ii) Supreme Court Rules and relevant provisions of Civil Procedure Code, Limitation Act and the General Principles of Court Fees Act.
(II) Drafting in two parts	(i) Petitions for special leave and statements of case etc.
	(ii) Decrees & Orders and Writs etc.
(III) Advocacy & Professional Ethics	
(IV) Leading Cases	A list of leading cases shall be made available to the candidates at the time of notification of the Advocates-on-Record Examination.

(b) The Committee, on recommendation of the Board of Examiners, shall prescribe the books for study for Papers I to III and leading cases for Paper IV, which will remain in force, until they are revised or modified.

(c) The books so recommended and leading cases so approved will be mentioned in the notification of the examination.

(5) (a) Each paper shall carry 100 marks and in order to pass the examination a candidate must obtain a minimum of 50 per cent of the marks in each paper and 60 per cent in the aggregate.

(b) If the Committee on the recommendation of the Board of Examiners is of the opinion that a candidate has not sufficiently prepared himself for the examination they may prescribe a time within which he shall not present himself again for examination.

(6) (i) No advocate shall be eligible to appear at the examination unless he has received training from an advocate-on-record of not less than ten years standing for a continuous period of one year commencing from the end of the fourth year of date of his enrolment ending with the 30th April or 30th November, of the year of the examination, as the case may be. This will however not prevent the concerned Advocate from receiving training for the entire period of 5 years commencing from the date of his enrolment:

Provided that the Committee may, in appropriate cases, extend the period beyond the aforesaid dates viz. 30th April and 30th November, and admit an Advocate to an examination subject to the condition that one year's training is completed and the certificate of completion of training along with a detailed report on his/her work by the concerned Advocate-on-Record is produced before the commencement of the examination.

Explanation.- If an Advocate has undergone the training for a continuous period of one year and furnished the necessary certificate about the completion of his training but fails to appear at the next examination for sufficient cause or fails to pass the examination he need not undergo fresh training.

(ii) Every candidate receiving training from an Advocate-on-Record shall send to the Registrar of the Supreme Court an intimation in writing of the name of the advocate-on-record from whom he is receiving training together with the consent in writing of the Advocate concerned. This intimation shall be sent to the Registrar by the candidate concerned within seven days of the commencement of the training.

(iii) The Registrar shall maintain a separate register in which shall be entered the name of the candidate undergoing training, the name and address of the Advocate-on-Record, the date of intimation and the date of actual commencement of training.

(7) Every Advocate who desires to appear at the examination shall present an application in the prescribed form at least 30 days before the date of such examination. The application shall be accompanied by an examination fee of Rs. 750/- in cash. The fee so paid shall be credited to Government Account as receipt of the Supreme Court.

(8) The Board of Examiners shall from among its members appoint paper setters and examiners for each paper. After the papers have been set the Board shall submit the same to the Committee. The Committee may moderate or revise the papers in any manner it thinks fit.

(9) The Board of Examiners shall at the conclusion of the examination and after scrutiny of the answer papers submit the results along with the answer papers for approval to the Committee and the Committee may in its discretion moderate the said results in any manner it thinks fit.

(10) As soon as the Committee has scrutinized the results and approved the same the Secretary of the Board shall notify the results on the Court's Notice Board. Every candidate who is declared to have passed the said Examination shall be given a certificate to that effect under the hand of the Secretary.

(11) (i) A candidate, who fails to obtain 50 per cent in one paper only but obtains 40 per cent in - that paper and also obtains 60 per cent in the aggregate in the remaining papers, shall be allowed to appear in that paper at any one subsequent examination on payment of the full examination fee and he shall be declared to have passed the Advocates-on-Record Examination if he obtains 50 per cent marks in the paper in which he has so reappeared and the marks so obtained in the paper he has reappeared taken with the marks obtained in the remaining papers at the earlier examination are 60 per cent of the aggregate marks in all the papers.

(ii) A candidate who passes in all the papers at any single examination but fails to obtain 60 per cent of the marks in the aggregate may, on payment of the full examination fee, appear at any one subsequent examination in one of the papers only and shall be declared to have passed the Advocates-on-Record Examination if the marks obtained by him at the subsequent examination taken with the marks obtained in the remaining papers at the earlier examination are 60 per cent of the aggregate marks in all the papers. The option will have to be exercised by the candidate at the time of filing of proforma application for appearing in the subsequent examination and the option once exercised shall be binding on the candidate.

