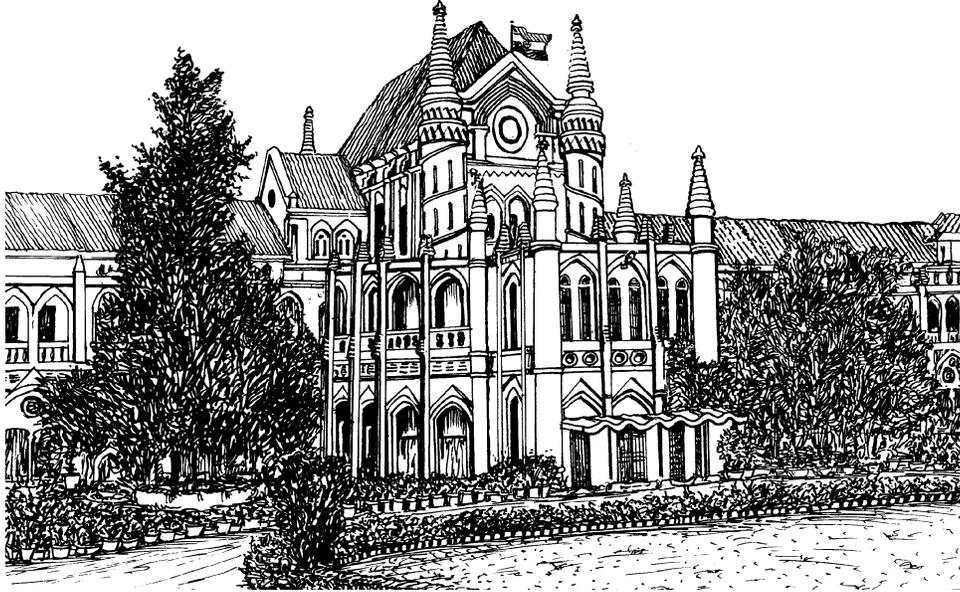


THE HIGH COURT OF MADHYA PRADESH  
RULES, 2008



## FOREWORD

The State of Madhya Pradesh was formed by the States Reorganisation Act, 1956, on 1st November, 1956 and the High Court of Judicature at Nagpur was deemed to be the High Court of the State of Madhya Pradesh with its Principal Seat at Jabalpur as per notified order of the President issued under the States Reorganisation Act, 1956. The Chief Justice of Madhya Pradesh also passed order creating temporary benches at Indore and Gwalior with effect from 1st of November, 1956. The rules with respect to practice and procedure of the High Court of Judicature at Nagpur, with necessary modifications, applied to the High Court of Madhya Pradesh by virtue of Section 54 of the States Reorganisation Act, 1956, and these rules have continued to be in force in the High Court of Madhya Pradesh since 1st of November, 1956.

During the last fifty years, Judges and Advocates have experienced the working of the Rules in practice and while acknowledging the great wisdom behind the rules, have felt the necessity of altering the rules for ensuring that justice is delivered to the people of Madhya Pradesh with greater speed and substantial justice is not thwarted by unnecessary technical rules.

With this end in view, a Sub Committee comprising Judges and Senior Advocates with experience and a Secretary, who has been Registrar (Judicial) for several years, started drafting the new Rules from June 2007. This Sub Committee met almost on all Saturdays and Sundays for more than a year in the committee room of the Principal Seat of the High Court of Madhya Pradesh at Jabalpur and prepared the draft rules. The draft rules were thereafter considered by a larger Rule Committee comprising more number of Judges and Seniors Advocates with long experience and the draft rules were amended after due deliberation. The draft rules were thereafter circulated to all the Judges of the High Court of Madhya Pradesh and to the Presidents of the four High Court Bar Associations at Jabalpur, Indore and Gwalior, inviting suggestions. The suggestions made by the Judges and the Bar Associations were considered by the Rule Committee and those suggestions which were found practically feasible were accepted and the new Rules were finalised by the Rule Committee on 7th of September, 2008, with the prior authorization of the Full Court of the High Court of Madhya Pradesh.

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The new Rules called “The High Court of Madhya Pradesh Rules, 2008”, however, do not contain the Rules to be made by the High Court under the special Acts and hence the existing rules made by the High Court under the special Acts will continue to remain in force till the new rules are made by the Rule Committee.

This book contains not only the High Court of Madhya Pradesh Rules, 2008 but also notified orders issued by the President and the orders issued by the Chief Justice of the High Court of Madhya Pradesh in the preface of the book and the different forms, as revised, in the Appendix of the Book.

The High Court of Madhya Pradesh Rules, 2008 will come into force from such date as the Chief Justice may, by notification in the official gazette, appoint and it has been proposed by the Rule Committee that the Chief Justice should notify 1st of November, 2008 as the date on which the High Court of Madhya Pradesh Rules, 2008 will come into force.

**14-09-2008**

**A.K. Patnaik  
Chief Justice.**

**FROM THE DESK OF CHAIRMAN,  
DRAFTING SUB-COMMITTEE.**

The Nagpur High Court was established on 2nd of January, 1936 by virtue of the Letters Patent, for the state of Central Province and Berar, at Nagpur. The existing set of Rules, in the High Court of Madhya Pradesh was inherited from Nagpur High Court. Later, the Constitution of India came into being on 26th of January, 1950. In the year 1951 Nagpur High Court promulgated Rules for proceedings under articles 226 and 227 of the Constitution of India. A separate set of Rules for the writs in the nature of *Habeas Corpus* were also introduced. On 1st of November, 1956 New State of Madhya Pradesh was formed and the Principal Seat of the High Court was shifted from Nagpur to Jabalpur. However, in view of the mandate of section 54 of the States Reorganization Act, 1956, the High Court of Madhya Pradesh continued with old set of Rules. Thus, the main body of rules governing practice and procedure in the High Court of Madhya Pradesh have been in vogue for past 70 years or so.

These Rules represented the so called Nagpur pattern of working in the Registry. Under this system, different branches and sections in the Registry were constituted on the basis of various stages, a case undergoes, during its life cycle. Accordingly, the Registry was divided into various sections like Filing section, Checker section, Cause list section, Notice section, Decree section and so on. The main drawback of this pattern was that it was extremely difficult to trace the record of a case. There was no way to fix responsibility, in case of a lapse.

Meanwhile, laws of practice and procedure in the Courts- on both Civil and Criminal sides underwent sea change. Successive Chiefs of Justice issued administrative orders and directions to fill the gaps in existing Rules as also to bring them in tune with the current trends of litigation in the High Court. True it is that sporadic amendments, as and when required, were incorporated in the Rules, yet, the High Court continued to function primarily on the basis of the administrative instructions, issued from time to time.

In the year 1996, under the orders of the Chief Justice, Delhi Pattern of working was introduced in the Registry. In this system, the Registry was divided into three main branches viz. civil, criminal and writ, on the basis of the nature of cases. Various sections like Copying section, Supreme Court section, Paper-book section, Record Room etc., common to all branches, were also constituted. Every case was allotted to a specific Dealing Assistant, who was made responsible for complying with all orders of the Court. This paradigm shift in

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the working of the Registry, however, did not get reflected in the Rules, as it was not incorporated therein.

By the year 2005, an estimated 80% of the work of the High Court was being conducted in accordance with the directions, issued by the Chief Justice and the existing Rules had almost become redundant. Since, these directions were not codified; an integrated or comprehensive picture of internal working of the High Court was not available to the stakeholders.

Hon'ble the Chief Justice Shri A.K. Patnaik realized the need to draft new set Rules and a meeting of the High Court Rule Making Committee was convened on 27th of September, 2006. A Drafting Sub-Committee comprising Hon'ble Shri Justice S.S.Jha, Hon'ble Shri Justice K.K.Lahoti, Shri Ravish Agrawal, the then Advocate General of Chhattisgarh, Shri T.S.Ruprah, Additional Advocate General and Shri Girish Shrivastava, Advocate was constituted. Shri C.V.Sirpurkar, Registrar (Judicial) was nominated as Secretary to the Sub-committee. The Sub-committee was entrusted with the task of taking into consideration the existing rules of the High Court, the draft Rules framed by the Secretary, Rules made by the Chhattisgarh High Court and the Case Flow Management Rules, 2006, to replace existing Rules. Subsequently, Shri Rajendra Tiwari, Senior Advocate and myself were nominated to the Sub-Committee. Shri Girish Shrivastava was substituted by Shri R.N.Shukla, Senior Advocate. Hon'ble Shri Justice S.S. Jha demitted office in October, 2007 and I succeeded his Lordship as Chairman of the Sub-Committee. After Hon'ble Shri Justice S.S.Jha laid down office, Hon'ble Shri Justice Rajendra Menon and Shri A.K.Saxena were inducted in the sub-committee.

The main challenge before the Sub-committee was to draft Rules that were most suitable for the requirements of the High Court and not to succumb to the temptation of drafting pedantic Rules, using flowery language. The Rules had to be clear, concise and unequivocal. They were to be drafted in such a manner that equilibrium between the bench, the bar and the registry was not disturbed. A fine balance between the requirements of law on one hand and practical difficulties on the other had to be struck. The Sub-committee was also required to keep the ground realities of working in the High Court in mind. A conscious attempt was made not to plagiarize the Rules from other High Courts.

The Sub-Committee met on almost all Saturdays and Sundays and also on some other holidays, since June, 2007 till the end of August, 2008. No less than 75 meetings of the Sub-Committee took place, each lasting 7 hours on an average. Most of the meetings were held in the Committee Room of the High Court in the Principal Seat at Jabalpur. The Secretary of the sub-committee used to prepare a draft of rules on laptop computer during the working days and

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submitted it for approval before the sub-committee, during holidays. The information and communication technology was put to full use in drafting the Rules. During the meetings, the Rules were displayed on the screen with the help of Projector. To facilitate working of the sub-committee, a comparative draft was presented. On the right hand side proposed rule was typed and on left existing rule was displayed. The portions to be deleted and new rules and proposed amendments were shown in different colours. A few meetings were held through video conferencing.

The Sub-committee deliberated intensively on each word, phrase and rule, taking into consideration relevant statutes and pronouncements of the Supreme Court and our own High Court. The sub-committee also consulted Law lexicon and myriad dictionaries so as to ensure that grammatical mistakes were eliminated. Due attention was also paid to punctuation marks. Required statutes and case law was made available to the sub-committee instantaneously, by using law related software like SCC online, AIR and STPL. Every member and even the Secretary of the sub-committee were given complete freedom to present their view point.

I will be failing in my duty if I do not make a mention of Hon'ble Shri Justice S.S. Jha, who was my predecessor as Chairman of the Sub Committee. The work of framing of the rules had started under his stewardship. It was his legacy which I carried forward. I express my gratitude to him for laying down the foundation of the work which the Committee had to further proceed with.

Brother Lahoti, Brother Menon and Brother Saxena were source of inspiration to me and they throughout very actively participated in every meeting of the Sub Committee alongwith Senior Advocates Shri Rajendra Tiwari and Shri Ravish Agarwal. All of them undertook their homework very seriously and my burden was considerably lightened. It was their immensely encouraging contribution and sincere dedication that paved the path of completing the work, assigned to us, in time. I can never forget their sincere co-operation and intellectual assistance in the drafting of the present Rules.

Brother Lahoti impressed me with his eye for details and innovative ideas, which often provided solution to the tricky problems. His experience of working as a lawyer in trial Courts has provided him rare insight. Brother Menon's cheerful disposition and equanimity had a calming influence on the proceedings of the Sub-committee. His superior knowledge and practical experience on writ side was of great help during the deliberations of the Sub-committee. Brother Saxena with his vast experience of working in the Law Department, as a trial Judge and later as a High Court Judge, single handedly took care of the rules on criminal side. He continued to amaze me with his uncanny ability to detect mistakes in the draft.

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Shri Rajendra Tiwari and Shri Ravish Agrawal Senior Advocates deserve special thanks as they sacrificed their lucrative practice and attended every meeting of the Sub-committee. Shri Rajendra Tiwari with his command over English language saw to it that the Rules were lucid and error free. He deservedly earned the soubriquet of Mr. Wren because of his proficiency in English grammar. Shri Ravish Agrawal was the last word as far as rules on the civil side were concerned. His dedication to the task at hand was unsurpassed. He participated in the meetings with full vigour, inspite of undergoing bypass surgery in December, 2007.

