

**THE HIGH COURT OF MEGHALAYA
SHILLONG
NOTIFICATION**

No. HCM.II/430/2013/553.

Dated Shillong, 27th February, 2014

RULES OF HIGH COURT OF MEGHALAYA 2013

PART I – GENERAL

CHAPTER 1

PRELIMINARY

- 1. Short title and commencement** – These Rules may be cited as Rules of High Court of Meghalaya, 2013 and shall come into force from the date of notification by which these rules are notified. They shall apply to proceedings and matters in the High Court commenced on, or subsequent to, that date and, so far as may be, also to proceedings and matters pending on that date.

- 2. Interpretation – (1)** In these Rules unless the context otherwise requires –

 - “Bench” includes a Judge sitting alone;
 - “Certified” in relation to a copy means certified as provided in Section 76 of the Indian Evidence Act, 1872;
 - “Chief Justice” includes, in his absence, the Judge authorized to act on his behalf;
 - “Code” means the Code of Civil Procedure, 1908, and reference to an “Order” of the Code means reference to an Order to the First Schedule thereto;
 - “Constitution” means the Constitution of India;
 - “Court” and “this Court” means the High Court of Meghalaya;
 - “Editor” means a person appointed by the Chief Justice for scrutinizing applications for translation and printing and for performing such other duties as are assigned to him under these Rules;
 - “Formal Defect” means the defect pointed out by the Stamp Reporter or Superintendent of Filing Section;
 - “Judge” means a Judge of the Court;
 - “Judgment Clerk” means an officer of the Court appointed to take down notes of judgments or orders pronounced by the Court and includes any person who may, for the time being, be authorized or directed by the court to take down a judgment or order pronounced by it;
 - “Notice” includes “summons”;
 - “Oath Commissioner” means a person appointed by the High Court under Clause (b) of Section 139 of the Code of Civil Procedure, 1908 and sub-section (1) of

Section 297 of the Code of Criminal Procedure, 1973 before whom affidavits and affirmations may be sworn and affirmed;

“Paper book” means a collection of papers in original or their copies, transliterations of translations, as the case may be, with fly-leaf, index, etc., made up in accordance with these Rules for the use of the Judge hearing the case;

“Prescribed” means prescribed by or under these Rules;

“Registered address” means the last address within the local limits of the territorial jurisdiction of the Court filed by a party to a case in the Court or in the lower Courts at which service or notice, summons or other process may be made on him;

“Registrar General” except for the purposes of Chapter II Rule 1 includes –

- (i) Registrar, the Additional Registrar, the Joint Registrar, Deputy Registrar or any other officer with respect to such functions and duties of the Registrar General, as may have been assigned to the Registrar, the Additional Registrar, the Joint Registrar, Deputy Registrar or such officer by the Chief Justice; and
- (ii) In the absence of the Registrar General, the Registrar, the Additional Registrar, the Joint Registrar, the Deputy Registrar or any other officer authorized to act on his behalf;

“Sealed” means sealed with the seal of the Court;

“Writ Appeal” means an appeal from the judgment of one Judge;

“State” means the State of Meghalaya;

“Supreme Court Rules” means the Supreme Court Rules, 1966;

“Taxing Officer” means an officer appointed by the Chief Justice to perform the functions of the taxing officer under the Court Fess Act, 1870, and to tax costs;

“Vacation Judge” means the senior-most Judge on duty during the vacation;

“Vakalatnama” means a document referred to in Rule 4 of Order III of the Code appointing an Advocate to act for any person in this Court.

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

CHAPTER II
POWERS AND DUTIES OF THE REGISTRAR GENERAL
AND
ADMINISTRATIVE BUSINESS OF THE COURT

1. Functions, powers and duties of Registrar General – In addition to other functions, powers and duties of the Registrar General under these Rules or other law, if

the Hon'ble Chief Justice so directs in writing, the following shall be his functions, powers and duties in relation to judicial proceedings, namely -

- (i) to dispose of all matters relating to the service of notices and other processes including the signing and issuing of warrants issued under the orders of the Court;
- (ii) to allow the removal of formal defects in any memorandum of appeal or objection, petition or application before the same is listed before the Court;
- (iii) to fix date for the filing of written statement in a proceeding under the original, ordinary or extraordinary jurisdiction of the Court;
- (iv) to deal with all matters relating to the payment of expenses and allowances to witnesses;
- (v) to verify a security bond furnished to the Court;
- (vi) to send decrees and orders passed by the Court in the exercise of its original, ordinary or extraordinary jurisdiction to other courts for execution;
- (vii) to verify a compromise or to record the statement on oath of any person, under the orders of the Court;
- (viii) to direct that any matter be laid before the Court; or
- (ix) to do such other act as may be directed by the Court.

2. Additional powers – (1) The Chief Justice may by order authorize the Registrar General or any other officer –

(i) to receive and dispose of any application for the return of a document, after decision of a case.

Where an officer other than the Registrar General has been authorized under this Rule, the Registrar General may exercise his function in his absence.

(2) In the absence of the Registrar General where he has been authorized under this Rule, a motion relating to the above matter may be made in Court and the matter may be listed before the Court for disposal.

3. Exercise of powers by Registrar General or other officer – The Chief Justice may authorize Registrar General or any other officer to exercise such functions, powers and duties of the Registrar General under these Rules as he may by order assign to him provided he is a Judicial Officer on deputation in the establishment of the High Court. In his absence, the Registrar General shall himself exercise such functions, powers and duties.

4. Exercise of Registrar General's powers in his absence – In the absence of the Registrar General, the Registrar, Additional Registrar or the Joint Registrar may exercise the functions, powers and duties of the Registrar General and in their absence, such functions, powers and duties shall be exercised by the Deputy Registrar with the exception of the powers, if any, conferred under Chapter II Rule 1.

5. Court's jurisdiction unaffected – The powers conferred upon, and the functions and duties assigned to, the Registrar General, Additional Registrar, the Joint Registrar or any other officer these Rules, shall in no way affect the jurisdiction and powers of the Court.

6. The Chief Justice may assign administrative charge of any district or districts to a Hon'ble Judge of the Court nominated by him as the Portfolio/Administrative Judge for such district(s). The Administrative Judge will be incharge of the district(s) assigned to him for such period as the Chief Justice may specify.

7. Allocation of administrative work

The following shall be the allocation of executive and administrative work between the Portfolio/Administrative Judge, Chief Justice and Full Court –

(A) Matters within the powers of Portfolio/Administrative Judge -

(1) Grant of casual leave (including special casual leave) and permission to leave headquarters to the District Judges and other judicial officers of the district(s) assigned.

(2) Grant of earned leave to the officers posted in the district(s) under the charge of Administrative Judge.

(3) Perusal of returns, calendars, evaluation of inspection reports made by the presiding officers in respect of their own offices and audit reports.

(4) Disposal of departmental appeals against orders of punishment imposed by the District Judge(s) of the district(s) assigned and representations etc of the employees of the subordinate courts.

(5) Annual confidential remarks of the Judicial Officers except that of the Registrar General or the Judicial Officers posted in the establishment of the High Court.

(6) Inspection of the courts and offices of the District(s) assigned to Portfolio/Administrative Judge.

(B) Matters for the Chief Justice –

(1) General supervision and control of Subordinate Courts and Vigilance Cell subject to these Rules.

(2) Constituting Committees of Judges to examine any specified matter.

(3) Coordination of the work of different Committees.

(4) Assigning any work of the district as may be considered proper or expedient to any one or more Judges of the High Court.

(5) Mid-term posting and transfer of the Officers of Subordinate Judiciary.

(6) Inter district transfers of the employees of the Subordinate Courts.

(7) Recording entries in the character rolls of the Judicial Officers posted in the Registry.

(8) Consideration of the preliminary report in disciplinary matters before directing holding of disciplinary inquiry against the officers subordinate to the High Court.

(9) Direction of issuance of the Circular Letters and General Letters for the guidance of the Subordinate Courts.

(10) Any other matter not covered under the powers of the Full Court.

(C) Matters for the Full Court –

(1) Deputation of officers of Subordinate Judiciary and their withdrawal.

(2) Annual posting and transfers of the officers of Subordinate Judiciary.

(3) Confirmation and promotion to selection grade, supertime scale and reversion of the officers of the Subordinate Judiciary.

(4) Investiture of powers of officers of the Subordinate Judiciary.

(5) Finalisation of list of holidays, working hours, vacations and calendars of the High Court.

(6) Fixing working hours, vacation of subordinate Courts, calendar and list of holidays of Subordinate Courts.

(7) Direct recruitment to Higher Judicial Service and recommendations to the Government regarding promotion to Higher Judicial Service.