(iii) A candidate who fails in all the papers of the examination shall not be permitted to appear in the next examination.

(iv) A candidate shall not be allowed more than five chances at the examination.

Appearance even in any one of the papers in an examination shall be deemed to be a chance.

(12) No application for re-evaluation of answer sheets shall be entertained.

(13) All expenses on account of the examination shall be incurred by the Registrar as departmental expenditure.

(14) The scale of remuneration of the Paper Setter and/or Examiner shall be as may be prescribed by the Committee from time to time.

(15) The Secretary of the Board shall be in charge of the examinations, and he may, with the approval of the Committee appoint any other officer or officers of the Court to assist him in the supervision of the examination.

(16) (a) Any candidate bringing into the examination room any book, document or printed or written paper whatsoever or communicating in any way with any other candidate in the examination room or using any unfair means whatsoever, or assisting any other candidate in so doing will be liable to be summarily rejected from the examination room, and shall automatically be disqualified from sitting in the said examination.

(b) The Secretary shall forthwith report the name of the candidate found using unfair means and the circumstances pertaining thereto to the Committee. The Committee may disqualify the said candidate from appearing in any subsequent examinations and may direct that the matter be reported to the Court for such further action against the Advocate as the Court may deem proper.

(17) At the conclusion of each examination the Secretary of the Board shall collect and forward the answer papers to the Examiner in a sealed cover; if the Examiner is residing outside Delhi, the answer papers shall be forwarded to him under registered cover acknowledgement due and insured for Rs. 100/-.

(18) The answer books shall be preserved for a period of one year from the date of publication of results and shall thereafter be weeded out.

RULES TO REGULATE PROCEEDINGS

FOR CONTEMPT OF THE SUPREME COURT, 1975

In exercise of the powers under section 23 of the Contempt of Courts Act,1971, read with article 145 of the Constitution of India and all other powers enabling it in this behalf, the Supreme Court hereby makes, with the approval of the President,the following rules:

1. (1) These Rules may be called the Rules to Regulate Proceedings for Contempt of the Supreme Court, 1975.

(2) They shall come into force on the date of their publication in the Official Gazette.

PART I

2. (1) Where contempt is committed in view or presence or hearing of the Court, the contemner may be punished by the Court before which it is committed either forthwith or on such date as may be appointed by the Court in that behalf.

(2) Pending the determination of the charge, the Court may direct that the contemner shall be detained in such custody as it may specify:

Provided that the contemner may be released on bail on such terms as the Court may direct.

PART II

3. In case of contempt other than the contempt referred to in rule 2, the Court may take action:

(a) suo motu, or

(b) on a petition made by Attorney General, or Solicitor General, or

(c) on a petition made by any person, and in the case of a criminal contempt with the consent in writing of the Attorney General or the Solicitor General.

4. (a) Every petition under rule 3(b) or (c) shall contain: -(i) the name, description and place of residence of the petitioner or petitioners and of the persons charged;

(ii) nature of the contempt alleged, and such material facts, including the date or dates of commission of the alleged contempt, as may be necessary for the proper determination of the case;

(iii) if a petition has previously been made by him on the same facts, the petitioner shall give the details of the petition previously made and shall also indicate the result thereof;

(b) The petition shall be supported by an affidavit.

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

(d) No Court-fee shall be payable on the petition, and on any documents filed in the proceedings.

5. Every petition under rule 3 (b) and (c) shall be posted before the Court for preliminary hearing and for orders as to issue of notice. Upon such hearing, the Court, if satisfied that no prima facie case has been made out for issue of notice, may dismiss the petition, and, if not so satisfied direct that notice of the petition be issued to the contemner.

6. (1) Notice to the person charged shall be in Form I. The person charged shall, unless otherwise ordered, appear in person before the Court as directed on the date fixed for hearing of the proceeding, and shall continue to remain present during hearing till the proceeding is finally disposed of by order of the Court.

(2) When action is instituted on a petition, a copy of the petition along with the annexures and affidavits shall be served upon the person charged.