At this juncture I must acknowledge the contribution made by the Secretary Shri C.V. Sirpurkar, who worked tirelessly in multiple capacities as draftsman, research assistant and computer operator to the Sub-Committee. He entered all the relevant judgments, administrative directions and circulars in his laptop computer and made them available to the Sub-committee immediately. We benefited immensely from his long experience of working as Registrar (Judicial) of the High Court.

Meanwhile, the Rule Committee, which originally comprised Hon'ble the Chief Justice as Chairman, Hon'ble Shri Justice Deepak Verma, Hon'ble Shri Justice S.S. Jha, Hon'ble Shri Justice A.K. Mishra, Hon'ble Shri Justice K. K. Lahoti, The Advocate General, the Chairman State Bar Council, the President High Court Bar Association Jabalpur and Shri Rajendra Tiwari, Senior Advocate, was reconstituted from time to time. After transfer of Hon'ble Shri Justice Deepak Verma to the Karnataka High Court and the retirement of Hon'ble Shri Justice S.S. Jha, Hon'ble Shri Justice R.S. Garg, the Administrative Judge and Hon'ble Shri Justice Dipak Misra were nominated to the Rule Committee. Later Shri B.L. Pavecha and Shri R.D. Jain, Senior Advocates were included as representatives of the Benches at Indore and Gwalior respectively. Hon'ble Shri Justice S.S. Samvatsar was inducted as member of the Committee on 11th August, 2008.

The Rule Committee met as many as 5 times to finalize the Rules. In the Rule Committee the Chief Justice Shri A.K. Patnaik, added to the completeness of the Rules. My esteemed brothers Shri R.S. Garg, Administrative Judge, Shri Dipak Misra and Shri Arun Mishra, Shri S.S. Samvatsar and the Senior Advocates Shri B.L. Pavecha and Shri R.D. Jain painstakingly went through each rule drafted by the sub-committee and made numerous extremely valuable suggestions, which were duly incorporated in the Rules. I am indebted to them.

In the end I wish to express my sincere gratitude to our Chief Justice Hon'ble Shri A.K. Patnaik, without whose initiative and guidance the exercise

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of rule making would not have taken off, much less completed. His Lordship was constant source of encouragement and inspiration to all of us.

The magnitude of his Lordship's contribution can be gauged from the fact that such gigantic exercise was undertaken in the High Court after a lapse of at least 70 years, if not more.

We have done our work. The Rules are in your hands. Now, it is for you to formulate your opinion thereon. If there be any shortcomings, I owe them personally and would welcome all suggestions in this regard. If the effort is considered to be worthwhile, the credit must be collectively given to all the members of the Sub-committee and the Rule Committee.

**14-9-2008**

**Justice Abhay Manohar Sapre  
Chairman  
Drafting Sub-committee**

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## **HISTORY & CONSTITUTION OF THE HIGH COURT OF MADHYA PRADESH**

The present state of Madhya Pradesh was originally created as Central Province on 2/11/1861, as Judicial Commission's territory and was placed under the administration of Judicial Commissioner. At that time, the Judicial Commissioner's Court at Nagpur was the highest Court of the territory. When the Central Province was converted into a Governor's province in the year 1921, it became entitled to a full-fledged High Court for administration of Justice. However, financial & administrative difficulties, resulted in denial of a High Court to the province, for a period of about 15 years. In the year 1933, Berar, hitherto a part of Nizam's state of Hyderabad, was transferred to the Central Province, for administration. This gave the state its new name "Central Provinces & Berar". Thereafter, by virtue of the Letters Patent dated 2nd of January 1936, issued under Section 108 of the Government of India Act, 1915, by King Emperor, George the Fifth, Nagpur High Court was established for Central Provinces & Berar. The Letters Patent, whereunder the Nagpur High Court was constituted and invested with jurisdiction, continued in force even after adoption of the constitution of India on 26th of January 1950, by virtue of articles 225 & 372 thereof.

On 1st of November 1956, the States Reorganization Act was enacted and the new state of Madhya Pradesh was constituted under section 9 thereof. Sub-section (1) of Section 49 of the States Reorganization Act ordained that from the appointed day i.e., 1st of November 1956, the High Court exercising jurisdiction, in relation to the existing state of Madhya Pradesh, i.e. Nagpur High Court, shall be deemed to be the High Court for the present state of Madhya Pradesh. Thus, Nagpur High Court was not abolished but by a legal fiction it became The High Court for the new state of Madhya Pradesh, with its Principal seat at Jabalpur. The Chief Justice, vide order dated 1st of November 1956, issued in the exercise of powers under sub-section 3 of the States Reorganization Act, constituted temporary benches of the High Court of Madhya Pradesh at Indore and Gwalior. Later, by a Presidential Notification Dt. 28th of November 1968, issued in the exercise of the powers conferred by the Subsection (2) of section 51 of the States Reorganization Act, 1956, permanent benches of the High Court of Madhya Pradesh at Indore and Gwalior were established.

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This state of affairs continued till 1st of November 2000, when the state of Chhattisgarh was carved out of the existing state of Madhya Pradesh, by virtue of the provisions of the Madhya Pradesh Reorganization Act, 2000 and the High Court of Chhattisgarh was established for that state with its seat at Bilaspur. The High Court of Madhya Pradesh, with its Principal Seat at Jabalpur, then became High Court for the successor state of Madhya Pradesh.

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## **RULE COMMITTEE**

<b>Hon'ble Shri A.K. Patnaik, The Chief Justice</b>	<b>Chairman</b>
Hon'ble Shri Justice R.S. Garg	Member
Hon'ble Shri Justice Dipak Misra	Member
Hon'ble Shri Justice A.K. Mishra	Member
Hon'ble Shri Justice A.M. Sapre	Member
Hon'ble Shri Justice K.K. Lahoti	Member
Hon'ble Shri Justice S.S. Samvatsar	Member
Hon'ble Shri Justice Rajendra Menon	Member
Hon'ble Shri Justice A.K. Saxena	Member
Shri R.N. Singh, Advocate General	Member
Shri Rameshwar Neekhra, Chariman, State Bar Council	Member
Shri Adarsh Muni Trivedi, President, High Court Bar Association, Jabalpur	Member
Shri Rajendra Tiwari, Senior Advocate	Member
Shri Ravish Agrawal, Senior Advocate	Member
Shri B.L. Pavecha, Senior Advocate	Member
Shri R.D. Jain, Senior Advocate	Member
Shri R.N. Shukla, Senior Advocate	Member
Shri T.S. Ruprah, Additional Advocate General	Member
Shri C.V. Sirpurkar (H.J.S.)	Secretary

## **DRAFTING SUB-COMMITTEE**

<b>Hon'ble Shri Justice S.S. Jha</b>	<b>Chairman</b> (Up to 12-10-2007)
<b>Hon'ble Shri Justice Abhay Manohar Sapre</b>	<b>Chairman</b>
Hon'ble Shri Justice K.K. Lahoti	Member
Hon'ble Shri Justice Rajendra Menon	Member
Hon'ble Shri Justice A.K. Saxena	Member
Shri Rajendra Tiwari, Senior Advocate	Member
Shri Ravish Agrawal, Senior Advocate	Member
Shri R.N. Shukla, Senior Advocate	Member
Shri T.S. Ruprah, Additional Advocate General	Member
Shri C.V. Sirpurkar (H.J.S.)	Secretary

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## PREFACE

(I) In exercise of the powers conferred by sub-section (1) of section 51 of the States Reorganization Act, 1956, the President of India issued order dated 27th October, 1956\*, appointing Jabalpur to be the Principal Seat of the High Court of Madhya Pradesh.

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### \*MINISTRY OF HOME AFFAIRS

### NOTIFICATION

*New Delhi-2, the 27th October, 1956*

S.R.O. 2514. – In exercise of the powers conferred by sub-section 51 of the States Reorganisation Act, 1956 (37 of 1956) the President hereby directs that the principal seat of the High Courts for the New States mentioned below shall be at the place mentioned against each State.

---

New state	Principal Seat of the High Court
Bombay	Bombay
Madhya Pradesh	Jabalpur
Punjab	Chandigarh
Kerala	Ernakulum
Mysore	Bangalore
Rajasthan	Jodhpur

---

**(II) Establishment of the Temporary Benches** - In exercise of the powers conferred by sub-section (3) of section 51 of the States Reorganisation Act, 1956 and with approval of the Governor of Madhya Pradesh, the Chief Justice issued order dated 1st of November, 1956\*\* establishing temporary Benches of the High Court at Indore and Gwalior.

---

**\*\* HIGH COURT OF MADHYA PRADESH**

**NOTIFICATION**

*Jabalpur, the 1st November, 1956*

**No. I/56** – In exercise of the powers conferred by sub-section (3) of section 51 of the States Reorganisation Act, 1956, (No. 37 of 1956) and with the approval of the Governor of Madhya Pradesh, the Honourable the Chief Justice of the Madhya Pradesh High Court is pleased to direct that temporary Benches of the High Court of Madhya Pradesh will also sit temporarily at Indore and Gwalior, until further orders.

R.G. Trivedi  
Registrar,  
High Court of Madhya Pradesh

**(III) Territorial Jurisdiction of the Judges in the Principal Seat -** The Judges sitting in the Principal Seat at Jabalpur shall exercise the jurisdiction and power for the time being vested in the High Court, in respect of cases arising in all revenue districts of the State of Madhya Pradesh, except those excluded by two Presidential orders dated 28th of November 1968.

**(IV) Territorial Jurisdiction of the Judges in the Benches -** In exercise of the powers conferred by sub-section (2) of section 51 of the States Reorganization Act, 1956 (37 of 1956), the President of India, by orders\*\*\* dated 28th of November, 1968 and 23rd of June 1971-

- (1) has established permanent Benches of the High Court at Indore and Gwalior;
  - (2) has directed that such Judges of the High Court, being not less than two in number as the Chief Justice may from time to time nominate, shall sit at each of the aforesaid two places;
  - (3) has further directed that such Judges sitting at -
    - (a) Indore, shall exercise the jurisdiction and power for the time being vested in the High Court, in respect of cases arising in revenue districts of Indore, Ujjain, Dewas, Dhar, Jhabua, Ratlam, Mandsaur, West Nimar (Khargone), Shajapur and Rajgarh;
    - (b) Gwalior, shall exercise the jurisdiction and power for the time being vested in the High Court, in respect of cases arising in revenue districts of Gwalior, Shivpuri, Datia, Guna, Vidisha (Bhilsa), Bhind and Morena;
  - (4) has invested the Chief Justice with the power to order that any case or class of cases arising in any such district shall be heard at Jabalpur or at Indore or Gwalior as the case may be.
-

**\*\*\*Government of India Ministry of Home Affairs**

*New Delhi, the 28th November, 1968.*

**NOTIFICATION**

The following Order made by the President is published for general information:

**ORDER**

In exercise of the powers conferred by sub-s. (2) of S. 51 of the States Reorganisation Act, 1956 (37 of 1956), I, Zakir Hussain, President of India, after consultation with the Governor of Madhya Pradesh and the Chief Justice of the High Court of Madhya Pradesh, hereby establish a permanent Bench of the Madhya Pradesh High Court at Gwalior and further direct that such Judges being not less than two in number, as the Chief Justice may from time to time nominate, shall sit at **Gwalior** in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the revenue districts of Gwalior, Shivpuri, Datia, Guna, Vidisha (Bhilsa), Bhind and Morena:

Provided that the Chief justice may, for special reasons, order that any case or class of cases arising in any such district shall be heard at Jabalpur.

Zakir Hussain  
President.

New Delhi,  
November 18, 1968.

H H H H

NO.11/3/71-Judl. (B)

**Government of India  
Ministry of Law and Justice  
(Deptt. of Justice)**

*New Delhi-1, the 23rd June, 1971, Asad, 1893.*

**NOTIFICATION**

The following order made by the President is published for general information:-

**O R D E R**

In exercise of the powers conferred by Sub-section (2) of Section 51 of the States Reorganization Act, 1956 (37 of 1956), I, Varahagiri Venkata Giri,

President of India, after consultation with the Governor of Madhya Pradesh and the Chief Justice of the High Court of Madhya Pradesh hereby direct that the following amendment shall be made in the Order dated 18th November, 1968, published with the notification of the Government of India in the Ministry of Home Affairs No.G.S.R.2098, dated the 28th November, 1968, (and which was republished in the Gazette of India dated the 7th December, 1968) as G.S.R.2129, namely:-

In the said order, for the existing proviso, the following proviso shall be substituted, namely:-

“Provided that the Chief Justice may order that any case or class of cases arising in any such district shall be heard either at Jabalpur or at Gwalior.”