(8) Grant of supertime scale to the officers of Higher Judicial Service, reduction in rank, premature retirement.

(9) Termination of services of probationers and temporary Judicial Officers of Subordinate Judiciary.

(10) Consideration of final reports of disciplinary inquiries in respect of officers of the Subordinate Judiciary and taking decisions as to punishment.

(11) Suspension of the Judicial Officers subordinate to the High Court pending disciplinary proceedings and decision to initiate disciplinary enquiry.

(12) Provisional promotion of the officers to the cadre of Civil Judge (Senior Division) and the Chief Judicial Magistrate.

(13) Permission to cross efficiency bar to the Judicial Officers subordinate to the High Court.

(14) To decide matters in which opinion of the High Court is sought by the Union or State Government.

(15) Amendment of Rules except framed under Article 229 of the Constitution of India.

(16) Consideration of general annual report of Administration of Justice to be sent to the Government.

(17) Consideration of any representation against the adverse remarks awarded by the Chief Justice of the High Court to any officer of Subordinate Judiciary.

(18) Any other matter, which is not covered under any of the above heads.

8. Conduct and business by the Administrative Committee and the Full Court – The business of the Full Court may be transacted either at a meeting or by circulation. Quorum shall be two third of the strength of the Judges of the Court.

9. Procedure for Circulation – So far, as convenient, papers to circulation shall be sent by the Registrar General to the Judges in their order of seniority, commencing with the junior Judge.

10. Opinion of Judge – When a Judge does not send his opinion in writing three days from the date of the receipt of papers sent to him for opinion, he shall be deemed to have declined to express any opinion in the matters.

11. Papers to be placed to Chief Justice after circulation – After any papers have been sent for opinion, they shall be submitted again to the Chief Justice, and he may either direct that the opinion of the majority Judges including his own be given effect to or lay the matter for consideration before a Judges' meeting.

12. Full Court Meeting – The Chief Justice may call a Full Court meeting whenever there is business to be disposed of.

13. Notice of meeting to Judges – The Registrar General shall give to the Judges concerned, except in the case of emergency, at least one clear day's notice in the case of Judges' meeting, of the date, place and hour when such meeting would be held and the business to be brought before such meeting and in case of emergency, the Registrar General shall give the best possible notice.

14. The proceedings of the meeting of the Full Court shall be recorded in the book to be kept for that purpose by the Registrar General.

CHAPTER – III
APPLICATIONS FOR DIRECTIONS, ORDERS OR WRITS
(OTHER THAN IN NATURE OF HABEAS CORPUS) UNDER
ARTICLES 226
OF THE CONSTITUTION OF INDIA.

1. **Form etc:** An application for a direction or other or writ under Article 226 of the Constitution of India, other than writ of habeas corpus, shall be drawn up in the form prescribed and shall be accompanied by an affidavit verifying the facts relied upon. Separate applications should be filed for each individual where interests are not identical even if there is one common order covering several cases and the facts of each case should separately be supported by an affidavit.

Provided that more than one such individual can jointly file a single writ petition on each of them paying court fee payable on such application. In all other respects the procedure relating to the revision application shall apply to such applications.

2. **No Alternative Remedy:** All applications under Article 226/227 of the Constitution of India intended to be moved before this court, the following paragraph should invariably be incorporated in every application:

“That the humble petitioner has no other adequate and alternative remedy and the remedy sought for is complete and adequate.”

The Filing Section should verify and satisfy as to the inclusion of the above paragraph in all the applications filed by the advocates.

3. Additional set of copy for Division Bench matters: In all matters cognizable by Division Bench, one additional set of authenticated petition with annexures and affidavits, if any, shall be filed by the party concerned.

4. Matters cognizable by Division Bench:

(1) Petition falling within any one or more of the following categories shall be heard by a Division Bench except where the Chief Justice otherwise directs:

(a) Public Interest Litigation;

(b) Habeas corpus Application,

(c) Petition relating to externment or deportation;

(d) A Petition which a Single judge has referred to the Chief Justice for placing it before the Division Bench having regard to the importance or complexity of the case.

(e) Writ Petitions in which constitutional validity of any Act, Rules or any provisions thereof have been challenged.

(f) Any other matter regarding which the Chief Justice has directed to be listed before Division Bench and

(g) Any matter required to be hearded by Division Bench under a Statute.

(2) An appeal from the Judgment and Order of a Single Judge disposing of an application shall lie to the Division Bench if preferred within thirty days of the date of such Judgment and Order. The Division Bench may condone the delay in filing any appeal, if good and sufficient cause is shown.

(3) The appeal shall be in the form prescribed.

(4) In case of Writ Appeals, the certified copy of the Judgment, authenticated copy of the Civil Rule/ Writ Petition with relevant annexures, copy of affidavit-in-opposition, counter affidavits and all other relevant papers filed by the party concerned in the Relevant Civil Rule/ Writ Petition from which the Writ Appeal has arisen, must be filed along with the Memorandum of Appeal.

5. Service of Notice: Unless the Court sees no sufficient cause to admit the application and rejects it, notice of the application shall be served on all persons directly affected by the application and, where the application relates to any proceedings in or before a Court and the object is either to compel the Court or an Officer thereof to do any act in relation to such proceedings or to quash them or any order made therein, notice shall also be served on such Court or Officer as well as the other parties to the proceedings and where any objection is taken with respect to the conduct of the Judge.

Provided that service on the Government Advocates and/or Public Prosecutors, of the State and on Standing Counsel of the Union of India or of any of its Departments,

will be sufficient service on the parties represented by them for the purposes of this rule.

6. **Notice to be redirected:** Notice of the Government Servant, instead of being sent back by the office of such employee to the Court with the report that the official is no longer at the given address, the same should be redirected to the new station of posting to the official concerned.

7. **Dismissal in limine:** While dismissing a Writ Petition in limine, one word order "dismissed" should be avoided.

8. (i) **Fresh notice and filing of counter affidavit etc:** If at the hearing of the application the Court is of opinion that any person who ought to have been served with notice of the application has not been so served, the Court may order that notice may also be served on such person and adjourn the hearing upon such terms, if any, as the Court may direct.

Every notice under this or the preceding rules shall be accompanied by copies of the application and the affidavit.

(ii) Counter-affidavits in such matters shall be filed with the registry of the Court by the opposite party within time allowed by the Court, and if no time limit given within 14 days from the date of service of notice, and an affidavit-in-reply should be filed by the applicant within time allowed by the Court, and if no time limit given within 7 days from the date of service of the counter-affidavit on him by the opposite party, failing which such affidavit shall not be considered in evidence unless one is filed with the special leave of the Court:

Provided that in returnable cases, subject to any special orders of the Court, counter-affidavits shall be filed at least four days prior to the returnable date and the petitioner shall file his replication, if any, within two days thereafter.

9. **Cost etc:** The Court may, before issuing notice of the application, impose upon the applicant such terms as to costs or the giving of security as it may think fit.

10. **Court may allow third party to be heard:** At the hearing of the application, any person who desires to be heard in opposition to the application and appears to the Court to be a proper person to be heard, may be heard notwithstanding that he has not been served with notice under Rule 3 or Rule 4.

11. **Written submission of list of citations etc at the time of hearing:** At the time of final hearing of an application under Act 226 of the Constitution of India, the counsel for the petitioner shall submit in writing the following:

(1) A list of dates with concise particulars in chronological sequence showing also the date of the impugned order with asterisk mentioning the particular Annexure:

- (2) Specify grounds that may be urged before the Court;
- (3) Relevant provisions of law that may be relied upon; and
- (4) The authorities that may be cited.

12. **If statutory remedy is available:** In any petition under these rules, the petitioner shall state whether any other remedy for the redress he is seeking has been provided for by or under any other law for the time being in force.

13. **Vacation of stay order:** Where an interim order whether by way of an injunction or stay in any other manner is made without –

- (i) furnishing to the party against whom it is made, copy of the petition and all document in support of the plea for such interim order; and
- (ii) giving such party an opportunity of being heard.

The party affected may take an application to the High Court for vacation of such interim order.

14. **copy of Stay vacation application to be furnished to opposite party:** Copies of the application and all documents in support of the plea for vacation shall be furnished to the party in whose favour such an order has been made or the counsel of such party.

15. **Application for vacation of stay to be disposed of within two weeks:** The application shall be disposed by the High Court covered under clause (3) of Article 226 of the Constitution of India within a period of two weeks from the date on which it is received or from the date on which the copy of such application is so furnished, whichever is later or where the High Court is closed on the last day of that period before the expiry of the next day afterwards on which the High Court is open.