7. The person charged may file his reply duly supported by an affidavit or affidavits.

8. No further affidavit or document shall be filed except with the leave of the Court.

9. Unless otherwise ordered by the Court, seven copies of the paper book shall be prepared in the Registry, one for the petitioner, one for the opposite party and the remaining for the use of the Court. The Paper Book in the case shall be prepared at the expense of the Central Government and shall consist of the following documents:-

(i) Petition and affidavits filed by the petitioner,

(ii) A copy of, or a statement relating to, the objectionable matter constituting the alleged contempt,

(iii) Reply and affidavits of the opposite party,

(iv) Documents filed by the parties,

(v) Any other documents which the Registrar may deem fit to include.

10. The Court may direct the Attorney General or Solicitor General to appear and assist the Court.

11. (1) The Court may, if it has reason to believe, that the person charged is absconding or is otherwise evading service of notice, or if he fails to appear in person or to continue to remain present in person in pursuance of the notice, direct a warrant bailable or non-bailable for his arrest, addressed to one or more police officers or may order attachment of property. The warrant shall be issued under the signature of the Registrar. The warrant shall be in Form II and shall be executed, as far as may be, in the manner provided for execution of warrants under the Code of Criminal Procedure.

(2) The warrant shall be executed by the officer or officers to whom it is directed, and may also be executed by any other police officer whose name is endorsed upon the warrant by the officer to whom it is directed or endorsed.

(3) Where a warrant is to be executed outside the Union Territory of Delhi, the Court may instead of directing such warrant to police officer, forward it to the Magistrate of the District or the Superintendent of Police or Commissioner of Police of the district within which the person charged is believed to be residing. The Magistrate or the police officer to whom the warrant is forwarded shall endorse his name thereon, and cause it to be executed.

(4) Every person who is arrested and detained shall be produced before the nearest Magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the Court of the Magistrate, and no such person shall be detained in custody beyond the said period without the authority of a Magistrate.

12. The Court may, either suo motu, or on motion made for that purpose, order the attendance for cross-examination, of a person whose affidavit has been filed in the matter.

13. The Court may make orders for the purpose of securing the attendance of any person to be examined as a witness and for discovery or production of any document.

14. The Court may pass such orders as it thinks fit including orders as to costs which may be recovered as if the order were a decree of the Court.

15. Save as otherwise provided by the rules contained herein, the provisions of the Supreme Court Rules, 2013, shall, so far as may be, apply to proceedings in relation to proceedings in contempt under this Part.

PART III

16. Where a person charged with contempt is adjudged guilty and is sentenced to suffer imprisonment, a warrant of commitment and detention shall be made out in Form IV under the signature of the Registrar. Every such warrant shall remain in force until it is cancelled by order of the Court or until it is executed. The Superintendent of the Jail shall in pursuance of the order receive the person so adjudged and detain him in custody for the period specified therein, or until further orders.

FORM 1

Notice to a person charged with contempt of Court

(See rule 6)

IN THE SUPREME COURT OF INDIA

(Original Jurisdiction)

Whereas your attendance is necessary to answer a charge of Contempt of Court by (here briefly state nature of the Contempt).

You are hereby required to appear in person (or by Advocate if the Court has so ordered) before this Court at New Delhi on the .....day of.....20.....

You shall attend the Court in person *on the .....day of....20...., and shall continue to attend the Court on all days thereafter to which the case against you stands adjourned and until final orders are passed on the charge against you.

Herein fail not.

Dated this .....day of .....20.....

(SEAL) REGISTRAR

* To be omitted where the person charged is allowed or ordered to appear by advocate.

FORM II

Warrant of Arrest

(See Rule 11)

IN THE SUPREME COURT OF INDIA

(Original Jurisdiction)

To

(Name and designation of the person or persons who is or are to execute the warrant).

Whereas ..... of ..... is charged with committing contempt of this Court, you are hereby directed to arrest the said..... and to produce him before this Court.

Herein fail not.

(If the Court has issued a bailable warrant, the following endorsement shall be made on the warrant).

If the said..... shall give bail in the sum of Rs..... with one surety in the sum of Rs..... (or two sureties each in the sum of Rs. .....) to attend before this Court on the .....day of ....., 20....., and to continue so to attend until otherwise directed by this Court, he may be released.

Dated this ..... day of .....20....