New Delhi,  
June 13, 1971  
Jyaistha 23, 1893.

Sd/-  
V.V.Giri,  
President

H H H H

## **Government of India Ministry of Home Affairs**

*New Delhi, the 28th November, 1968.*

### **NOTIFICATION**

The following Order made by the President is published for general information.

### **ORDER.**

In exercise of the powers conferred by sub-s. (2) of S. 51 of the States Reorganisation Act, 1956 (37 of 1956). I, Zakir Hussain, President of India, after consultation with the Governor of Madhya Pradesh and the Chief Justice of the High Court of Madhya Pradesh, here by establish a permanent Bench of the Madhya Pradesh High Court at Indore and further direct that such Judges of the High Court of Madhya Pradesh, being not less than four in number, as the Chief Justice may from time to time nominate, shall sit at Indore in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the revenue districts of Indore, Ujjain, Dewas, Dhar, Jhabua, Ratlam, Mandsaur, West Nimar (Khargone), Shajapur and Rajgarh:

Provided that the Chief Justice may, for special reasons, order that any case or class of cases arising in any such district shall be heard at Jabalpur.

New Delhi,  
November 18, 1968.

Zakir Hussain  
President.

H H H H

NO.11/3/71-Judl. (B)

**Government of India**  
**Ministry of Law and Justice**  
**(Deptt. of Justice)**

*New Delhi-1, the 23rd June, 1971, Asad, 1893.*

**NOTIFICATION**

The following order made by the President is published for general information:-

**ORDER**

In exercise of the powers conferred by Sub-section (2) of Section 51 of the States Reorganization Act, 1956 (37 of 1956), I, Varahagiri Venkata Giri, President of India, after consultation with the Governor of Madhya Pradesh and the Chief Justice of the High Court of Madhya Pradesh hereby direct that the following amendment shall be made in the Order dated 18th November, 1968, published with the notification of the Government of India in the Ministry of Home Affairs No.G.S.R.2099, dated the 28th November, 1968, (and which was republished in the Gazette of India dated the 7th December, 1968 as G.S.R.2130), namely:-

In the said order, for the existing proviso, the following proviso shall be substituted, namely:-

“Provided that the Chief Justice may order that any case or class of cases arising in any such district shall be heard either at Jabalpur or at Indore.”

New Delhi,  
June 13, 1971  
Jyaistha 23, 1893.

Sd/-  
V.V.Giri,  
President

H H H H

**(V) Vires Matters to be Heard in the Principal Seat** - In exercise of the powers conferred by the Presidential order, the Chief Justice by orders\*\*\*\* dated 3-2-1976, has directed that -

- (1) except those cases for which he may order otherwise, all petitions under article 226/227 of the Constitution of India, challenging the vires of any Act or statute, or any order or rule or regulation made under any Act or statute or
- (2) all individual cases which he may thereafter order  
- arising from the revenue districts falling under the territorial jurisdiction of the Benches at Indore and Gwalior, shall be heard in the Principal Seat at Jabalpur.

---

\*\*\*\* In exercise of the powers conferred on me by the proviso to the Notification No. 16/20/68-Judl. III, dated November 28, 1968 issued by the President under S. 51(2) of the States Reorganization Act, 1956 (No. 37 of 1956) establishing a permanent Bench of the Madhya Pradesh High Court at Gwalior; and in supersession of all previous orders so far issued in exercise of the powers under the aforesaid proviso,

I hereby order that with effect from February 5, 1976 till further orders only the following cases arising from the revenue districts of Gwalior, Shivpuri, Datia, Guna, Vidisha (Bhelsa), Bhind and Morena, except those cases for which I may otherwise order, shall be heard at Jabalpur:

- (1) All petitions under Arts. 226/227 of the Constitution .challenging the vires of any Act or statute or any order or rule or regulation made under any Act or statute,
- (2) All individual cases which I may hereafter order to be heard at Jabalpur.”

(Shiv Dayal)  
Chief Justice  
5-2-1976

H H H H

In exercise of the powers conferred on me by the proviso to the Notification No. 16/20/68-Judl. III, dated November 28, 1968 issued by the President under S. 51(2) of the States Reorganization Act, 1956 (No. 37 of 1956) establishing a permanent Bench of the Madhya Pradesh High Court at Indore;

And in supersession of all previous orders so far issued in exercise of the powers under the aforesaid proviso,

I hereby order that with effect from February 5, 1976 till further orders only the following cases arising from the revenue districts of Indore, Ujjain, Dewas, Dhar, Jhabua, Ratlam, Mandsaur, West Nimar (Khargone), Shajapur and Rajgarh, except those cases for which I may otherwise order, shall be heard at Jabalpur:

- (1) All petitions under Arts. 226/227 of the Constitution .challenging the vires of any Act or statute or any order or rule or regulation made under any Act or statute,
- (2) All individual cases which I may hereafter order to be heard at Jabalpur.

(Shiv Dayal)  
Chief Justice

H H H H

**(VI) Cases Instituted by or against Judges etc.-** In exercise of powers conferred by the Presidential order, the Chief Justice by order\*\*\*\*\* dated 3-8-2005, has directed that all cases -

- (1) instituted by or against any Judge of the High Court of Madhya Pradesh or against Registrar General, Registrar, Additional Registrar, Deputy Registrar of this Court, relating to any matter;
- (2) relating to selection or appointment of a Judicial Officer,
- (3) instituted by or against a Judicial officer or Ex-Judicial Officer of Madhya Pradesh relating to his or her service.
- (4) instituted by or against an employee of High Court or District Court relating to his service

- shall be heard in the Principal Seat of the High Court at Jabalpur.

---

**\*\*\*\*\* HIGH COURT OF MADHYA PRADESH  
JABALPUR  
ORDER**

In supersession of orders of my predecessor dated 25-4-1981 (Endt. No. 1-8-4/56 Pt. VII) and dated 5-8-1993 (Endt. No. I-8-4/56 Pt. VII) and in accordance with order of my predecessor dated 3-2-1976 issued under proviso to the Notification No. 16-20/68-Judl-III, dated November 28, 1968, issued by the President under Section 51(2) of the States Reorganisation Act, 1956 (36 of 1956) I hereby order that –

1. all cases instituted by or against any High Court Judge of Madhya Pradesh or against Registrar General, Registrar, Additional Registrar, Deputy Registrar of this Court, relating to any matter,
2. all cases relating to selection or appointment of a Judicial Officer,
3. all cases instituted by or against a Judicial Officer or Ex Judicial Officer of Madhya Pradesh relating to his or her service,
4. all cases instituted by or against an employee of High Court or District Court relating to his or her service,

- shall be heard in the Principal Seat at Jabalpur.

This order shall also apply to pending cases.

R.V. RAVEENDRAN  
CHIEF JUSTICE  
3-8-2005.

**(VII) Constitution of Green Benches** - Pursuant to the order dated 26-7-1996 passed by the Supreme Court in Writ Petition (Civil) No. 330/95, the Chief Justice by orders dated 12-8-96 and 1-3-2006\*\*\*\*\*, has directed that the matters relating to environmental pollution arising from the revenue districts falling under the territorial jurisdiction of the Principal Seat and the Benches shall be heard and disposed of by the respective division benches hearing Public Interest Litigation as per roster, in the Principal Seat at Jabalpur and Benches at Indore and Gwalior.

Such benches shall be called the “Green benches”.

---

\*\*\*\*\* In partial modification of the Order dated 12-8-1996, relating to constitution of “Green Bench”, it is directed that Division Bench hearing PIL in the Benches at Indore and Gwalior shall henceforth be Green Bench for the matters related to environmental pollution, arising out of its territorial jurisdiction.

The cases pending on the date of this order, before the Green Bench at Jabalpur, arising out the territorial jurisdiction of Benches at Indore or Gwalior shall stand transferred to respective Benches.

(A.K. Patnaik)

CHIEF JUSTICE  
1-3-2006.

H H H H

## PREAMBLE

In exercise of powers conferred by articles 225 of the Constitution of India, section 54 of the States Reorganisation Act, 1956, clauses 27 and 28 of the Letters Patent, section 3 of the Madhya Pradesh Uchcha Nyayalaya (Khandpeeth Ko Appeal) Adhiniyam, 2005, the High Court of Madhya Pradesh hereby makes the following Rules, regulating practice and procedure of the High Court:

## CHAPTER I

### PRELIMINARY

- 1. Nomenclature** - These Rules may be called the High Court of Madhya Pradesh Rules, 2008.
- 2. Application** - These Rules shall come into force on such date as the Chief Justice may, by notification in the Official Gazette, appoint and different dates may be appointed for enforcement of different rules.
- 3. Seal of the High Court** - The High Court may use, as occasion may arise, a seal bearing a device and impression of the Asoka Capital within an exergue or label surrounding the same, with the following inscriptions at convenient places, namely, “The High Court of Madhya Pradesh” and “Satyameva Jayate” in Devanagari script.
- 4. Definitions** – In these Rules, unless there is anything repugnant in the subject or context –
  - (1) **“Assigned Case”** means a case assigned by the Chief Justice to a particular Judge, a bench or a bench headed by a particular Judge.
  - (2) **“Civil Case”** means a case except a criminal case.
  - (3) **“Criminal Case”** means a case enumerated in rule 1 (4) of chapter II of these Rules.
  - (4) **“Full Bench”** means a bench comprising three or more Judges as may be nominated by the Chief Justice.
  - (5) **“Held up Case”** means a main case in which proceedings in the lower Court or Tribunal are held up either because –
    - (a) a stay has been granted, or
    - (b) the record of lower Court or Tribunal has been requisitioned - by the High Court.

- (6) **“High Court”** means the High Court of Madhya Pradesh.
- (7) **“Interlocutory Application”** means an application filed in a pending main case, praying for relief, interim or otherwise from the Court or the Registrar, except an application made on administrative side to the Chief Justice or the Registrar.
- (8) **“Main Case”** means a case classified in chapter II of these rules.
- (9) **“Memorandum of Appeal”** shall include a petition of appeal in a criminal matter.
- (10) **“Mention Memo”** means a written request made to the Court for out of turn listing or early hearing of a main case for an interim relief on the ground of urgency.
- (11) **“Not Reached or Left Over Case”** means a case which could not be or was not, for whatever reason, taken up for hearing on the day of listing.
- (12) **“Part-heard Case”** means a case in which bipartite hearing of a main case has commenced but not concluded, irrespective of the stage (motion or final) at which such hearing commenced and is marked “part-heard” by the Court.
- Provided that an interlocutory application, heard in part, shall not be treated as part heard.
- (13) **“Peremptory Order”** means a judicial order passed by the Court directing any of the parties to take a step or perform an act specified in the order, in the prosecution or defence of the case, within the period stipulated therein, ordaining that in the event of failure to comply therewith, a specified consequence shall follow without further reference to the Court.
- (14) **“Prescribed”** means prescribed under these Rules or by circulars or administrative orders, issued from time to time by the Chief Justice.
- (15) **“Public Interest Litigation”** connotes litigation undertaken for the purpose of redressing public injury or grievance, enforcing public duty or vindicating public interest but shall not include a matter involving individual, personal or private grievances.
- (16) **“Recognized Courier Service”** means a courier service approved by the Chief Justice by a general or special order.
- (17) **“Registrar”** means the Registrar (Judicial) in the Principal Seat

of the High Court and Registrar in the Benches and includes the Additional Registrar or any other officer who is a member of Higher Judicial Service of the State, with respect to such powers, functions and duties of the Registrar as may be assigned to him by the Chief Justice.