16. **When stay shall stand vacated:** If the application is not disposed of as stated in Rule 15, the interim order may on the expiry of that period or as the case may be, on the expiry of the said next day, stand vacated.

17. **Who can move application:** An application under these rules shall be made by an advocate or by the party personally.

18. **No second application on same matter:** Where an application has been rejected, it shall not be competent for the applicant to make a second application on the same facts.

19. **Evidence in the form of affidavit:** All question arising for determination under these rules shall be decided ordinarily upon affidavits, but the Court may direct that such question as it may consider necessary be decided on such other evidence as it may deem fit. Where the Court orders that certain matters in controversy between the parties shall be decided on such evidence, the procedure prescribed in the Court of Civil Procedure, 1908 for the trial of suits shall, so far as applicable be followed.

20. **Costs etc at the time of disposal:** In disposing of an application under these rules, the Court may make such orders as to costs as it may consider just.

21. **Recovery of costs:** (1) Any party to a proceeding under Act 226 of the Constitution of India desiring to obtain execution of the order relating to cost awarded in such proceedings shall apply to the Court by a stamped petition.

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

(3) The certificate shall be issued under the signature of the Deputy Registrar and seal of the Court and shall be executable as a decree of the Civil Court.

(4) The certificate shall be executable by the District Judge of the Division in which the party from whom the costs are to be recovered actually resides or carries on business or work for gain or has some property.

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

(6) The form of the certificate shall be as prescribed in rules.

(7) In the absence of any special direction in the judgment, such costs shall be deposited in, and withdrawn from, the Accounts Department of this Court.

SCHEDULE

[See rule 1]

THE HIGH COURT OF MEGHALAYA

Revisional Jurisdiction

To.....(full name of the Chief Justice) and his Companion Judges.

Here should be stated definitely
the nature of the remedy sought,
i.e., whether a direction, an
order or a writ and if a writ,
whether mandamus, prohibition,

In the manner of an
application for

quo warranto or certiorari. Here should be inserted as briefly as possible the particular right or rights whose infringement is alleged. To be omitted if the application is for purpose other than the infringement of a right conferred by Part III. Here specify the particulars of the nature of the impugned order/notice dated.....e.g an order of reversal/dismissal/suspension/ demotion etc. (Annexure.....)

For the enforcement of the right of

Conferred by Part III of the Constitution of India

Name and particulars of parties

And in matter of

Then should follow statement, divided into paragraphs, setting out the facts chronologically which have given rise to the cause of action and then the prayer showing the nature of the order sought and against whom it is sought.

Note:- - Every application shall have an index referring seriatim to application, affidavit, and each annexure and furnishing the number of the page at which application, affidavit and each annexure commences.

FORM

(See Rule 21)

HIGH COURT OF MEGHALAYA

Certificate of non-satisfaction of costs

Miscellaneous Petition No.....of.....

Where the petitioner/respondent in the above case has applied to the Court of recovery of costs amounting to Rs... from respondent/petitioner and the latter has failed to deposit the amount of Rs... payable to the petitioner/respondent;

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

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

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

By order of the High Court

Seal

Deputy Registrar

Forwarded to the District Judge at.....for necessary action.

CHAPTER IV**GENERAL RULES FOR APPLICATIONS AND AFFIDAVITS**

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

2. **Mentioning Section, Date of Order, Valuation etc** : In every application presented to the High Court, it should be stated immediately after the cause title, the section and statute under which the application is made, the date of the order complained of and the value of the subject matter of the suit out of which the application arises.

3. **Number of copies to be supplied at the time of filing application** : Every application which involves the issue of a rule or notice on the lower Court or opposite party, shall be accompanied by the number of copies of the application and its enclosures for service on the lower Court and/or the opposite party;
Provided that if the petitioner so desires, the copies referred to in this rule may be filed at the time of putting in the fee for the services of notice under Rule 12 of this Chapter.

4. **Certification by Oath Commissioner** : Every application for revision shall be produced before the Commissioner of Affidavits, who shall satisfy himself that the application is sufficiently stamped and is accompanied by an affidavit and complies with the provision of Rule 3 above, and shall certify accordingly.

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

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

7. **Earlier application on the same matter is moved should be disclosed** : When an application is made to the Court or to the Registrar General in any matter in which any previous application was made to the Court or to the Register General to the

same effect, or with the same object, or with a similar object, the facts of such application having been made and the order passed thereon shall be clearly stated in the application.

8. Size of paper, neat typing, paragraphing, etc : Every such application shall be neatly typed on stout paper of foolscap size with a margin of two inches and shall contain not exceeding thirty lines in each full page. The application shall be divided into paragraphs and numbered consecutively and only one side of the paper shall be used.

9. Application to be supported by affidavit : The facts stated in such application shall be verified by the solemn affirmation of the applicant along with an affidavit to be annexed to the application.

Note – The affidavit may be by any person having knowledge of the facts stated. Several persons may join in the affidavit, each deposing separately to these facts which are within his own knowledge.

10. Application must bear signature : Every application shall be signed with the full name and dated either by the applicant or declarant identified by his Advocate.

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

12. Production of record : In the case of an application relating to the matter which is or has been before the High Court, the record of such case together with the application shall be placed before the Court or the Registrar General at the time of the hearing of the application. When the applicant desires that any documents in a record present in the High Court other than those contained in the record of the case, it shall be produced at the time of hearing so referred by the Court. The applicant shall, at the time of filing the application, give notice to produce them to the Bench Assistant concerned, unless by a special order of the Court or the Registrar General, documents will not be produced from the Record Room or the office during the sitting of the Court.

13. When Service of Notice is awaited : In all cases in which service of notice on the opposite party is necessary, if such notice has not been duly served, the hearing of

the application (except in cases of urgency), shall be postponed unless the parties entitled to notice are present and willing to proceed at once.

14. **Steps for Service of Notice** : The fee for the issue of notice on the opposite party shall be paid to the Court within five days from the date of granting of time and shall be accompanied by the necessary number of copies of application and enclosures required for service on the lower Court.

Provided that no order shall be passed to receive such fee when tendered out of the time, except upon an application with a Court fee of `4/- setting forth the reasons for condoning delay;

Provided further that subject to any other orders of the Court in cases in which the Court fixes a returnable date, the fee for the issue of notice shall be paid to Court by the end of the day following that on which the time is granted and shall be accompanied by copies of the petition and its enclosures referred to in this Rule.

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

16. **Affidavit-in-opposition to be filed before the date fixed** : No affidavit in answer shall ordinarily be read which have not been filed with the proper officer of the Court twenty four hours before the sitting of the Court or the Registrar General on the date fixed for the hearing of the application.

17. **Copy of Counter affidavit or Affidavit of opposition must be served on opposite party before filing the same** : No affidavit shall ordinarily be read at the hearing of any appeal, application or other proceeding unless a copy thereof has been served upon the other party or his Advocate twenty four hours before such hearing : other party or his Advocate twenty four hours before such hearing.

Provided that this Rule shall not apply to applications made *ex parte*.

18. **Stay Application under Order XLI Rule 5 CPC** : Every application for stay of execution under Order XLI Rule 5 Civil Procedure Code shall specifically state that it is made under that Rule and it shall be accompanied by an affidavit stating specifically the facts upon which the application is based; the date of the decree or order the stay of execution of which is desired; the date, the order, if any, for execution or sale; the

date, if any, fixed for the sale; and the facts necessary to enable the Court to be satisfied of the matters mentioned in Order XLI Rule 5 sub-clause(3) of the Code.

19. **Security under Order XLI Rule 6 or 10 CPC** : Every application for security under Order XLI Rule 6 or 10 of the Code of Civil Procedure, 1908 shall state specifically under which Rule it is made, and shall be accompanied by an affidavit stating specifically amount of security and the facts upon which the application is based.

20. **Restoration Application** : Every application for the re-admission or restoration of an appeal or application, dismissed for default of appearance, shall be accompanied by an affidavit stating the circumstances in which such default was made, and whether or not the party whose appeal or application was dismissed had, previously to such dismissal, engaged an Advocate to conduct the appeal or application.

21. **For requisitioning the lower Court record** : (1) Every application for an order to a Subordinate Court to forward any record, document or paper shall state –

- (a) the Court in which record, document or paper is;
- (b) the record in which such document or paper is;
- (c) the date of the document or paper;
- (d) such other information as may be necessary for the purpose of identifying such records, document or paper.

- (2) Every such application shall bear the Court fee stamp leviable under Article 1(d)(ii) of Schedule II of the Court Fees Act, 1870, and shall be accompanied by a certificate signed by an Advocate that in his opinion such record, document or paper is requisite and material for supporting or opposing the appeal or other proceedings;

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

AFFIDAVIT

22. **On top of Affidavit to be filed** : (1) Every affidavit to be used in a Court shall bear title – “In the Court of.....at.....” naming such Court.