(SEAL) REGISTRAR

FORM III

Bond and Bail-Bond After Arrest Under a Warrant

IN THE SUPREME COURT OF INDIA

(Original Jurisdiction)

I,..... (name) of ..... being brought before the District Magistrate of ..... (or as the case may be) under a warrant issued to compel my appearance to answer to the charge of contempt of the Supreme Court do hereby bind myself to attend the Supreme Court on the .....day of.....next, to answer to the said charge, and to continue so to attend, until otherwise directed by the Supreme Court; and, in case of my making default herein, I bind myself to forfeit to Union of India, the sum of rupees.....

Dated this.....day of .....20.....

(SIGNATURE)

I do hereby declare myself surety for the above-named.....of.....that he shall attend before .....in the Supreme Court on the .....day of .....next, to answer to the charge on which he has been arrested, and shall continue so to attend until otherwise directed by the Supreme Court; and, in case of his making default therein, I bind myself to forfeit to Union of India, the sum of rupees.....

Dated this.....day of.....20.....

(SIGNATURE)

FORM IV

Warrant of commitment for contempt

(See rule 16)

IN THE SUPREME COURT OF INDIA

[Original Jurisdiction]

To the Superintendent (or Keeper) of the jail at.....

Whereas at the Court holden on this day (name and description of the contemner) has been adjudged by the Court guilty of wilful contempt of Court, and he has been sentenced to suffer imprisonment for the period..... (here specify the term) and/or to pay a fine of rupees.....

This is to authorise and require you, the Superintendent (or Keeper) of the said Jail, to receive the said (name of the contemner) into your custody, together with this warrant, and to keep him safely in the said Jail for the said period of (term of imprisonment) or for such shorter period as may hereafter be fixed by order of this Court and intimated to you. You are directed to return this warrant with an endorsement certifying the manner of its execution.

You are further directed that while the said .....is in your custody, produce the said ..... before the Court, at all times when the Court shall so direct.

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

(SEAL) REGISTRAR

[No. F.1/2014/Record Room]

By Order

SANJIV JAIN, Registrar

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SUPREME COURT OF INDIA

F.No.122/Judl.2014
Dated: August 19, 2014

CIRCULAR

It is hereby notified for the information of all concerned that the Competent Authority has been pleased to direct as under:

1. The provisions of Order XV (Petitions Generally) of the Supreme Court Rules, 2013 as regards size of the paper to be used for filing the petition shall continue to be governed as per the Supreme Court Rules, 1966, until further orders.

2. The Note appended to Form 30, Fourth Schedule, Supreme Court Rules, 2013 shall be read as under until further orders:

> **"Note:**
>
> Court Master shall ensure to record appearance in the Record of Proceedings of all the Senior Advocate (s)/AOR/Advocate(s) who are physically present and appearing in the Court at the time of hearing, duly recognized by the AOR."

The above directions will come into force with immediate effect.

(V.S.R. Avadhani)
Registrar (J-II)

(Sanjiv Jain)
Registrar (J-I)

Copy to:

1. The Secretary, Supreme Court Bar Association with five spare copies of the Circular with a request that this may be displayed on the Notice Board of the Bar Association for the information of the Members of the Bar.
2. The Secretary, Advocates-on-Record Association with five spare copies of the circular with a request that this may be displayed on the Notice Board of the Association for the information of the Members of the Association.
3. All the Notice Boards outside the Courts.
4. All concerned.

रजिस्ट्री सं० डी० एल०-33004/99 REGD. NO. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

असाधारण
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No. 547] NEW DELHI, WEDNESDAY, SEPTEMBER 18, 2019/BHADRA 27, 1941

SUPREME COURT OF INDIA

NOTIFICATION

New Delhi, the 17th September, 2019

G.S.R. 670(E).— In exercise of the powers conferred by article 145 of the Constitution and with the approval of the President, the Supreme Court hereby makes the following Rules further to amend the Supreme Court Rules, 2013, namely:—

1. (1) These Rules may be called the Supreme Court (Amendment) Rules, 2019.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Supreme Court Rules, 2013, hereinafter referred to as the said rules in Order IV, in rule 1 in clause (c) after the proviso, the following proviso shall be inserted, namely:-

"Provided further that whenever an advocate whose name is entered on the rolls of any State Bar Council maintained under the Advocates Act, 1961 (25 of 1961) wants to appear and argue the case in person, he shall be exempted from the requirement of interaction by the concerned Registrar."