- (18) **“Regular Bench”** means the bench hearing particular class of cases as per current roster.
- (19) **“Regular Public Interest Litigation”** means a writ petition purported to have been filed in public interest, following relevant provisions of law and rules, in the presentation centre of the High Court.
- (20) **“Roster”** means a notification issued by or under the orders of the Chief Justice, assigning particular class (es) of cases to Judges of the High Court for a specified or unspecified period.
- (21) **“Taxing Judge”** means a Judge of the High Court, appointed under section 5 of the Court Fees Act, 1870, by the Chief Justice.
- (22) **“Taxing Officer”** means a Registrar, declared as Taxing Officer by the Chief Justice under Section 5 of the Court Fees Act, 1870.
- (23) **“Tied-up Matter”** means a matter, which, by virtue of any law, rule, order or judgment, is required to be heard by a particular Judge or bench and includes –
- (1) an assigned case;
  - (2) a part heard case;
  - (3) repeat application for bail or suspension of sentence;
  - (4) an application for cancellation of bail or suspension of sentence granted by the High Court;
  - (5) an application for grant of leave to appeal to Supreme Court;
  - (6) an application under section 340 of the Code of Criminal Procedure, 1973;
  - (7) an application for review of a final order or judgment;
- but shall not include an application for stay/interim relief, review/recall of an interlocutory order or for vacation/modification of stay/interim relief.

## CHAPTER II

### CLASSIFICATION OF CASES

**1.** Cases shall ordinarily be classified and abbreviated as follows -

**(1) Arbitration**

- (a) Arbitration Appeal ..... AA
- (b) Arbitration Case ..... AC
- (c) Arbitration Revision ..... AR

**(2) Civil**

- (a) Civil Revision ..... CR
- (b) Contempt Appeal ..... CONA
- (c) Contempt Petition Civil ..... CONC
- (d) First Appeal ..... FA
- (e) Miscellaneous Appeal ..... MA
- (f) Miscellaneous Civil Case ..... MCC
- (g) Review Petition ..... RP
- (h) Second Appeal ..... SA

**(3) Company**

- (a) Company Appeal ..... COMA
- (b) Company Petition ..... COMP
- (c) Miscellaneous Company Appeal ..... MCOMA

**(4) Criminal**

- (a) Criminal Appeal ..... CRA
- (b) Criminal Reference ..... CRRF
- (c) Criminal Reference (Capital Punishment) ..... CRRFC
- (d) Criminal Revision ..... CRR
- (e) Contempt Petition (Criminal) ..... CONCR
- (f) Miscellaneous Criminal Case ..... MCRC

**(5) Election**

- (a) Election Petition ..... EP

**(6) Taxation**

- (a) Central Excise Appeal ..... CEA
- (b) Foreign Exchange Management Appeal ..... FEMA
- (c) Income Tax Appeal ..... ITA
- (d) Tax Reference ..... TR
- (e) Value Added Tax Appeal ..... VATA
- (f) Wealth Tax Appeal ..... WTA

**(7) Writ Cases**

- (a) Writ Appeal ..... WA
- (b) Writ Petition ..... WP

- Note-**
- (1) (a) A writ petition pertaining to a service matter shall be characterized by letter 'S' within brackets, placed after the year of institution. e.g. W.P. No. .... of 2008 (S)
  - (b) A writ petition pertaining to a criminal matter including habeas corpus shall be characterized by letters 'Cr' within brackets, placed after the year of institution. e.g. W.P. No. .... of 2008 (Cr)
  - (c) A writ petition challenging an interlocutory / interim orders passed by a Court or tribunal subordinate to the High Court, shall be characterized by letter 'I' within brackets, placed after the year of institution. e.g. W.P. No. .... of 2008 (I)
  - (d) A writ petition by way of public interest litigation, shall be characterized by letters 'PIL' within brackets, placed after the year of institution. e.g. W.P. No. .... of 2008 (PIL)
  - (2) All other writ petitions shall be registered in following manner:  
"W.P. No. .... of 2008".
  - (3) In all writ petitions to be heard by division bench, characters DB shall be written in brackets wherever institution number is mentioned in the record. e.g. W.P. No. .... of 2008 (PIL) (DB):  
Provided that the Chief Justice may, by an order, add any class to or delete any class from the above classification.

**2. Arbitration Appeal - Ordinarily, following appeals shall be registered as an Arbitration Appeal-**

- (1) An appeal under section 39 of the Arbitration Act, 1940;
- (2) An appeal under section 37, 50 or 59 of the Arbitration and Conciliation Act, 1996.

**3. Arbitration Case** - An application under section 11 of the Arbitration and Conciliation Act, 1996, shall be registered as an Arbitration Case.

**4. Arbitration Revision** - A revision under section 19 of the Madhya Pradesh Madhyastham Adhikaran Adhiniyam, 1983, shall be registered as an Arbitration Revision.

**5. Civil Revision** - Ordinarily following categories of cases shall be registered as a Civil Revision-

- (1) revision under section 23-E of the M.P. Accommodation Control Act, 1961;
- (2) revision under section 115 of the Code of Civil Procedure, 1908;
- (3) revision under section 392 or 441-F of the M.P. Municipal Corporation Act, 1956;
- (4) revision under section 26 of the M.P. Municipalities Act, 1961;
- (5) revision under section 75 of the Provincial Insolvency Act, 1920;
- (6) revision under sections 25 of the Provincial Small Cause Courts Act, 1887;
- (7) revision under section 83 (9) of the Wakf Act, 1995; or
- (8) any other revision of civil nature, provided or permissible under any other law for the time being in force.

**6. Contempt Appeal** - An appeal under section 19 of the Contempt of Courts Act, 1971 shall be registered as a Contempt Appeal.

**7. Contempt Petition (Civil)** - A petition under article 215 of the Constitution of India and/or Section 12 of the Contempt of Courts Act, 1971, shall be registered as a Contempt Petition (Civil).

**8. First Appeal** - Ordinarily following Civil Appeals shall be registered as a First Appeal -

- (1) an appeal under section 96 of the Code of Civil Procedure, 1908;
- (2) an appeal under order XXI rule 58 (4) or 103 of the Code of Civil Procedure, 1908;

- (3) an appeal under section 55 of the Indian Divorce Act, 1869;
- (4) an appeal under section 19 of the Family Courts Act, 1984;
- (5) an appeal under section 28 of the Hindu Marriage Act, 1955;
- (6) an appeal under section 54 of the Land Acquisition Act, 1894;
- (7) an appeal under section 47 of the Parsi Marriage and Divorce Act, 1936;
- (8) an appeal under section 27 (3) of the M.P. Public Trust Act, 1951;
- (9) an appeal under section 75 of the Provincial Insolvency Act, 1920;
- (10) an appeal under section 39 of the Special Marriage Act, 1954;
- (11) an appeal under section 32(9) of the State Financial Corporation Act, 1951; or
- (12) any other civil appeal provided against an original decree or an order having force of decree.

**9. Miscellaneous Appeal** - Ordinarily following civil appeals shall be registered as a Miscellaneous Appeal-

- (1) an appeal under section 32 of the M.P. Accommodation Control Act, 1961;
- (2) an appeal under section 104 read with order 43 rule 1 of the Code of Civil Procedure, 1908;
- (3) an appeal under section 16 of the Electricity Regulatory Commission Act, 1998;
- (4) an appeal under section 82 of the Employees State Insurance Act, 1948;
- (5) an appeal under section 47 of the Guardian and Wards Act, 1890;
- (6) an appeal under section 173 of the Motor Vehicles Act, 1988;
- (7) an appeal under section 75 of the Provincial Insolvency Act, 1920;
- (8) an appeal under section 23 of the Railways Claims Tribunal Act, 1987;
- (9) an appeal under section 11 of the Requisition and Acquisition of Immovable Properties Act, 1952;
- (10) an appeal under section 299 or 384 of the Indian Succession Act, 1925;

- (11) an appeal under section 41 of the M.P. Vidyut Sudhar Adhiniyam, 2000;
- (12) an appeal under section 30 of the Workmen Compensation Act, 1923; or
- (13) any other appeal of civil nature, provided or permissible against an order under any other law for the time being in force.

**10. Miscellaneous Civil Case** - Ordinarily following matters shall be registered as a Miscellaneous Civil Case -

- (1) an application for restoration/readmission/rehearing;
- (2) an application under order 44 rule 1 of the Code of Civil Procedure, 1908;
- (3) an application for grant of certificate for appeal to Supreme Court;
- (4) an application for grant of probate, letters of administration, letters of administration with will annexed or succession certificate under the Indian Succession Act, 1925;
- (5) an application under section 24 of the Code of Civil Procedure, 1908;
- (6) an application under rule 25 of chapter XIII of these Rules;
- (7) a reference or an application under section 10 of the Contempt of Courts Act, 1971;
- (8) any other application of civil nature, not falling under any of the specified categories, which is not interlocutory to any proceeding.

**11. Review Petition** - An application under order 47 Rule 1 of the Code of Civil Procedure, 1908 or an application for the review / recall / modification/ clarification of a final order or judgment passed in any proceeding shall be registered as a Review Petition.

**12. Second Appeal** - Ordinarily following civil appeals shall be registered as a Second Appeal -

- (1) an appeal under section 100 of the Code of Civil Procedure, 1908;  
or
- (2) any other appeal of civil nature provided or permissible under any law, for the time being in force, against an appellate decree.

**13. Company Appeal** - An appeal under section 483 of the Companies Act, 1956, shall be registered as a Company Appeal.

**14. Company Petition** - Ordinarily following petitions or references shall be registered as a Company Petition-

- (1) a reference under section 20 of the Sick Industrial Companies (Special Provisions) Act, 1985; or
- (2) petitions under section 101, 391, 394, 439, 583 or 584 of the Companies Act, 1956.

**15. Miscellaneous Company Appeal** - An appeal under section 10F of the Companies Act, 1956 or an appeal under rule 164 of the Companies (Court) Rules, 1959 shall be registered as a Miscellaneous Company Appeal.

**16. Criminal Appeal** - Ordinarily following cases shall be registered as a Criminal Appeal-

- (1) an appeal under section 341 of the Code of Criminal Procedure, 1973;
- (2) an appeal under section 351 of the Code of Criminal Procedure, 1973;
- (3) an appeal under section 374 of the Code of Criminal Procedure, 1973;
- (4) an appeal under section 377 of the Code of Criminal Procedure, 1973;
- (5) a miscellaneous criminal case under section 378 of the Code of Criminal Procedure, 1973, after grant of leave to appeal by the Court;
- (6) an appeal under section 449 (ii) of the Code of Criminal Procedure, 1973;
- (7) an appeal under section 454 of the Code of Criminal Procedure, 1973; or
- (8) any other criminal appeal provided or permissible under any other law, for the time being in force.

**17. Criminal Reference** - A reference under section 395 of the Code of Criminal Procedure, 1973, shall be registered as a Criminal Reference.

**18. Criminal Reference (Capital Punishment)** - A reference under section 366 of the Code of Criminal Procedure, 1973, shall be registered as a Criminal Reference (Capital Punishment).

**19. Criminal Revision** - Ordinarily, following cases shall be registered as a Criminal Revision:

- (1) a revision under sections. 397 (1) and/or 401 of the Code of Criminal Procedure, 1973;

**Explanation:** An application filed by a private person against acquittal or for enhancement of sentence shall be registered as criminal revision.

- (2) a revision under section 19 (4) of the Family Courts Act, 1984; or
- (3) any other criminal revision, provided or permissible under any other law for the time being in force.

**20. Contempt Petition (Criminal)** - A case under section 14 or 15 (2) of the Contempt of Courts Act, 1971 shall be registered as a Contempt Petition (Criminal).

**21. Miscellaneous Criminal Case** - Ordinarily, following matters shall be registered as a Miscellaneous Criminal Case:

- (1) an application u/s 378 (3) or (4) of the Code of Criminal Procedure, 1973;
- (2) an application under section 407 of the Code of Criminal Procedure, 1973;
- (3) an application under sections 438 or 439 of the Code of Criminal Procedure, 1973;
- (4) an application under section 439 (2) of the Code of Criminal Procedure, 1973 or
- (5) an application under section 482 of the Code of Criminal Procedure, 1973.

**22. Election Petition** - A petition under section 81 of the Representation of Peoples Act, 1951, shall be registered as an Election Petition.

**23. Central Excise Appeal** - An appeal under section 35G.of the Central Excise Act, 1944 shall be registered as a Central Excise Appeal.

**24. Foreign Exchange Management Appeal** - An appeal under section 35 of the Foreign Exchange Management Act, 1999 shall be registered as a Foreign Exchange Management Appeal.

**25. Income Tax Appeal** - An appeal under section 260A.or 269H.of the Income Tax Act, 1961 shall be registered as an Income Tax Appeal.