(2) If there be a cause in Court, the affidavit in support of or in opposition to, an application respecting it, shall also be titled in the cause, under the title mentioned in sub-rule(1).

(3) If there be no cause in Court, it may be mentioned in the affidavit like “In the matter of the petition of”.

23. **Paragraphing** : Every affidavit containing narration of facts shall be divided into paragraphs, and every paragraph shall be numbered consecutively and, as nearly as may be, shall be confined to a distinct portion of the subject.

24. **Address of the deponent** : Every person, making any affidavit, shall be described in such a manner as will serve to identify him clearly, that it is to say by the statement of his full name, the name of his father, his profession or trade, and the place of his residence.

25. **Fact on personal knowledge** : When the declarant in any affidavit speaks any fact within his own knowledge, he shall do so directly and positively using the words, "I affirm (or make Oath) and say."

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

27. **Identification of deponent** : Every person making an affidavit, if not personally known to the Magistrate, or any Notary appointed under the Notaries Act, 1952 or any officer or other person whom the High Court appoints in this behalf or any officers appointed by any other Court which the State Government has generally or specially empowered in this behalf, shall be identified to such authorities by some person known to him, and the said authorities shall satisfy at the foot of the application or of the affidavit, as the case may be, the name and description of the person by whom the identification is made as well as the time and place of the identification and of the making of the affidavit. Every pardanashin woman verifying an application or making an affidavit in the manner specified in the preceding Rules and every such application or affidavit shall be accompanied by the affidavit of identification of such woman made at the time by person who identified her.

28. **Deponent must understand the contents of the affidavit** : If any person making an affidavit is ignorant of the language in which it is written, or paper to the Magistrate or any Notary appointed under the Notaries Act, 1952 or any officer or other person whom the High Court appoints in this behalf, or any officer appointed by any other Court which the State Government has generally or specially empowered in this behalf, to be illiterate, or does not fully understand the contents of the affidavit, the said authority shall cause the affidavit to be read and explained to him/her in a language which both he/she and the said authority understand, either doing so himself, or causing another person to do so in his presence. When any affidavit is read and explained as herein provided, the said authority shall certify in writing at the foot of the affidavit that it has been so read and explained, and that the declarant seemed perfectly to understand the same at the time of making the affidavit.

29. **Oath** : In administering oaths and affirmations to declarants, the Magistrate or any Notary appointed under the Notaries Act, 1952 or any officer or other person whom the High Court appoints in this behalf or any officer appointed by any other Court which the State Government has generally or specially empowered in this behalf, shall be guided by the provisions of the Oaths Act X of 1873. The following forms are to be used :-

I swear that the declaration made is true, that it conceals nothing, and that no part of it is false, so help me God.

30. **Affirmation** : The Magistrate or any Notary appointed under the Notaries Act, 1952 or any officer or other person whom the High Court appoints in this behalf or any officer appointed by any other Court which the State Government has generally or specially empowered in this behalf, competent to administer oaths or affirmations and also to interpret affidavits filed under this Chapter, the following form of affirmation should be used :-

"Solemnly affirmed before me this day on.....The deponent is identified by..... I certify that the contents of the affidavit are read over and explained to the deponent who verified the same before me."

31. **Fee for Swearing when to be charged** : No fee is allowed for taking affidavits or affirmations in the Court house, but fees are allowed to Commissioners for taking such affidavits or affirmations elsewhere.

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

Note – The order of the Registrar General referred to in clause (i) above shall be passed on a stamped application made to him accompanied with a certified copy of the document the return of which is applied for.

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

33. Each page of affidavit to be signed by the deponent and the person before whom it is sworn : Affidavit filed before the Court must bear signatures of the deponent, and that of the person before whom it is sworn, on each page, including the pages of annexures.

CHAPTER V

RE-DIVISION BENCH AND FULL BENCH

1. Writ Appeal against order passed by Single Judge : An appeal shall lie before Division Bench against the order of Single Judge passed in the writ jurisdiction, not arisen out of matters pending or decided by Civil Court, Revenue Court or District Council Court, within a period of thirty days.

2. Writ Appeal not to be heard by same Judge : A Division Court for the hearing of an appeal under Letters Patent from the judgment of a Judge sitting singly who has decided the matter, shall consist of two Judges, other than the Judge from whose judgment the appeal is preferred.

3. Copy of Writ Appeal to be served on the opposite party before filing : Writ Appeals/Letters Patent Appeals arising from orders of the Single Judge in a Writ Petition should be filed with simultaneous service on the counsel for the opposite party who had appeared before the Single Judge or service on the opposite party.

In case the counsel of the opposite party or such party is not available on the address given in the record of the Single Judge, the Division Bench hearing the writ appeal may issue notice to the opposite party in its wisdom before admission of the appeal.

4. Delivery of Judgment : A Judge of a Division Bench or Full Bench of the Court may deliver a judgment prepared by another Judge of the same Bench after the other Judge or Judges express his or their agreement to the judgment by signing it and authorizing the Single Judge to pronounce the judgment on his or their behalf.

5. **Reference to be heard by Division Bench** : References from a Subordinate Civil Court shall be heard by a Division Court.
6. **Life sentence and death penalty cases to be heard by Division Bench** : All matters where sentence for life/death has been awarded to be heard by the Division Bench including appeals and revisions against acquittal arising out of cases tried under Section 302 IPC.
- Provided that a single Judge may hear any appeal, reference, revision and applications in all criminal matters except those in which sentence of death, or the imprisonment for life is passed :
- Provided further that such Judge may refer any particular case he thinks fit to a Division Court :
- Provided also that it shall be competent for a single Judge to pass any interlocutory order in any appeal or appeal or any other matter preferable before a Division Bench, unless otherwise ordered by a Division Bench.
7. **Division Bench can hear matters cognizable by Single Judge** : Notwithstanding anything in these rules, the powers conferred on a Single Judge may be exercised by a Division Court when or where no single Judge is sitting or available.
8. **Full Bench** : A Full Bench appointed for any of the purposes mentioned in these rules shall consist of three or more Judges as the Chief Justice may direct.
9. **Reference under Article 228** : (1) All cases transferred to the High Court by Subordinate Courts under Article 228 of the Constitution of India shall, after service or notice of the parties, be laid before a Division Court for determination whether such cases involve a substantial question of law as to the interpretation of the Constitution.
- All applications under the said Article for transferring such cases to the High Court shall also be moved before a Division Bench.
- (2) If the Court is satisfied that the case so transferred involves a substantial question of law, the case shall be laid before such Bench as the Chief Justice may direct. The Bench so constituted shall thereupon, proceed to determine, in the first instance, whether the point of law can be decided without entering into questions of fact. If in the opinion of the Bench the question of law involved in the case be decided without disposing of the whole case, then it will give its decision on such point after such hearing as it may consider necessary and thereafter the records of the lower Court, together with the opinion of the Bench, shall be transmitted back to the lower Court for disposing of the case, in accordance with law.
- (3) If the Bench appointed by the Chief Justice is of opinion that the question of law as to the interpretation of the Constitution of India cannot be decided without hearing the

whole case, then it will send back the record to the Chief Justice with its opinion and the case will thereafter be heard by a Single Judge to be nominated by the Chief Justice and the procedure laid down by the Code of Civil Procedure and the Criminal Procedure Code for the hearing of cases transferred from districts to the High Court for disposal will be followed.

10. Reference made under Divorce Act, 1869 or under Section 113 of the Code of Civil Procedure, 1908 : Rules 4 and 5 of Order 46, Civil Procedure Code, shall apply to references under Section 9 of the Indian Divorce Act, and the practice and procedure for setting down of such references for hearing shall be the same as obtained in the case of references made under Section 113 and Order 46 of the said Code; provided always that every such reference shall be laid before the Chief Justice for his direction as to the Bench by whom it shall be heard.

11. Confirmation of decree under Section 17 of Divorce Act, 1869 : The time within which a decree of a District Court may not, under Section 17 of the Indian Divorce Act be confirmed shall be six months from the pronouncing thereof.

CHAPTER VI

GENERAL RULES OF PROCEDURE

1. Reckoning of period allowed: Where a particular period has been prescribed by the rules for the doing anything and the action to be taken is such that the party or his advocate is required to work in the offices of the Court, the prescribed period shall be reckoned excluding the last day or days on which the offices of the Court are closed.