3. In the said rules, in Order VI in rule 1, the following proviso shall be inserted, namely:

"Provided that the following categories of matters may be heard and disposed of finally by a Judge sitting singly nominated by the Chief Justice:

(i) Special leave petitions arising out of grant, dismissal or rejection of Bail Application or Anticipatory Bail Application in the matters filed against the order passed under section 437, section 438 or section 439 of the Code of Criminal Procedure, 1973 (2 of 1974) involving the offences punishable with sentence up to seven years imprisonment;

(ii) Applications for transfer of cases under section 406 of the Code of Criminal Procedure, 1973 (2 of 1974);

(iii) Application of an urgent nature for transfer of cases under section 25 of the Code of Civil Procedure, 1908 (5 of 1908);

(iv) Any other category of cases notified by the Chief Justice from time to time, which may be heard and disposed of finally by a Judge sitting singly nominated by him."

4. In the said rules, in Order XIII in rule 3, after the words "an advocate-on-record", the words "or an advocate who argued the matter or an advocate authorized by the Advocates-On-Records in the case" shall be substituted.

5. In the said rules, in Order XIX,-

(a) **in rule 8, in clause (ii),** for the words "transmit to the Court", the words, "if specifically ordered by the Court, transmit to the Court" shall be substituted;

(b) **in rule 11, in sub-rule (1),** for the words "The record,", the words "The record, if specifically ordered by the Court," shall be substituted;

(c) **in rule 12, in sub-rule (1),** for the words "The original record of the case in the Court", the words "Upon receipt of the original record of the case in the Court, if requisitioned by the Court," shall be substituted;

(d) **in rule 32, in sub-rule (1),** after the words "authenticaton of the record,", the words "if requisitioned by the Court," shall be inserted.

(e) **in rule 36, the following proviso shall be inserted, namely:-**

"Provided that where original record has not been requisitioned, appeal shall be set down for hearing after the expiry of the time prescribed for entering appearance by the respondent and subject to the provision of rule 1(30) of Order V of the rules."

6. In the said rules, in Order XX in rule 5, after sub-rule (2) the following sub-rule shall be inserted, namely:-

"(3) The Registrar shall call the original record of the case, including the record of the Courts below, in the criminal appeals involving sentence of life imprisonment of death penalty:

Provided that such records shall not be requisitioned in other cases, unless specifically ordered by the Court."

7. In the said rules, in Order XXI,-

(a) **in rule 3, in sub-rule (1), in clause (d), in sub-clause (iii),** for the words "the relevant provisions of the State or Local Statutes, Ordinances", the words "relevant provisions of the State Acts, and Ordinances" shall be substituted;

(b) **for rule 6, the following rule shall be substituted, namely:-**

"6. The petitioner shall initially file only one spare set of the petition and of the accompanying papers and when the matter is re-filed after removing the defects, the Advocates-On-Record or Parties appearing-in-person shall submit at least three sets of paper books along with set of original papers, with the declaration that the paper books are complete in all respects."

(c) **in rule 12,** after the words "original record will be called for,", the words, "if specifically ordered by the Court," shall be inserted.

8. In the said rules, in Order XXIII, in rule 5, for clause (ii), the following clause shall be substituted, namely:-

"(ii) one spare set of the petition and of the accompanying papers at the time of filing and when the matter is re-filed after removing the defects the Advocates-On-Record or Parties appearing-in-person shall submit at least three sets of paper books along with set of original papers, with the declaration that the paper books are complete in all respects,".

(b) **in rule 8, the following proviso shall be inserted, namely:-**

"Provided that original record shall not be transmitted to this Court, unless specifically requisitioned by the Court."

9. In the said rules, in Order XXIV, in rule 3, for clause (ii), the following clause shall be substituted,namely:-

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10. In the said rules, in Order XXXVIII, in rule 7,-

(a) after the words "verifying the facts relied on and", the words "initially only the spare set of the petition and of the accompanying papers" shall be inserted;

(b) after the words "if so, with what result", the words "and when the matter is re-filed after removing the defects, the Advocates-on-Record or Parties appearing-in-person shall submit at least three sets of paper books along with set of original papers, with the declaration that the paper books are complete in all respects" shall be inserted.

11. **In the said rules, in Third Schedule, in Part II, Explanatory Note 1 shall be omitted.**

[F. No. 1/2019/Record Room]

By Order of the Court,

DEEPAK JAIN, Registrar (J-II)

Foot Note: The principal rules were published in the Gazette of India vide number 368(E) dated 27th May, 2014.

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