**26. Tax Reference** - All references under statutes relating to taxation shall be registered as a Tax Reference.

**27. Value Added Tax Appeal** - An appeal under section 53(1) of the Value Added Tax Act, 2002 shall be registered as a Value Added Tax Appeal.

**28. Wealth Tax Appeal** - An appeal under section 27-A of the Wealth Tax Act, 1957 shall be registered as a Wealth Tax Appeal.

**29. Writ Appeal** - An appeal under section 2(1) of the Madhya Pradesh Uchcha Nyayalaya (Khand Nyayapeeth Ko Appeal) Adhiniyam, 2005, shall be registered as a Writ Appeal.

**30. Writ petition** - Ordinarily following cases shall be registered as a Writ petition-

- (1) a petition filed under article 226 and/or 227 of the Constitution of India, and
- (2) any other matter directed by the Chief Justice to be registered as Writ Petition.

**31.** Any other case filed in the High Court which does not fall in any of the aforesaid categories may be classified and registered in accordance with special or general orders of the Chief Justice passed in that behalf.

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**CHAPTER III**  
**TERRITORIAL JURISDICTION OF THE PRINCIPAL SEAT**  
**AND THE BENCHES**

**1.** All main cases shall be presented in Principal Seat or the Benches, as the case may be, strictly in accordance with Presidential orders regarding territorial jurisdiction or the orders of the Chief Justice, passed from time to time.

**2.** A writ petition pertaining to the territorial jurisdiction of Indore or Gwalior Bench may be filed in the Principal Seat at Jabalpur, only with the orders of the Chief Justice.

An application in this regard, filed by the petitioner, shall be placed before the Chief Justice on administrative side.

**3.** If the Registry finds that a case pertaining to some other Bench has been filed, the Registry shall make a note accordingly and place the matter before the appropriate bench for orders.

**4.** Where a bench, in the Principal Seat at Jabalpur or the Benches at Indore or Gwalior, on an objection taken by the Registry or otherwise, is of the opinion that a main case posted before it, had arisen from a revenue district falling within the territorial jurisdiction of some other Bench or the Principal Seat, it may record its opinion and return the main case for its presentation at proper place for orders, after retaining one complete set of the main case.

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**CHAPTER IV**  
**CONSTITUTION AND JURISDICTION OF BENCHES**

**A. Civil Matters**

**Single Bench**

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

- (1) **Arbitration Appeal** - Arbitration appeals, except those specified under rule 2(1) of this chapter.
- (2) **First Appeal** - A first appeal from a judgment and decree or an order/award having force of decree except those specified under rule 2(3) of this chapter.
- (3) **Miscellaneous Appeal** - All miscellaneous appeals, against original/ appellate orders or awards irrespective of the valuation, specified under rule 9 of chapter II, of these Rules except an appeal under section 47 of the Guardian and Wards Act, 1890.
- (4) **Second Appeal** - A second appeal from an appellate judgment and decree.
- (5) **Appeal Relating to Costs** - An appeal relating to costs only.
- (6) **Civil Revisions** - All civil revisions specified in rule 5 of chapter II of these Rules except those required to be heard by a division Bench under any enactment.
- (7) **Transfer Applications** - Applications under sections 22, 23 and/ or 24 of the Code of Civil Procedure, 1908.
- (8) **Suits** - A suit invoking extraordinary original civil jurisdiction of the High Court.
- (9) **Proceedings of Civil Nature** - a proceeding of a Civil nature under an Act of the Central or State Legislature, coming before the Court in the exercise of its original jurisdiction e.g. under the Indian Trust Act, 1882, Indian Companies Act, 1956, the Indian Divorce Act, 1869 and the Indian Succession Act, 1925 or any other law for the time being in force.
- (10) **Election Petition** - an election petition under the Representation of Peoples Act, 1951.

- (11) **Writ Petitions** - all writ petitions under articles 226 and / or 227 of the Constitution of India except those specified under rule 2(7) of this chapter.
- (12) **Residuary** - All **appeals, petitions or applications** under any enactment, except those required to be heard by a division bench.

### **Division Bench**

**2.** The following matters shall be heard and disposed of by a bench comprising two Judges, i.e. a division bench-

- (1) **Arbitration appeal** - An arbitration appeal specified under rule 2 of chapter II of these Rules, where valuation of appeal is above Rs. 25,00,000/- (Twenty Five lac).
- (2) **Company appeal** - A company appeal under section 483 of the Companies Act, 1956.
- (3) **First Appeal** - A first appeal under –
- (a) section 96 of the Code of Civil Procedure, 1908, against a judgment and decree passed in a –
    - (i) ‘A’ class suit where valuation of appeal is above Rs. 3,00,000/- (Rs.Three lac), or
    - (ii) ‘B’ class suit, where the claim in appeal is above Rs. 5,00,000/- (Rs. Five lac)
  - (b) section 19 of the Family Courts Act, 1984;
  - (c) section 55 of the Indian Divorce Act; 1869;
  - (d) section 28 of the Hindu Marriage Act, 1955;
  - (e) section 54 of the Land Acquisition Act, 1894; where award has been made upon a reference under section 18 or section 30, and the claim in appeal is above Rs. 5,00,000/- (Rs Five lac);
  - (f) section 47 of the Parsi Marriage and Divorce Act, 1936;
  - (g) section 39 of the Special Marriage Act, 1954; and
  - (h) section 32(9) of the State Financial Corporation Act, 1951, where the claim in appeal is above Rs. 5,00,000/- (Rs. Five lac).

**Explanation-** The value of cross-objection filed in any such appeal shall not be included in the value of the appeal. However, if the

value of the cross objection exceeds Rs.5,00,000/- ((Rs. Five lac) the appeal as well as the cross-objection shall be heard by a division bench.

- (4) **Miscellaneous Appeal** - A miscellaneous appeal under section 47 of the Guardian and Wards Act, 1890.
- (5) **Reference** - A reference under section 113 read with order XLVI, rule 1 of the Code of Civil Procedure, 1908.
- (6) **Revision** - A revision under section 19 of the Madhya Pradesh Madhyastam Adhikaran Adhiniyam, 1983.
- (7) **Writ Petition** - A writ petition -
  - (a) filed in public Interest including those registered on a letter petition or otherwise;
  - (b) challenging the vires of any Act or statute, or any order or rule or regulation made under any Act or statute;
  - (c) challenging interlocutory or final orders passed by Administrative Tribunals constituted under article 323-A of the Constitution of India;
  - (d) challenging interlocutory or final orders passed by subordinate Courts or tribunals, where no appeal or revision is provided;
  - (e) relating to admission to and recognition / affiliation of professional educational courses;
  - (f) in the nature of habeas corpus including all writ petitions pertaining to illegal detention;
  - (g) relating to Income Tax, Central excise, Customs Duty, Entry Tax, and Value Added Tax;
  - (h) relating to contract/tender concerning Government/public undertakings/local bodies/ statutory bodies; and
  - (i) relating to environmental pollution.
- (8) **Taxation Reference or Appeal** - A reference or appeal relating to taxation.
- (9) **Writ Appeal** - A writ appeal under section 2 (1) of the Madhya Pradesh Uchcha Nyayalaya (Khand Nyayapeeth Ko Appeal) Adhiniyam, 2005:

Provided that the division bench shall comprise two Judges

other than the Judge, from whose judgment or order, the appeal is preferred.

- (10) An **appeal, petition or application** which by any enactment or any judgment/order is required to be heard by a division bench.

## **B. Criminal Matters**

### **Single Bench**

**3.** The following matters shall be heard and disposed of by a Judge sitting alone -

- (1) **Criminal Appeal** - All criminal appeals, except those specified in rule 4 (1) of this chapter.
- (2) **Criminal Revision** - All criminal revisions except those specified in rule 4 (4) of this chapter.
- (3) **Transfer Application** - An application for transfer of a criminal case from one subordinate Court to another.
- (4) **Bail Application** - An application under section 438 or 439 of the Code of Criminal Procedure, 1973.
- (5) **Cancellation of Bail** - An application for cancellation of bail granted by lower Court or by a single bench.
- (6) **Application Invoking Inherent Powers** - An application under section 482 of the Code of Criminal Procedure, 1973.
- (7) **Proceedings in Original Jurisdiction** - A proceeding coming before the Court in the exercise of its ordinary or extraordinary original criminal jurisdiction except Criminal Contempt matters under the Contempt of Courts Act, 1971.
- (8) **Residuary** - All other applications or references under the Code of Criminal Procedure, 1973 or any other law for time being in force, except those falling within the jurisdiction of division bench.

### **Division Bench**

**4.** The following matters shall be heard and disposed of by a division bench-

- (1) **Appeal against Conviction or Reference** - An appeal or reference in a case in which sentence of death or imprisonment for life has been passed, including all interlocutory applications filed therein.

- (2) **Application for Leave to Appeal** - An application for leave, filed under sub-section (3) of Section 378 of the Code of Criminal Procedure, 1973, in respect of offences punishable with sentence of death or imprisonment for life.
- (3) **Appeal against Acquittal** - An appeal under Section 378 of the Code of Criminal Procedure, 1973, from a judgment/order of acquittal in respect of offences punishable with sentence of death or imprisonment for life.
- (4) **Revision by a Private Party** - A revision filed by a private party under section 397 of the Code of Criminal Procedure, 1973 or a suo motu revision entertained under section 401 of the Code of Criminal Procedure, 1973 against acquittal in respect of offences punishable with sentence of death or imprisonment for life and triable by a Court of Session.
- (5) **Notice for Enhancement of Sentence** - A proceeding in which notice has been issued to accused who has been sentenced to imprisonment for the term of 5 years or more, to show cause why the sentence should not be enhanced.
- (6) **Notice for Alteration of Conviction** - A proceeding in which notice is issued to a convicted person requiring him to show cause why his conviction should not be altered to one for an offence or offences punishable only with death or imprisonment for life.
- (7) **Appeal under S. 377 Cr.P.C.** - An appeal under section 377 of the Code of Criminal Procedure, 1973 against an accused who has been sentenced to undergo imprisonment for a period of 5 years or more.
- (8) **Appeal against Conviction for Offences against the State** - Appeals from conviction for offences against the State (Chapter VI of the Indian Penal Code) punishable with imprisonment for life.
- (9) **Reference** - A Reference under section 395 of the Code of Criminal Procedure, 1973.
- (10) **Contempt** - A criminal contempt under Contempt of Courts Act, 1971.
- (11) **Contempt Appeal** - An appeal under section 19 of the Contempt of Courts Act, 1971.

- (12) **Appeal against Conviction under P.C. Act** - An appeal arising from a judgment passed in a criminal case under the provisions of the Prevention of Corruption Act, 1988.
- (13) **Residuary** - All other appeals, revisions, applications or references under the Code of Criminal Procedure, 1973 or any other law for the time being in force, falling within the jurisdiction of division bench.

### **Full Bench**

- 5.** The following matters shall be heard and decided by a full bench -
- (1) reference under Section 57 and 60 of the Indian Stamp Act, 1899;
  - (2) matters which are required by any enactment to be heard and decided by a full bench;
  - (3) any other matter as may be referred to a full bench.
- 6.** A full bench shall ordinarily comprise three Judges but may be of higher number of Judges, in pursuance of an order of the Chief Justice.
- 7.** Notwithstanding anything contained in these rules, the Chief Justice may direct that any case or class of cases be heard by a particular number of Judges, unless otherwise provided by any statute.

### **Reference to a Larger Bench**

- 8.**
- (1) A single bench or a division bench may refer any proceeding, pending before it, to the Chief Justice with a recommendation that it be placed before a larger bench where it involves a substantial question of law of general importance.
  - (2) In such proceeding, the referring Judge (s) may formulate question (s) and may either refer such question (s) for opinion or may request that entire proceeding be heard and decided by the larger bench.
  - (3) Where a Judge sitting alone while hearing a case is of the opinion that for the decision of that case, an earlier decision of coordinate or larger bench of this Court needs reconsideration, he may formulate question (s) and refer the same to the Chief Justice with a recommendation that it be placed before a larger bench.
- 9.** After the reference is answered by the division bench or the larger bench, the case shall be placed before the Chief Justice for listing before the appropriate bench for hearing and decision in accordance with the opinion of the division bench or larger bench, as the case may be.