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

(a) the name, mobile no. and e-mail address (if any) full postal address of each appellant or applicant;

(b) the name postal address, mobile no. and e-mail address (if any) of each person who is made a respondent or opposite party;

(c) the Court in which (i) in the case of first appeal the name of the Judge by whom the decree or order referred to was passed (ii) in the case of second appeal the name of the presiding officer of the lower Appellate Court as well as that of the Court of first instance;

(d) the date when and the number and year if the suit of proceeding in which such decree or order was made;

(c) the ground or grounds numbered seriatim of objections to the decree or judgment appealed from, without any argument or narrative;

(f) the value of the appeal; Provided that in every case in which an appeal or cross-objection is preferred to this Court and the valuation, for the proposes of Court-fees or the Court-Fee paid, varies from that of the trial Court in the case of First Appeals, or from that of either the trial Court or the lower Appellate Court, in the case of second appeals, the advocate shall, at the time of filing the appeal, add below the valuation in the Memorandum of appeal, a short explanatory note setting forth the reasons for the variation giving, if necessary, reference to the certified copies of the judgment and decree, and mentioning the relevant pages thereof, which are filed with the memorandum of appeal. Any omission to file this note shall be forthwith reported to the Registrar, who may direct that the note be filed within a specified period according to the circumstances of each case or direct that the matter be laid before a Division Bench;

(g) in the case of an appeal of an order, whether the record of suit in which the appeal is made had already been before the Court of appeal.

Note — It is desirable that a separate line should be allowed to the name of each party to an appeal.

3. Dispensing with filing of more copies of judgment: Where more than one appeal are preferred from a judgment governing more than one case, the Registrar may on an application made in that behalf dispense with filing of more than one copy of the judgment and direct analogous hearing of the appeals.

4. At the foot of Memorandum of Appeal: In the case of—

(1) appeals from orders of the Lower Appellate Court remanding cases of retrials; and

(2) appeals from the orders of the Lower Courts made on remand by the High Court,

there shall be added at the foot of every memorandum of appeal a note to the following effect:

"Note—This appeal is from an order of the Lower Appellate Court, remanding the case for re-trial under section..... Civil Procedure Code;

Or

This appeal is form an order of the lower Appellate Court (or the Court of the first instance, as the case may be) made on remand by the High Court, in Appeal No..... of.....Dated..... the in which this appellant was appellant or respondent (as the case may be)."

5. On Omission of compliance of above rule: In the event of any omission on the part of an advocate to append to the memorandum of appeal a note in terms required by R. 4, it shall be the duty of the Registrar to bring such omission to the notice of the Division Court before which the appeal is pending.

6. Necessity of filing copy of judgment and decree against which Appeal filed. A memorandum of appeal to High Court against the decree or order passed on appeal by any Court subordinate to it shall be accompanied by (i) certified copy of the judgment and decree or order appealed from; (ii) typed copies of the judgments of the trial court and appellate court below; and (iii) typed copies of a pleadings with English translation, if necessary.

Provided that in case of urgency the memo of appeal may be filed with the leave of the court without the typed copy of the pleadings. But the typed copies of the pleadings shall be filed within the time as may be granted of the memo of appeal in the following form:

"1, A. B. advocate of the above named..... do hereby certify that, in my judgment, the ground (or if there be several, each of the ground) of appeal in the above petition presented by me on behalf of the said is a good ground of second appeal.

Dated, the..... day of....."

Provided further that in the case of an appeal against the decree or order passed after remand by this Court, copies of judgment or decree of the lower Courts passed before the case was remanded need not be furnished.

7. Process for notice in the appeal: Every party who files an appeal in person shall insert in his memorandum of appeal, or otherwise given in writing to the Deputy Registrar, and address at which notices and other process in the appeal may be served upon him; and any notice or other process sent to such address by registered letter shall be presumed to have been duly served upon such party after a period of thirty days.

8. Appeal presented in person: No memorandum of appeal from an appellate decree or from original or appellate order presented in person by any party to the appeal shall be registered without an order of a Single (Judge) Bench before which the party presenting the appeal shall appear in person.

9. Documents required to be filed with the Revision: In the case of an application for revision, the application shall be accompanied by certified copies of each of the following documents:

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

Except an application to be heard by a single Judge, together with the applications, duplicate type-written copies of the application and the judgments or orders filed with such application, shall be filed.

10. (1). Defective memorandum of appeal: When a memorandum of appeal is not in proper form/or is not accompanied by the necessary copies of papers, the Registrar may allow a time within which such memorandum must be amended, and/or the necessary papers to be filed, or may lay the same before the Court for orders.

(2). If a memorandum of appeal is presented for admission without copies of the judgment and decree or order appealed from, it shall forthwith be returned to the advocate or party presenting it. If such copies are filed after the period of limitation has expired the memorandum shall be presented before the Court.

In case of an appeal from appellate decree or order, copies of the judgment and decree or order of the Court of first instance shall be filed along with the memorandum of appeal. If such copies are not so filed, the appeal shall not be listed for hearing under Order XLI, R. 11 of the Civil Procedure Code, until they are filed.

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

12. Presentation of appeal: Every memorandum of appeal (other than a memorandum of appeal from an appellate decree filed by a party in person) or memorandum of objection under Order XLI, R. 22 or 86, Civil Procedure Code, shall be presented in the High Court to the Deputy Registrar or such other officer as the Registrar may appoint for the purpose by the appellant in person, or his recognized agent, or by an Advocate appointed under the provisions of Order III, R. 4, Civil Procedure Code, or by some person appointed in writing by such advocate to present the same. The date of presentation to the Deputy Registrar or such other officer as the Registrar may appoint shall be deemed to be the date of presentation for the purpose of limitation.

13. Duty of Stamp Reporter as to Limitation etc: (1) Except as provided otherwise, no memorandum of appeal, no memorandum of objection under Order XLI, R. 22 or 26, Civil Procedure Code, no application for review, and no application for leave to appeal in forma pauperis shall be presented for admission unless the same bears an officer report as to limitation of time; and, when a stamp is required, as to the sufficiency or otherwise of the stamp. Such report shall ordinarily be endorsed on the memorandum or application and returned by the stamp reporter before 4 p.m. on the date on which such memorandum or application was made over to the stamp reporter for examination.

(2). If the report of the stamp reporter on the memorandum of appeal or cross-objection is that the prescribed period of limitation has expired such memorandum shall be sent to the Deputy Registrar or such other officer as the Registrar may appoint to ascertain limitation period finally and if he finds so, shall be returned to the party filing it, to file separate application along with memorandum of appeal praying to condone the delay or to grant leave to file appeal in forma pauperis. On filing such memorandum of appeal with separate application, the Stamp Reporter section shall register the application only as Misc. Case against the filing serial No. of the memorandum of appeal and place it before the court. The memorandum of appeal etc. shall not be registered unless the applications to condone the delay or grant of leave are allowed by the court who may present the same to the Court.

(3). In case in which it may not be possible for the stamp reporter to return the memorandum of appeal or application on the day on which such memorandum or application was made over to him for examination, the time taken by the stamp reporter in preparing his report shall be excluded from the prescribed period of limitation.

(4). The Stamp Reporter will examine the memorandum of all appeals within two days from the date of their presentation and in course of his examination, if he finds any defects in memorandum of appeals he will mention the defects in the check list and will return such defective cases to the parties concerned or the concerned Advocates to cure the defects within 7 (seven) days from the date of scrutiny by the Stamp Reporter. A list of such defective cases shall be prepared and published on all working days under signature of Registrar or such other officer as the Registrar may appoint and display it immediately in the Notice Board of the High Court.

14. on Re-opening of High Court after Vacation: On the first day on which the High Court re-opens after the annual long vacation a memorandum of appeal or objection under Order XLI, R, 22 or 26, may be presented to the Deputy Registrar or such other officer as the Registrar may appoint for the purpose, and an application for

leave to the appeal in forma pauperis may be presented to the Court, without the office report, as required by the proceeding rule;

Provided that all memorandum of appeals or objections as aforesaid which are presented for admission on the re-opening date after the High Court's annual vacation shall be dealt with in accordance with the provision of R. 18 of this Chapter, after the stamp reporter has recorded his report.

15. Presentation of Review, Revision and Appeal: Application for review, and memorandum of appeal from appellate decree or from original or appellate order filed by parties to the appeal in person shall be presented direct to the Court concerned after the report prescribed in R. 13 above has been obtained.

Application for revision shall be presented to the Court with the certificate prescribed by rules and shall exhibit the particulars required by the rules.

16. Applications for declaring forma pauperis: Applications for leave to appeal in forma pauperis shall be presented with the report of the stamp reporter in open Court to the Court concerned in accordance with the provisions of Order XLI, Civil Procedure Code.

17. Endorsement as to date of presentation: The officer to whom the memorandum is presented under R. 12 of this Chapter shall endorse on every such memoranda the date of presentation and shall send the same to the stamp reporter. The stamp reporter, if the memorandum is not barred by limitation and is sufficiently stamped and complies with the provisions of these rules, shall record a report to that effect and shall, after the officer-in-charge of the Judicial Department has scrutinized the memorandum and has satisfied himself that the stamps have been properly punched and defaced under the rules and that there are no obvious defects—

(a) in the case of an appeal from an original decree, cause is to be registered and posted for admission before a single or a Division Bench, as the case may be, under Order XLI, R. 11 of the Civil Procedure Code;

(b) in the case of an appeal against appellate decree, an appeal from an order and an appeal under the Workmen's Compensation Act cause it to be registered and posted before a Single Bench for hearing under Order XLI, R. 11 of the Civil Procedure Code;

(c) in the case of a memorandum of objection under Order XLI, R. 22 or 26, Civil Procedure Code, cause it to be registered.

18. When amount of court fee payable is doubtful: (1) If there is a reasonable doubt as to the amount of Court-fee leviable on any memorandum of appeal which an advocate or a party desires to present, he shall apply to the Registrar General,

as Taxing Officer, for his decision as to the Court-fee payable, and the Registrar General shall pass an order accordingly and fix period within which the requisite Court-fee must be paid.

If the requisite fee is not paid within a period fixed, the case shall be laid before the Court for orders.

(2) If the stamp reporter, on a memorandum being presented to him, finds that it has been insufficiently stamped, he shall make a note thereon as regards the deficiency and shall return it, with as little delay as possible, to the advocate or the party presenting it. If the advocate or the party refiles it having supplied the deficit Court-fee, within the prescribed period of limitation the stamp reporter shall record a note to that effect on the memorandum which shall then be admitted.

(3) If a memorandum which has been returned under sub rule (2) re-filed after sufficiently stamped, after the period of limitation has expired, it shall be presented directly before the Court for orders.

19. Stamps affixed to be Cancelled: The stamp reporter or the Bench officer/court master, as the case may be, must see that S. 30 of the Court-Fees Act is strictly complied with and that no document requiring Court-fee stamp is acted upon in any proceeding either before the Court or in its offices, until the stamp has been effectively cancelled.

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

21. Record to be retained by registry when payment of stamp duty is awaited: If a memorandum bears a note that a report as to the deficiency of the stamp will be made good on the record, the Deputy Registrar or such other officer as the Registrar may appoint shall note thereon the date of presentation and shall retain it pending the receipt of the stamp, not exceeding three days.

22. Report as to sufficiency of court: Every memorandum retained under the provisions of R. 21 shall immediately after the receipt of the stamp, be examined by the stamp reporter, who shall endorse on it his report as to the sufficiency of the stamp and shall thereupon proceed in the manner provided in Rr. 17 and 18 above.

23. Insufficiently Stamped documents: Whenever the stamp reporter finds that a document which ought to bear a stamp under the Court-Fee Act, 1870 has been through mistake or inadvertence received, filed or used in the Court without being

properly stamped, he shall report the fact to the advocate who presented such document. Such advocate shall at once initial the report and shall within one week thereafter, or within such further time as the taxing officer may allow, note on it whether he accepts or disputes the accuracy thereof. If such note is made within such time, it should not be open to such advocate to dispute the accuracy of the report.

Note — The Hon'ble Chief Justice has been pleased to declare that the Registrar General of the High Court, shall be the Taxing Officer under the Court-Fee Act and as per provisions of the High Court Rules.

24. When the Memorandum to be rejected: If a memorandum which has been dealt with under R. 18 above, is duly stamped or amended under R. 20 within the time fixed by the Registrar General or the Court, as the case may be, the Court will admit it and the same will be registered. If such memorandum is not duly stamped or amended within the time allowed, the Court may reject such memorandum or pass such other order relating thereto which it may consider proper.

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

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

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

27. When Deputy Registrar is appointed guardian ad litem: Where the Deputy Registrar is appointed guardian ad litem of minor respondent under, Order XXXII, R. 4(1) Civil Procedure Code, the appellant, at whose instance such appointment is made, shall within 21 days, deposit with the Accountant of the Court the sum of Rs.1500/- or the amount as directed by the court, as cost to enable the Deputy Registrar to appoint an advocate on his behalf and shall within the same time file in Court an indemnity bond in favour of the Deputy Registrar.

28. Minor who turned major to file affidavit of such fact: If a respondent, who was described as a minor in the memorandum of appeal, appears as a major he shall, when making such appearance, file an affidavit stating the fact that he has attained majority together with the date when he did so. On such affidavit being filed,

the appellant unless he disputes the fact of the respondent attaining majority, shall file a memorandum of appeal, and thereupon the memorandum of appeal shall be amended accordingly. If no such affidavit is filed by such respondent, he shall be precluded from appearing as major and the appellant shall be required to put in the costs, etc. for the appointment of the Deputy Registrar as guardian ad litem of the said respondent:

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

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

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

31. In special cases: (i) When an appeal from an original decree or an appeal under the Workmen's Compensation Act or an application for revision has been admitted and registered, or, in the case of appeal from appellate decree, when the Court has passed an order to the effect that the appeal will be heard, it shall be the duty of the Deputy Registrar to send a notice in Form prescribed immediately to the Court from whose decision the appeal is preferred, or the application is made, and to call for the transmissions of the record, ordinarily within seven days.

Providing that in every appeal from an interlocutory order made in a suit and coming under Order XLIII, R. 1, Cls. (q), (r) and (s), Civil Procedure Code, the

connected record should be sent for only if specifically ordered by the Court. Also, in civil revisions, records should not be called for unless expressly ordered by the Court.

(ii)(a) Whenever any document in the custody of the Parliament, State Assembly any committees thereof, or High Court is required to be produced in a Court of law, the party to the legal proceedings shall, make an application to the Court stating precisely the documents required and the purpose for which they are required and the date by which they are required. It is also to be specifically stated in each case whether only a certified copy of the document is required or an officer of the Lok Sabha or the State Assembly or the Officer of Registry should produce it before the court. On such application being filed by the party concerned the Court after due scrutiny of the same shall proceed to take steps to move the Lok Sabha or the State Assembly or the Registry of the court as the case may be with a letter of request in Form prescribed for producing of the document in question.

(b) Whenever an officer or member of the Parliament or the State Assembly, a Chief Justice and a Judge of the High Court is required to be examined as a witness in a Court of law, the party to the legal proceeding shall make an application to the Court in this behalf and the Court after due scrutiny of the same shall proceed to take steps to move the Parliament or the State Assembly or the Registry of the Court as the case may be with a letter of request in Form prescribed for the production of the witness concerned.

(c) Whenever the Presiding Officer of a House of Parliament or a State Legislature or the Chairman of a Committee thereof is required to produce a document or to appear in a Court either as a party or as a witness in a case, a polite letter may be issued in prescribed Form to him instead of the usual formal notice or summons.

32. Summoning of record: When calling for the record and material papers under the preceding rule, the Deputy Registrar shall draw the attention of the lower Court to Rules and Orders relating to the transmission of cumbrous and bulky exhibits and shall call for such of them, if any, as have been directed by the Court or the Registrar to be called for.

Note— Parties or their advocates desiring bulky exhibits to be called for in cases other than appeals from original decrees may apply to the Registrar before a case has appeared in the Daily Cause List, and to the Court thereafter, for an order under this rule, setting forth sufficient grounds in support of the application. Such application when made to the Registrar need not be stamped or verified.

33. In testamentary cases: (1) When calling for the record of a contested or uncontested suit or case for probate or letters of administration or for revocation of the same, the attention of the District Judge or District Delegate shall be drawn to relevant the Rules and Orders.

(ii) Before a 'Will' is called for in connection with any appeal or case pending in this Court at the instance of a party, such party shall deposit a sum with the Accountant of the Court with challans in the prescribed form, to be assessed by the office, sufficient to cover all the necessary expenses for transmission and retransmission thereof by registered post with acknowledgement due, and the requisition calling for 'Will' shall contain a certificate that such sum has been deposited.

(iii) Upon receipt of a 'Will' the Deputy Registrar shall take all necessary precautions for the safe custody and preservation of the 'Will' until the same is returned by registered post with acknowledgment due to the District Judge or District Delegate from whom it was received.

34. Lower Court to seek time: Whenever it shall be impossible for the Lower Court to comply with the requisition within the time stated, such Court shall report the reason of its inability and shall ask for such further time as may be necessary.

35. Process fee etc: The fee for the issue of the notice to the respondent under Order XLI, R. 14, Civil Procedure Code, shall be paid into Court by the appellant.