**10.** Where, in a civil matter heard by a division bench, the Judges comprising the bench differ on any point (s) and -

- (1) formulate such point (s); the proceeding shall be placed before the Chief Justice who shall nominate one or more of other Judge (s) to deliver the opinion on such point (s);
- (2) do not formulate point (s); the Chief Justice may request the division bench to formulate point (s). After such formulation, the Chief Justice shall nominate one or more of other Judge (s) to deliver the opinion on such point (s);
- (3) The referee Judge (s) may after hearing deliver his (their) opinion on the point (s) referred. Such opinion shall be placed before the division bench, which shall decide the case in accordance with the opinion of the majority of Judges who have heard the matter.

**11.** Where, in a criminal matter, heard by a division bench, the Judges comprising the bench are divided in opinion, the matter, shall be placed before the Chief Justice who shall nominate another Judge. The matter shall then be placed before that Judge, with the opinions of the Judges differing, who shall deliver his opinion after hearing and the judgment or order shall follow that opinion:

Provided that if one of the Judges constituting the bench, or where the matter is laid before another Judge, under this rule, that Judge so requires, the matter shall be reheard and decided by a larger bench to be constituted by the Chief Justice.

**12.** Where a division bench or a full bench while hearing a case is of the opinion that for the decision of that case, an earlier decision of coordinate or larger bench of this Court needs reconsideration, it may formulate question (s) and refer the same to the Chief Justice with a recommendation that it be placed before a larger bench. The referring bench shall thereafter, dispose of the case in accordance with the opinion of the larger bench on the referred question (s).

### **Review Petition**

**13.** (1) (a) Save as provided in sub-rule (ii), an application for review, clarification or modification of a judgment, decree or final order, passed by a Judge or Judges shall be heard by the same Judge or Judges:

Provided that such application filed in respect of an interlocutory order in a pending case shall be posted before the regular bench.

- (b) An application for review, clarification or modification of a judgment, decree or final order, passed by a Judge or Judges who or one or more of whom, for whatever reason, are not available and in the opinion of the Chief Justice, the application, looking to the urgency of the matter, cannot wait for such Judge or Judges to resume work, shall be heard -
- (i) if the decree or order, review of which is applied for, is passed by a Judge sitting alone, by the regular division bench,
  - (ii) if the said decree or order was passed by two or more Judges, by a bench comprising as many Judges as the bench of whose decree or order, a review is applied for, to be constituted by the Chief Justice. Such bench shall, however, include the Judge or Judges who were part of the bench whose decree or order is under review, if available.
- (2) (a) Any application seeking a review, clarification or modification of a judgment, decree or order/award, passed by a bench of Lok Adalat, shall be placed before the same bench at any subsequent Lok Adalat for consideration.
- (b) Where any of the members comprising such bench is/are not available, the application shall be placed before the Chief Justice for constitution of a bench of Lok Adalat for consideration.
- (c) Where there is no settlement by consent on the application for review before the Lok Adalat, the same shall be placed before a division bench of which the Judge presiding over the bench of Lok Adalat, shall be a member, if available.

### **General**

**14. Part-heard case** - A part-heard case shall be listed before the same Judge (s):

Provided that if the case is not disposed of within 6 months from the date on which it was first heard in part, it shall be deemed to have been released and be listed before the regular bench, unless otherwise directed by the Chief Justice.

**15. Subsequent applications for Bail** - All subsequent applications under sections 389(1), 438 and 439 of the Code of Criminal Procedure, 1973, shall be

listed before the same Judge/bench who/which had decided the first application, even if earlier application was dismissed for want of prosecution, or dismissed as not pressed or withdrawn.

**16. Tied up Matters** - Whenever a Judge is not available for any reason and in the opinion of the Chief Justice, a matter tied up to him, looking to its urgency, is required to be decided early and cannot wait, it shall not be treated as tied up and may be listed before another bench, as per directions of the Chief Justice.

**17. Application for Restoration** - An application for restoration of a main case dismissed in default shall be listed before the regular bench i.e. before the bench hearing same class of main cases as per roster.

**18. Company Cases** - All company cases cognizable by a Judge sitting alone, shall be listed before the Judge, nominated for the time being as company Judge by the Chief Justice.

**19. A Request u/s. 11 Arbitration and Conciliation Act** - A request under sub-section (4); or sub-section (5); or sub-section (6) of section 11 of the Arbitration and Conciliation Act, 1996, shall be dealt with by the Chief Justice or by the Judge of High Court designated by the Chief Justice by a general or special order.

**20. Contempt petition (civil)** - Contempt petition (civil) in respect of final orders passed by the High Court shall be listed before the single bench and division bench hearing contempt petitions as per roster. Contempt petition (civil) in respect of interlocutory and interim orders passed by the High Court, where the main case is pending, shall be listed before the single bench or division bench hearing the main case as per roster along with the main case.

**21. Contempt Petitions (civil) upon a Reference** - Contempt petitions (civil) registered upon a reference made by a Court subordinate to the High Court, shall be listed before the Judge hearing miscellaneous civil cases as per roster.

**22.** Notwithstanding anything hereinbefore contained in these Rules, the Chief Justice may, by a special or general order, direct a particular case (s) or a particular class (es) of cases to be listed before a particular bench.

## CHAPTER V

### REGISTRY

#### (A) Powers, Duties and Functions of the Registrar

1. (1) The following powers in relation to civil and criminal proceedings, in addition to those conferred by other rules are delegated to the Registrar –
  - (a) to refund security deposit, after disposal of a case, where no order to the contrary has been passed by the Court;
  - (b) to return documents filed in the High Court, after disposal of the case, in accordance with order XIII rule 9 of the Code of Civil Procedure, 1908;
  - (c) to decide all matters relating to service of notice or other processes and to pass orders dispensing with notice under order 41 rule 14 (3) (Madhya Pradesh High Court Amendment dated 16-9-1960) or (4) of the Code of Civil Procedure, 1908 or under any other enactment for the time being in force;
  - (d) to allow an application under order XXII rules 2, 3 & 4 and 10 of the Code of Civil Procedure, 1908 and to amend the record, if necessary, except in cases under appeal to the Supreme Court of India;
  - (e) to decide an application for the correction of memorandum of appeal, application for revision or petition as regards the description of a party as major or minor;
  - (f) to decide an application to appoint or discharge a next friend or guardian *ad litum* of a minor or a person of unsound mind, to correct the record accordingly and to direct deposit and furnish accounts of funds for the conduct of the proceedings;
  - (g) to call for further deposit under order XLV rule 10 of the Code of Civil Procedure, 1908, when the deposit already made by the appellant in an appeal to the Supreme Court is inadequate to defray the cost of preparing the record;
  - (h) to order payment of interest accruing on the security deposited under order XLV rule 7 of the Code of Civil Procedure, 1908 and to order a refund of balance, if any, under order XLV rule 12 of the Code of Civil Procedure, 1908 or any other enactment for the time being in force;
  - (i) to direct in which of the news-papers the publication referred

to in order XLV rule 9-A of the Code of Civil Procedure, 1908, shall be made, unless specifically directed by the Court;

- (j) to require any memorandum of appeal, petition, application or other document presented to the Court or to the Registrar to be amended in accordance with the procedure of the Court;
- (k) to require any person or party to file an affidavit with respect to an application or the matter in respect of which the Registrar has power to exercise any discretion or to make any order;
- (l) in the absence of any direction of the Court to the contrary, to withhold at his discretion, delivery of certified copy of order granting interim relief or stay of any other nature affecting the rights of the opposite party, to any person, who has failed to pay process fee or to take any other step directed by the Court;
- (m) to call for records and documents from subordinate Courts or any tribunal in accordance with these Rules;
- (n) to dispose of requisitions by subordinate Courts for records and documents;
- (o) to dispose of applications for copies of pending records or parts thereof;
- (p) to pass an order under order XLI rule 22 (3) of Code of Civil Procedure, 1908, for the service of a copy of the cross objection on the party;
- (q) to make a reference to the Court for renewal of bank guarantee, fixed deposit receipts and other deposits/securities made under the orders of the Court, a month before the date of its/their expiry;
- (r) to decide application for substituted service;
- (s) to dispose of an application for delivery of documents from the record of a pending case, to the commissioner appointed by the Court, after complying with the provisions of order XIII rule 9 of the Code of Civil Procedure, 1908;
- (t) to decide applications by third parties for return of documents in accordance with order XIII rule 9 of the Code of Civil Procedure, 1908;

- (u) to decide applications for the issue of a certificate regarding any excess Court fee paid under a mistake;
- (v) to decide an application for engaging a translator or interpreter from the panel approved by the Chief Justice;
- (w) to allow an application for change or discharge of advocate;
- (x) to reconstruct the record with the approval of the Chief Justice, in case the record is lost or irretrievably misplaced;
- (y) to pass orders in all matters in civil and criminal cases pertaining to default of process fee, paper book costs, furnishing of address in respect of service of notice, non-compliance with Registrar's orders in respect of office matters ; submission of service report on affidavit in case of 'humdust' service; default of identical copies, default of security amount, service of notice, default of publication charges and non-compliance of the Court's orders and default of appearance of accused persons who are on bail, provided that every such case in which the Registrar is of the opinion that the default should not be condoned shall be placed for orders before the appropriate bench;
- (z) to pass orders on non-appearance of accused persons on bail:

Provided that every such case in which the Registrar is of the opinion that the default should not be condoned shall be placed for orders before the appropriate bench;

- (aa) to dispose of an application for condonation of delay upto 30 days in payment of process fee, except in case of peremptory orders and in cases where an interim relief has been granted *ex-parte*;
- (ab) to scrutinize all cases containing elements of settlement with a view to ascertain as to whether there is any possibility of settlement through any of the modes provided in Section 89 of the Code of Civil Procedure, 1908;
- (ac) (i) to decide an application for dispensing with the production of more than one certified copy of the judgment/order, in terms of proviso to rule 16 (4) of chapter X of these Rules,
  - (ii) to decide an application for dispensing with the

production of more than one copy of order passed on one bail application where more than one bail applications have been filed in respect of that order.

- (2) Where any of the directions of the Registrar, made under sub-rule (1) is not complied with, the Registrar shall post the matter before the Court, which may, if deemed fit in the circumstances of the case, extend time for rectification of the defect.
- (3) The Registrar may, at his discretion, refer any matter under sub-rule (1) to the Court for orders.
- (4) Nothing in this rule shall be deemed to authorize the Registrar to make an order of dismissal of a proceeding for default or for any other reason or empower the Registrar to decide a contested application.

In the event of a written contest to such application, it shall be placed before the Court.

### **(B) Taxing Officer**

**2.** The Taxing Officer shall decide finally all questions relating to Court fees.

**3.** When the scrutiny assistant considers that any document filed in the presentation centre is insufficiently stamped, he shall record his opinion with reasons therefor. This report shall be brought to the notice of the advocate representing the party concerned who will note thereon whether he accepts or disputes the accuracy thereof. If he raises a dispute, the matter shall be placed before the Taxing Officer, notice of the date being given to the advocate concerned.

Thereafter the Taxing Officer shall, after hearing the advocate, decide the dispute and such decision shall be final, except where the question, in the opinion of the Taxing Officer, is one of general importance. In that case, he shall refer it for final decision to the Taxing Judge.

**4.** Whenever the scrutiny assistant or any officer of the Court discovers that a document which ought to bear a stamp under the Court Fees Act, 1870, has through mistake or inadvertence been received in a lower Court without being sufficiently stamped, following procedure shall be adopted-

- (1) The scrutiny assistant or the officer, as the case may be, shall record his opinion with reasons therefor and submit the same to the Taxing Officer.