(a) In the case of appeals from original decrees and appeals under the Workmen's Compensation Act, within two weeks of the date of registration of the appeals, notice shall be given in Form prescribed which will be displayed outside the Appeal Section concerned and a copy sent to the Bar Association. This shall constitute sufficient notice of the date of registration of the appeal.

(b) In the case of Appeal from Appellate Decree and Appeal from Order, other than those which are dismissed at the preliminary hearing under Order XLI, lt. 11, Civil Procedure Code and other than appeals under the Workmen's Compensation Act notices shall be issued to the opposite parties within seven days of the date on which the Court passes an order admitting the appeal.

Note— Process fee required for the issue of notice on substituted parties shall be filed within a three days from the date of substitution, and the process fee for the issue of fresh notice shall be filed within one week from the date of the order directing the issue of such notice. In either case notice form duly filled in shall accompany the process fee.

36. Process fee under Order XLI rule, 22 (3) CPC: The fee for the issue of notice under Order XLI, R. 22(3) if necessary, shall be paid, together with the necessary copies of cross objection, within one week from the date of the registration of the memorandum of cross objection, notice whereof shall be given in the manner prescribed in Rule 35 (a) above.

37. When Copies to be supplied of the Memorandum of appeal: The appellant, within a week from the date of admission of appeal, will file required number of copies of the memorandum of appeal with the necessary process fee etc.

38. Printed and filled notice to be supplied for its issuance (1) Whenever it is necessary under the rules to issue a notice to a respondent under Order XLI, R. 14, Civil Procedure Code, the appellant shall simultaneously with the filing of the fee for the issue of such notice, file printed forms of such notices, duly filled up in the prescribed form the date of the appearance and the date of the notice being left blank.

(2) The information entered in the forms must be filled up in the Vernacular or in English in a bold, clear and easily legible handwriting.

(3) The date fixed for appearance will be inserted in the form and the notice will be dated and signed by an officer of the Court.

(4) The necessary number of the printed forms of notice in the prescribed form will be supplied to the appellants, or their advocates, free of cost on application by the Assistant concerned.

(5) The Registrar may, in his discretion, direct in any particular case that the forms of notice be entirely filled up in the office of the Court.

39. When steps not taken as required as above: If the fee for the issue of the notice to the respondent is not paid into Court in the manner provided by R. 35 or the deposit required under R. 36 is not made within the time allowed by that rule; or if the notice forms, duly filled up is not filed as provided in the last preceding rule, the appeal shall be placed before the Registrar who may, in his direction, either grant further time for making such payment, or deposit or filing the notice forms, or direct the appeal to be placed before the Court for orders.

40. When steps taken: If the process fee is paid and the notice forms are filed within the period prescribed by Rr. 36 and 38 or within the further period allowed by the Registrar of the Court, the notice in the prescribed form shall at once issue on the respondent.

41. Notice for service to be sent of appeal to the presiding officer of Court in whose jurisdiction respondent resides: If such respondent resides within the jurisdiction of the Court from whose decree or order the appeal is preferred, the notice to such respondent shall be sent to the Presiding Officer of such Court together with the proceeding of the High Court calling for the record.

42. Notice of respondent living outside territorial limits of High Court of Meghalaya to be sent through Deputy Registrar of such High Court: Notice for service on respondents or opposite parties residing in any district not within the territorial limits of High Court of Meghalaya the notice shall be sent by the Deputy Registrar of the High Court in whose territorial limits such notice is to be served. If, however, the opposite party or any of the parties to be served, resides in the same district but outside the jurisdiction of the Court from which the appeal, application, etc. comes, the notice shall be sent for service to the Court within whose jurisdiction the party resides, if known; if not known then to the Court from which the appeal or application comes, directing the letter to forward it to the proper Court within the jurisdiction of which the notice is to be served. The Court which serves any notice shall in every case make its return of service or of the failure of service (as the case may be), directly to the High Court.

43. When local jurisdiction in which respondents resides is not clear: Where the jurisdiction within which a party resides is not known, the notice in respect of such party shall be accompanied by a duplicate copy for the purpose of return of service.

44. Service of Notice by lower court: On receipt of the notice from the High Court, of appeal or application, the Lower Court shall cause their service without the payment of any further fee and without any further action by an appellant:

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

45. Notice to be returned within 21 days after service: The time allowed for service of the notice shall be specified therein by the Deputy Registrar not exceeding 21 days and shall commence from the date on which it is dispatched, which shall, in general, be the day on which the process-fee is deposited and the notice forms are filed.

46. Details of service of notice: The Lower Courts shall get the service of all notices done immediately on receipt thereof, and in their returns of service shall, in every instance, insert. (a) date of receipt of notice; (b) date of delivery to the serving officer; and (c) date of receiving it back from him.

47. When attempt to serve notice failed: It shall be the duty of the lower Court to cause the notice to be served in sufficient time before the date fixed, and, if such service be impracticable, to state, when returning it to the High Court, the reason

thereof. The lower Court shall satisfy itself that a valid service has been made, or that there has been a failure of service, and shall certify' such opinion with the reasons in case of failure of service. The certificate shall be accompanied by the return of service, or of failure to serve the notice, and declaration or the serving officer specifying the fact and mode of service of the reasons for non-service.

48. When 21 days time of service expires on holiday: The date to be fixed for hearing of the appeal shall be the 21s` day after the date on which the time for the service of notices expires; provided that if such day be a Sunday or holiday, the first open day next following shall be the date fixed for hearing.

49. When respondents are more than one: In an appeal in which more than one respondent is to be served with the notice under Order XL1, R. 14, Civil Procedure Code, the Deputy Registrar, in fixing the time for hearing of the appeal, shall fix the 21st day after the day fixed for the service of the notice of appeal on the respondents.

50. Service of notice on minor etc: how to be affected: When in an appeal or other proceeding the Court orders a notice to show cause to issue, such notice shall ordinarily be issued to all parties to such appeal or other proceeding and to any person whom it is proposed to make a party. If the person whom the notice is to issue is a minor, a person of unsound mind, or other disqualified person, it shall also be issued to the guardian or next friend of such person.

51. Paper book to be prepared by the appellant: In every case in which an appeal has been admitted, the appellant shall get paper-books prepared at his expense.

52. When Paper Book is ready: As soon as the paper-book is prepared and the appeal is ready for hearing it shall be listed for final hearing.

53. Weekly cause lists: The Deputy Registrar subject to any special orders passed the Chief Justice shall at the end of every week cause prepared and posted on the notice board of the Court the list of cases to be taken up by each Bench during the ensuing week. The list shall be called "Weekly Hearing Cause List" and a copy of the same shall be submitted to all the Judges:

Provided that in alternative a daily cause list shall be prepared and posted the notice board of the Court containing a list of cases to be taken up on the following day whenever so directed.

54. When the case not ready for hearing: Subject to any other orders of the Chief Justice, returnable cases, if otherwise ready, may be listed for hearing in the weekly hearing causes list or the daily cause list, on the returnable date. If not ready, these shall be listed in the daily list for orders on the returnable date.

55. Daily lists of cases to be listed before Registrar General: The daily cause list for the day on which the Registrar General sits shall include a list of the cases which will be taken up by him.

56. No notice of date of hearing required except cause list: If on the date fixed for the hearing of any appeal, application or other matter, it appears that the requisite notices have been served, and the matter is otherwise ready for hearing, the matter may be disposed of. If not disposed of, it shall come on for disposal in the ordinary course, and no notice of any date fixed for hearing shall be given other than its inclusion in the daily cause list, or the weekly hearing cause lists.

57. Appellant to submit summary etc. before hearing of appeal: At the time of final hearing of a Second Appeal the appellant shall submit in writing signed by him or his advocate the following:

(1) A very brief summary of the plaintiff's case as is material for the purpose of deciding the questions of law that will be urged by him.

(2) The appellant will give very briefly the defendant's case with reference to the questions of law to be urged.

(3) Findings of facts of the Court below on which the question of law urged depend –

(a) (Concurring)
(Reversing)

(b) - do -

(c) - do –

(4) The precise grounds of law that will be urged-

(a)

(b)

(c)

(5) The authorities that may be cited.

58. Part heard matters: A case which is part-heard, shall, unless otherwise ordered by a bench, be placed first in the daily cause list or the weekly hearing cause list for the day on which the Bench which has partly heard such case next sits for the disposal of that class of business.

59. When a Specially fixed case to be listed on top of list: Subject to R. 58, a case which is specially fixed for a particular day before a particular Bench shall be placed at the head of the list for that day.

60. Cases to be taken up in order of the list: The cases in the daily cause list or the weekly hearing cause list shall, unless the Bench otherwise directs, be called on and disposed of in their order on the list.

61. Old cases to be listed for hearing in the list before cases of subsequent years:

(1) Old cases shall be listed for hearing in the lists before the cases of subsequent years.

(2) Appeals from orders shall have precedence over other appeals in the weekly and daily for hearing.

62. Cases sent on remand: When an order has been made under Order XLI, R. 23 or 25, Civil Procedure Code, the Deputy Registrar shall make a note of the same in a register to be kept for the purpose, and he shall bring in the notice of the Registrar and case in which the Subordinate Court has not made a return to the order of remand within six months, or within such time as may have been specially ordered.

63. Objection within one week of finding received from lower court: On receipt of the finding of a lower Court in a case referred under Order XLI, R. 25, Civil Procedure Code, the Deputy Registrar shall notify to the advocate of the parties that any objection to such finding must be filed within one week from the date of the service of the notice.

64. Notice of decree drawn: Whenever by an order of a Court, the decree or order of a lower Court is modified or reversed or costs are fixed in any special sum not specified in the judgment, as soon as the decree or order has been drawn up, it will be the duty of the Assistant concerned to cause a notice to be issued to the advocates concerned or the parties, if acting in person, stating that such decree or order has been drawn up and that it may be perused by any party or his advocate within one week from the date of the issue of the notice.

65. Objection to decree drawn: When such notice has been issued, any party or his advocate may, before the expiry of the time prescribed in R.64, peruse the decree and either sign it or state his objection to the Judge or Judges, or one of them

who delivered the judgment, or if such Judge or Judges has or have ceased to be a Judge or Judges of the Court, or be absent on leave or furlough then before such Judge or Judges as the Chief Justice may appoint for that purpose.

66. Decree to be signed by Registrar, Deputy Registrar or Assistant Registrar:

(1) If no objection is filed in respect of decree drawn, on or before the date specified in the notice, the Registrar or when so authorized the Deputy Registrar or the Assistant Registrar having first dated the decree, as of the day when the judgment was delivered, shall sign it and seal it with the seal of the Court.

(2) In drawing up decree of the Court where appeal filed by minor is dismissed with costs, the Bench Assistant should be careful to make the next friend of the minor liable for such costs, unless the Court otherwise orders.

(3) In case where a minor is respondent and the decree of the Court below is reversed or altered, it shall be the duty of the Bench Assistant to call the attention of Court to that fact, so that special direction may be given as to the payment of costs.

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

68. Decree to be prepared in English: Every decree and order made by the High Court shall be drawn up in the English language.

69. Lower Court record to be sent back after decision of the case: Except when the Registrar otherwise directs, the records of the lower Court shall be sent down alongwith copy of this Court's Judgment/order, as soon as possible after the case has been disposed of.

70. Vakalatnama: No person shall receive instructions from any person other than an advocate, an Attorney, or the party himself, or a person holding a general power of attorney from him, or his servant or relation specially authorized in writing in that behalf. Where there are more parties than one, and they appear by separate Vakalatnamas, the Vakalatnama of one may be received from any other similarly authorized, but if they appear by one and the same Vakalatnama, it may be received from any one of them or from a person duly authorized by any one of them, without special authority from the others. When any Vakalatnama is filed by an advocate he shall endorse on the back of it the name of the person from whom it is received and if

such person is not the client himself, for an advocate, Attorney, or shall state the nature of the authority, with date, of that person.

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

72. Failure to pay Costs: In any case in which the party employing an advocate, or his agent, after the notice fails to pay the amount of the estimated costs for preparing brief necessary to enable the advocate to conduct the case properly, the advocate or advocates, after notice to such party or his agent, may withdraw from the case, provided that the leave is granted by the Court.

73. Court may order Advocate to refund fee of his Client: An advocate may also, for any other sufficient cause, or after such notice to his client as may enable him to appoint another advocate, with leave of the Court, but not otherwise, and on such terms as the Court may order as to refunding any fees he may have received, withdraw from the further conduct of the case.

74. Cancellation of Vakalatnama: A party desiring to cancel a Vakalatnama filed by him in any appeal or other proceeding in the Court must file a duly stamped and verified application for the orders of the Court.

75. Date of receiving Vakalatnama: The Deputy Registrar shall endorse the date of reception all Vakalatnama in all cases in the High Court in its appellate jurisdiction.

76. When Advocate attached to High Court does not attend office: The Deputy Registrar shall bring to the notice of the Registrar any wilful neglect on the part of the advocate attached to the High Court to attend at his office.

77. Issuance of urgent copy of order: In every civil matter in which the Court directs an order to be issued immediately, the Bench Assistant / Court Master shall at once draw up the order in the prescribed Form prescribed and after obtaining the signature of the Judges thereto, send it forthwith to The Deputy Registrar or the officer in charge of the Judicial Department, as the case may be, for its issuance. The

Deputy Registrar or the officer-in-charge of the Judicial Department shall issue the order upon payment of such fee as may be chargeable;

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

78. Defect in decree of Lower Court: The stamp reporter shall bring to the notice of the Deputy Registrar any irregularity committed by the lower Court in the preparation and endorsement of certified copy of the decree of such Court, the Deputy Registrar shall submit his report of such irregularity to the Registrar.

79. Records from the custody of other High Courts: Requisitions made under Order XLI, R. 10, Civil Procedure Code, for the production of records of cases pertaining to, and in the custody of other High Courts or Courts subordinate to such other High Courts should be addressed to such High Courts.

80. Substitution of legal representative of party died after passing of decree challenged: A party to a decree or order, desiring to appeal there from and to make the legal representative of a party who has died after the date of such decree or order, if such legal representative has not been made a party to any subsequent proceeding under such decree or order enter his name as a respondent in the memorandum of appeal if he presents therewith an application for leave to make such legal representative as respondent to the appeal and also an affidavit stating such facts as may be necessary in support of his application.

81. When Death of a party died before passing of a decree not in knowledge of appellant: A party to a decree or order desiring to appeal there from and to make the legal representative of a party who died after the judgment is reserved by the lower court but before the decree or order was made, if such legal representative has not been made a party to any subsequent proceedings under such decree or order, enter his name as a respondent in the memorandum of appeal if he presents therewith an affidavit showing that he did not know before the decree or order was made that such party had died or that he had no reasonable opportunity of informing the Court before such decree or order was made that such party was dead and stating such other facts as may be necessary in support of his application.

82. Appeal by the affected party e.g. administrators assignee etc:

Whenever by a decree or order which is appealable to the High Court the interest of—

(a) a beneficiary in property which at the date of such decree or order was as vested in or was in the possession of a trustee, executor, administrator or a receiver or manager appointed by a Court, who as such was a party to such decree or order, or

(b) a legal representative as such of a deceased party to such decree or order, or;

(c) an assignee of a party to such decree or order by assignment subsequent to date thereof, or

(d) a person whose interest arose after the date of such decree or order by reason of any creation or devolution of interest by, through or from any part to such decree or order, is affected, and such beneficiary, legal representative, assignee or, person was not or has not been made a party to such decree or order or to proceedings there under or thereon and desires to appeal there from, he may name himself in the memorandum of appeal as an appellant if along with such memorandum of appeal he presents an application for leave to make himself an appellant and an affidavit stating such facts as may be necessary to support of his application.

83. When death of party before filing appeal: Whenever after a memorandum of appeal has been presented to the Court any appellant or party interested in the maintenance of an objection under Order XL1, R. 22 o 26 ascertains that any party named in the memorandum of appeal had died before the appeal was presented he may apply for an order that the memorandum of appeal be amended by substituting his legal representative for the person who is dead, if along with his application he files an affidavits showing that the application is made with all reasonable diligence after the fact of the death of such person first came to his knowledge of his agent, if any, acting on his behalf in the litigation.

84. Registrar may extend time to file affidavit required under above rules 80 to 83: The Registrar may allow a reasonable time for the presentation of the affidavit required as above if it appears to him that the applicant could not, by the exercise of due diligence, have procured such affidavit in time for present action along with his application.

85. Rule 80 to 84 also to apply review and Revisions: Rules 80 to 84 shall as far as may be apply to appeals under the letters patent, to applications for review or revision and to application under Art. 228 of the Constitution and the cases transferred there under.

86. Arguments to be concluded within time allowed: At any time before or as soon as after the commencement of argument 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 argument 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.

NOTE :- The other Chapters and Appendix part is under preparation and to that extent Gauhati High Court Rules would continue to be followed till the next part is notified. Present Part – I consisting of Chapter – I to Chapter – VI shall be enforceable from the date it is notified, and all inconsistent rule to that extent in Gauhati High Court Rules shall stand repealed for the purposes of High Court of Meghalaya.

By Order,

REGISTRAR GENERAL