- (2) The Taxing Officer, on being prima facie satisfied as to the correctness of the opinion, shall bring it to the notice of the advocate, representing the party.
- (3) After hearing the advocate, if the Taxing Officer considers that the opinion recorded is correct, he shall cause the case to be laid before the appropriate bench for decision on the question of deficiency in the Court-fee paid in the lower Court.
- 5.** (1) Whenever the Court-fee payable on any document in respect of which the question of limitation arises is found deficient, the Taxing Officer will pass an order either certifying that in his opinion the understamping is or is not bonafide or stating that he is not in a position to decide the point. If the deficient fees are paid before the limitation expires, the document will be treated as properly stamped. If the deficient fees are not paid before limitation expires, the case will be placed before the Court after a week from the date of Taxing Officer's order. If in that time the party filing the document or his advocate files an application under Section 149 of the Code of Civil Procedure, 1908, to the Court which shall, in cases where the Taxing Officer certifies the under-stamping to be bonafide, normally extend the time.
- (2) Whenever a case is put to the Court in accordance with the above, a statement in the following form shall be endorsed on the order-sheet over the Registrar's signature.
- (a) Court fees paid Rs.....
- (b) Court fees payable Rs.....
- (c) Difference Rs.....
- (d) Time expired .....
- (e) The Taxing Officer –
- (i) certifies the deficiency as bonafide.
- or
- (ii) certifies the deficiency as not bonafide.
- or
- (iii) was not able to grant a certificate.
- (f) Application under Section 149 Code of Civil Procedure, filed within .....days from Taxing Officer's certificate.

- 6.** (1) The Registrar may permit clerical errors in any memorandum of appeal or memorandum of objections under order XLI rule 22 or 26 of Code of Civil Procedure, 1908 or in any application, petition, return, rejoinder, reply or affidavit produced in any proceedings in the Court to be corrected on an application supported by affidavit of the affiant. Such correction shall be made in the case of –
- (a) an affidavit, by filing a fresh affidavit of the affiant;
  - (b) a document, by the party or advocate producing the document.
- (2) Every correction made under sub-rule (1) shall be attested by the Registrar permitting the correction.

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## CHAPTER VI

### ROSTER

1. A Judge shall ordinarily sit singly or in a bench of two or more at the place of sitting (Jabalpur, Indore or Gwalior) assigned to him and dispose of Civil or/and Criminal work in accordance with the roster approved by the Chief Justice.
2. A bench comprising three or more Judges shall be notified by a special roster.
3.
  - (1) The roster shall be prepared by the Registrar in accordance with directions of the Chief Justice.
  - (2) The roster may contain general or special instructions for assigning work of a bench which is not available, to another bench.
  - (3) The roster shall be notified to all Judges, Advocate General and the concerned Bar Associations and shall also be ported on the official web site of the High Court.
4.
  - (1) In order to meet contingencies, the Chief Justice may from time to time direct the Registrar to prepare roster instructions or amendments for redistribution of judicial work.
  - (2) The roster instructions and amendments shall be prepared in such a manner as to ensure that no judicial time is wasted.
  - (3) After approval, such roster instruction /amendment shall be notified to all Judges, Advocate General and the concerned Bar Associations and shall also be ported on the official web site of the High Court.
5. Where a bench directs listing of a case before –
  - (1) another bench, the Registrar shall place the matter before the Chief Justice for orders;
  - (2) a particular bench and the case can be listed before that particular bench according to roster, rules or a binding precedent; the Registrar shall list the case before that bench, otherwise he shall place the matter before the Chief Justice for orders; or
  - (3) an appropriate bench as the Registry had erred in listing the case before that bench, the Registrar shall determine the bench before which the case ought to be listed as per roster, rules or a binding

precedent; otherwise he shall place the matter before the Chief Justice for orders.

**6.** Except as provided in the rule 30 of chapter XIV or unless specifically directed by the Chief Justice in writing, no case, other than a tied up matter, shall be listed before a bench in contravention of the roster.

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## CHAPTER VII

### WORKING HOURS AND VACATION

#### Working Hours

1. (1) **Courts :** Except on holidays and during vacation, the Courts shall function everyday and transact judicial work between 10.30 A.M. and 4.30 P.M. There shall be a recess from 1.30 P.M. to 2.00 P.M.
- (2) **Registry :** Except on Registry holidays, the Registry shall function between 10.00 A.M. and 5.00 P.M. There shall be a recess from 1.30 P.M. to 2.00 P.M..

#### Vacations

2. Except as mentioned in succeeding rules, the Courts shall remain closed during summer and winter vacations for such period as may be notified by the Chief Justice.
3. The Chief Justice may nominate one or more Judges as Vacation Judges to hear matters of urgent nature during vacation.
4. The vacation sittings shall ordinarily take place on Monday and Thursday or on such other days as may be notified by the Chief Justice.
5. No application, petition or appeal except the following, shall be presented or received during vacation-
  - (1) Jail appeals under section 383 of the Code of Criminal Procedure, 1973.
  - (2) Applications, petitions and appeals wherein an urgent relief has been prayed for, accompanied by an application for urgent hearing during vacation.
  - (3) Applications under section 389 (1), 438 or 439 of the Code of Criminal Procedure, 1973:

Provided that no repeat application for bail or suspension of sentence shall be filed or received during vacation. Such application, if filed before vacation, may, however, be posted before the bench or the Judge to which it is tied up, if that bench or Judge is sitting during vacation.
6. During vacation, a main case, other than an application under section 438 or 439 of the Code of Criminal Procedure, 1973, shall be listed and heard only on applications for urgent hearing and urgent relief.

**7.** The Chief Justice may, as and when required, constitute a division bench for hearing of urgent civil or criminal matters during vacation.

**8.** Registrar shall ordinarily sit on the days of vacation sittings or on such other days as may be directed by the Chief Justice by a special or general order, for rectification of defects in such cases as are otherwise fit to be listed during vacation as per rule 5 of this chapter.

**9.** A Judge Sitting alone as a vacation Judge, may exercise the original and appellate jurisdiction vested in the Court in the matters which are required by virtue of any rules framed by the High Court to be heard by a bench of two or more Judges-

- (1) in any criminal proceeding other than one mentioned in rule 4(1) to (12) of Chapter IV of these Rules;
- (2) in any matter which he considers urgent.

However, the vacation Judge sitting alone shall not exercise such jurisdiction -

- (a) where the matter is required by virtue of any law to be heard by a bench of two or more Judges; or
- (b) where a division bench is sitting on that day.

**CHAPTER VIII****VAKALATNAMA AND MEMO OF APPEARANCE****Vakalatnama**

**1.** No advocate shall act, appear or plead for any person in any civil proceedings, unless he has been appointed, by a document in writing for the purpose, by such person or by his recognized agent, bearing his signature or where he is unable to sign, his duly attested thumb impression or other mark, in terms of order III rule 2 of the Code of Civil Procedure, 1908, except as provided under rule 8 of this chapter.

Provided that an advocate holding the vakalatnama can authorize another advocate to appear merely for the purpose of pleading before the Court on a particular date in terms of first proviso to rule 2 of the Rules framed by the High Court under section 34(1) of the Advocates Act, 1961.

**2.** A vakalatnama filed by a Government undertaking or any body corporate shall be signed by the appropriate authority with official seal.

**3.** A party, engaging an advocate not stationed at Jabalpur, Indore or Gwalior in a case instituted at such place, shall also engage a local advocate to appear, act and plead.

**4.** Every vakalatnama shall be filed in accordance with rule 2 of the Rules framed by the High Court under Section 34(1) of the Advocates Act, 1961.

**5.** The Registry shall ensure that every vakalatnama -

- (1) is filed on foolscap size ledger paper, one side of the paper being used;
- (2) mentions the name, age, father's name and address of the person (s) appointing the advocate;
- (3) contains State Bar Council Enrolment Number, postal address, telephone number and e-mail address (if any) of the advocate accepting the vakalatnama, for service;
- (4) mentions name of the person (s) executing the vakalatnama and advocate accepting the same, below their respective signatures;

**6.** The Court-fees and Adhivakta Kalyan Nidhi Stamps shall be pasted on the header of the vakalatnama, without overlapping each other or covering any part of the text.

**7.** Wherever a vakalatnama is found to be defective in any respect, the case in which it has been filed shall be dealt with as a defective case.

**8.** An advocate can act, appear and plead on behalf of a party in all such matters, as are mentioned in clause (3) of rule 4 of Order III of the Code of

Civil Procedure, 1908, (Madhya Pradesh Amendment dated 18-10-1968) provided he had filed vakalatnama for such party, in the proceeding out of which such matter has arisen. However, in such a case he shall file a memo of appearance in Form No. 1, expressing that he had filed vakalatnama in the Court below authorizing him to appear, act and plead in an appeal.

### **Memo of Appearance and Vakalatnama in Criminal Cases**

**9.** Every memo of appearance in a criminal case, shall be filed in accordance with rule 2 of the rules framed by the High Court under S. 34 (1) of the Advocates act, 1961, and in Form No. 2, where vakalatnama is not filed.

**10.** Every memo of appearance shall *inter alia* consist of a declaration signed by the advocate that he has been authorized, instructed and engaged to appear, act and plead for complainant, applicant, accused or respondent, as the case may be.

However, in a case where more than one memos of appearance are filed by different advocates, the Court may require that a vakalatnama, duly executed by the accused person be filed.

**11.** Where the party has personally authorized, instructed and engaged the advocate, memo of appearance shall be counter-signed by the party. Where the party is illiterate, thumb- impression or other mark of the party on the memo of appearance shall be attested by at least two literate witnesses who shall furnish their names and addresses including police station.

**12.** (1) Where some other person has authorized, instructed and engaged the advocate on behalf of the party, the memo of appearance shall be accompanied by a letter signed by the party, authorizing such person to authorize, engage and instruct an advocate to appear, act and plead on his behalf. Such letter of authorization shall clearly state the nature of relationship of such person with the party.

(2) Where the party issuing the letter of authorization is in prison, the signature of the party shall be attested by the competent prison authority. Where a request for such attestation is made by the prisoner to the jail authority, it shall be granted expeditiously.

Provided that a criminal matter, on behalf of a person in prison, with a memo of appearance not accompanied by the letter of authorization, may be filed and posted before the Court for any purpose for a period of 21 days from the date of institution. However, such matter shall not be allowed to be prosecuted without such authorization, after the expiry of the stipulated period of 21 days or as otherwise directed by the bench hearing the matter.

## CHAPTER IX

### AFFIDAVITS

1. The Deputy Registrar, a notary public, a Commissioner of Oaths for the High Court or any other person empowered by the High Court for this purpose shall administer oaths or receive solemn affirmations in the case of affidavits to be used in the High Court or the Supreme Court.

2. Every affidavit in the Principal Seat shall be headed **“In the High Court of Madhya Pradesh, Principal Seat at Jabalpur.”** Similarly, every affidavit filed in the benches, shall be headed **“In the High Court of Madhya Pradesh, Bench at Indore/ Gwalior”**, as the case may be.

3. Where an affidavit is filed in a pending case, it shall mention the institution number and names of the first party on either side.

4. Every affidavit containing a statement of facts shall be drawn up in the first person and divided into paragraphs numbered consecutively. Each paragraph, as nearly as may be, shall be confined to a distinct portion of the subject.

Every person or place referred to in an affidavit shall be fully described in such a manner as to enable his or its identity to be clearly established.

The affidavit shall contain no statement which is in the nature of an expression of opinion or argument.

5. (1) Every affidavit, filed in the Court, shall be sworn only by a person who is acquainted with the facts of the case and the person, swearing the affidavit, shall specify with reference to the numbered paragraphs of the pleadings what is true to his own knowledge and what is based on information received and believed by him to be true and as far as practicable, shall also state the source of such information.

(2) When the application or the opposition thereto rests on facts disclosed in documents or copies of documents produced from any Court of Justice or other source the affiant shall state the source from which they were produced, and his information and belief as to the truth of the facts disclosed in such documents.

(3) Documents, other than those on the record of the case referred to in the affidavit shall, as far as possible, be annexed to it.

6. Unless it be otherwise provided, an affidavit may be made by any person having knowledge of the facts deposed to. Two or more persons may join in any

affidavit, each shall depose separately to those facts which are within his knowledge, and such facts shall be stated in separate paragraphs and it must appear which facts each is deposing to.

**7.** When the affiant in any affidavit speaks to any fact within his own knowledge, he must do so directly and positively using the words “I solemnly affirm and say” or “I state on oath”.

**8.** The affiant shall clearly specify –

- (1) the portion of his statement based on personal knowledge; and
- (2) the portion based on information believed by him to be true and in such a case, he shall disclose, with sufficient particularity, the source or ground of such information.

**Note-** In case of affidavits under order XXXII, rule 4-A (3) of the Code of Civil Procedure, 1908, (Madhya Pradesh amendment), the officer before whom such affidavits are sworn, should see that the words “and that he has no interest adverse to that of the minor in the matters in controversy in the suit and that he is a fit person to be so appointed” are invariably inserted in the affidavit by the affiant. The affidavit should also state-

- (a) that the affiant has obtained consent of the person proposed to be appointed as guardian for the suit and that the latter has consented to act as such,
- (b) whether the minor has an appointed guardian or declared guardian, and if so, who that person is,
- (c) if not, who the natural guardian is, and in the absence of a natural guardian who actually has the custody of the minor,
- (d) where any person other than one of the above is proposed as guardian for the suit, the reason for not proposing the person omitted.

**9.** (1) All interlineations, alterations or erasures in an affidavit shall be initialed by the person swearing it and the person before whom it is sworn. Such interlineations, alterations or erasures shall be made in such manner as not to obliterate or render it impossible or difficult to read the original matter. In case such matter has been obliterated so as to make it impossible or difficult to read it, it shall be rewritten on the margin and initialed by the person before whom the affidavit is sworn.

No interlineations, alterations or erasures shall be made in an affidavit after it has been sworn.

No correction in the affidavit after filing shall be permitted, except in accordance with the provisions of rule 6 of chapter V of these Rules.

- (2) The Registrar or the Court may refuse to receive an affidavit in which interlineations, alterations or erasures, appear to be so numerous as to make it impossible or difficult to read the matter and therefore it is expedient that the affidavit should be re-written.
- 10.** (1) Subject to the exception set out in sub-rule (2) below, the charge of administering the oath to or receiving the solemn affirmation from the affiant shall be Rs. 5/- to be paid by way of affixing Court fee stamp of that value on each affidavit.
- (2) No charge shall be made in respect of affidavits made by public officers by virtue of their office.

**11.** Every person swearing an affidavit shall, if not personally known to the person before whom the affidavit is sworn, be identified before that person, by someone known to him, and in such case the person before whom the affidavit is made shall state at the foot of the affidavit, the name address and description of the person by whom such identification was made. Such identification can be made by a person -

- (1) personally acquainted with the person to be identified, or
- (2) who is reasonably satisfied as to his identity by affixing his signature in token of his identification in the following form:

“Identified by me.

---

(Signature)

---

(Name)”

**12.** Where the affiant is a pardanashin woman, she shall be identified by a person to whom she is known and before whom she is accustomed to appear unveiled and such person shall sign the endorsement prescribed by rule 15 below.

**13.** (1) The person before whom an affidavit is sworn, shall ask the affiant if he has read the affidavit and understood the contents thereof. If the affiant states that he has not read it or appears not to have understood the contents or does not know the language, he shall

read and explain it or cause another person to read and explain to such person in his presence. Until he is satisfied that the affiant has fully understood its contents, he shall not allow the affidavit to be sworn.

- (2) Where an affidavit has been so read, translated or explained, the officer administering the oath or receiving the solemn affirmation shall certify in writing at the foot of the affidavit that it has been so read, translated or explained in his presence and that the affiant appears to have understood the same at the time of making the affidavit and made his signature or finger-impression in the presence of the officer.
- (3) Where –
- (a) the affiant refutes the contents of the affidavit,
  - (b) the affiant is found to be impersonating,
  - (c) the statements made in the affidavit are *ex-facie* false, or
  - (d) the officer administering the oath or receiving solemn affirmation, considers it necessary for any other sufficient reason,

- he shall impound the affidavit and forward it to the Registrar for such action as he may consider necessary in accordance with law / rules made under the law or statute.

Where an affidavit is impounded under this rule, the officer impounding the same shall certify thereon the date on which and the circumstances in which it was impounded.

**14.** The Court may order to strike out from affidavit any averment which is scandalous, frivolous, vexatious and irrelevant or which is otherwise an abuse of the process of the Court at the cost of the offending party.

**15.** The officer administering the oath or receiving solemn affirmation shall make the following endorsement on every affidavit made before him and shall date, sign and seal the same:-

“Sworn before me on the ..... day of ..... 20..... at ..... A.M. / P.M. by ..... son of ..... Who is personally known to me (or) who has been identified by .....whose signature is/signatures are thereto appended.

Date .....

Place.....

Signature

**Seal**

Designation”

A rubber stamp may be used for the form of this endorsement. In addition the particulars required by rule 13(2) shall, where necessary, be added in manuscript and dated, signed and sealed by the officer administering the oath.

**16.** In administering oaths or receiving solemn affirmations the following form should be used.

### **Oath**

I Swear that this my declaration is true, that it conceals nothing, and that no part of it is false. So help me God.

### **Affirmation**

I solemnly affirm that this my declaration is true, that it conceals nothing, and that no part of it is false.

- 17.** (1) The following petitions or applications and their replies shall be accompanied by an affidavit-
- (a) for review made upon the ground of the discovery of new and important evidence;
  - (b) for stay, injunction or appointment of receiver;
  - (c) for vacating an order referred in clause (b);
  - (d) for security under order XLI, rules 6 and 10 of the Code of Civil Procedure, 1908;
  - (e) for re-admission, re-hearing or restoration of a main case or an application dismissed for default of appearance or for non-payment of process fee or paper-book costs;
  - (f) for production of additional evidence under order XLI rule 27 of the Code of Civil Procedure, 1908;
  - (g) for production of any document in any case;
  - (h) for an action in respect of contempt of Court;
  - (i) for bringing the legal representatives of a deceased party on record or for addition of parties;
  - (j) for the appointment or discharge of guardian *ad litem* or next friend;
  - (k) for amendment of a memorandum of appeal or application for review or revision on a minor party attaining the age of majority;
  - (l) for transfer of any civil or criminal case;

- (m) for amendment in the petition or for taking document on record in writ cases or for intervention or compromise;
  - (n) any other application required by any law for the time being in force, to be supported by an affidavit.
- (2) Nothing in sub-rule (1) of this rule shall be deemed to limit the power of any Judge or the Registrar to call for an affidavit in any matter.

**18.** The affidavit accompanying a petition for review made upon the ground of the discovery of new and important matter of evidence, within the meaning of order XLVII, rule 1 of the Code of Civil Procedure, 1908, shall state in clear terms what such new and important matter of evidence is, the effect or purport thereof and that the same, after the exercise of due diligence, was not within the knowledge of the petitioner, or could not be produced by him at the time when the decree was passed, the order was made or the judgment was delivered. The documents, if any, relied upon shall be annexed to the petition.

**19.** The affidavit accompanying a petition for stay of execution under order XLI, rule 5 of the Code of Civil Procedure, 1908, shall state the facts upon which the petition is based, the date of the judgment/decreed, award or order, the stay of the execution of which is desired, particulars of the suit or proceeding in which such judgment/decreed or award is made or order is passed, the date of the order, if any, for execution of 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 of Civil Procedure, 1908.

This rule shall apply to an appeal filed under any other law to which order XLI of the Code of Civil Procedure, 1908, is applicable.

**20.** The affidavit, accompanying a petition for the re-admission/rehearing/restoration of a main case or interlocutory application, dismissed for -

- (1) default of appearance, or
- (2) non-payment of process-fees or paper-book costs, or
- (3) failure to take any other step within the specified time –
  - (a) shall state the circumstances under which such default was made, and
  - (b) whether or not the party whose main case or interlocutory application was dismissed, had previous to such dismissal, engaged an advocate to conduct the main case or interlocutory application.

## CHAPTER X

### PREPARATION OF CASES

#### Computer-Sheet

**1.** Every main case shall be accompanied by the “computer sheet” in Form No. 3, on ledger paper, duly filled by the appellant, applicant or petitioner or by his advocate, containing following information –

- (1) Class of the Case,
- (2) Case Number (to be filled by the Registry),
- (3) Whether cognizable by a division bench or a single bench (to be filled by the Registry),
- (4) Name of the first party on either side,
- (5) Date of filing,
- (6) Date of Registration (to be filled by the Registry),
- (7) Subject Matter,
- (8) Provision of law,
- (9) Subject Category Code, (As per Annexure)
- (10) Name and State Bar Council Enrollment Number of the main advocate,
- (11) Name & State Bar Council Enrollment Number of other advocate (s) signing vakalatnama,
- (12) Particulars of the lower Court, Authority or Tribunal etc., i.e.-
  - (a) name,
  - (b) designation,
  - (c) case, file / order number,
  - (d) date of impugned judgment / order,
- (13) Whether the appellant, applicant or petitioner is desirous of getting the matter settled through any of the alternative modes of dispute resolution,
- (14) Caveat notice, whether received,
- (15) Name and signature of the advocate filing main case.

**Preparation of Memorandum of Appeal, Petition, Application etc.****2.** Every -

- (1) memorandum of appeal including a writ appeal,
- (2) memorandum of objection under order XLI rule 22 of the Code of Civil Procedure, 1908,
- (3) application, interlocutory or otherwise,
- (4) petition including a writ petition,
- (5) return, reply or rejoinder,
- (6) list of document or
- (7) affidavit;

- in a civil or criminal matter, including a copy thereof where it is required to be served upon the other party under the Rules, shall be –

- (a) written in English or Hindi- preferably in English,
- (b) neatly typed or printed on one side of a ledger paper of foolscap size, leaving a margin of not less than 5 centimeters on the top and left and 2.5 centimeters on right and bottom,
- (c) signed and dated by the applicant, appellant, petitioner or opposite party or by his advocate and where the petitioner is illiterate, bear his thumb mark attested by the signature of at least one literate person, giving his name and address below his signature.

**3.** (1) Every -

- (a) memorandum of appeal civil or criminal,
- (b) memorandum of objection under order XLI rule 22 of the Code of Civil Procedure, 1908,
- (c) a writ or revision (civil or criminal) petition,
- (d) an application under section 482 of the Code of Criminal Procedure, 1973,
- (e) return or rejoinder in a writ petition,

- shall be in paper-book form, enclosed in cover with page numbers & index in Form No. 4; and shall be filed in two identical sets in a division bench case.

- (2) Every application interlocutory or otherwise, relating to a criminal matter shall be accompanied by -
- (a) three extra copies, certified to be true by the party supplying them or his advocate, in a division bench case or in an application for bail or stay of proceedings in a case pending before a Court of Session; and
  - (b) two extra copies in every other case.
  - (c) Every memorandum of appeal, petition or application in a civil or criminal main case shall be accompanied by one copy of cause title for office use.
4. Every memorandum of appeal, petition or application, interlocutory or otherwise shall be headed “In the High Court of Madhya Pradesh, Principal Seat at Jabalpur/Bench at Indore/Bench at Gwalior”, as the case may be.
5. Immediately below the heading, the class of case, the cause title and provision (s) of law under which the main case is filed, shall be mentioned in that order.
6. (1) In a pending main case no interlocutory application, return / reply, rejoinder, affidavit, or documents shall be filed unless a copy thereof has been previously served on the advocate of the opposite party or parties if there be more than one and advocate for co-respondent (s), who has or have entered appearance through an advocate. The advocate served with such copy shall acknowledge receipt of the same by endorsement on the original, writing his full name below the signature.

Where such party has appeared but not represented by an advocate, a copy of such documents as hereinabove mentioned shall be sent to such party by speed / registered post or through approved courier service and this fact shall be endorsed by the applicant on the document and the document shall be filed along with receipt of the same.

**Note -** Where the Court orders filing of an affidavit, a copy of the affidavit so filed, shall be served on the advocate of the opposite party and advocate of co-respondent (s) a week before the date of hearing or within such time as may be specified by the Court.

- (2) Where the advocate for the opposite party, advocate for co-respondent or any of them refuses or neglects to sign such acknowledgement, the applicant shall make an endorsement in the

margin of the application stating clearly the name of the advocate upon whom and date, time, and place at which such service was sought to be effected:

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

- (3) Where the advocate for any of the opposite parties or co-respondents is not to be found in the High Court premise, when the service is sought to be effected, and there is no possibility of service before presentation, the applicant shall send the copy to the postal address of the advocate of the opposite party or such party by speed/registered post or through approved courier and file the document along with receipt for the same.
- (4) No interlocutory application, return/reply, rejoinder, affidavit, or documents mentioned in rule 3(1), shall be accepted in the filing centre without such acknowledgement, receipt or endorsement and no undertaking to effect the service later, shall be entertained:

Provided that the provisions of this rule shall be deemed to have been complied with if one copy is served upon the advocate representing more than one of such parties.

**Explanation-** For the purposes of this rule, any reference to advocate shall be deemed to include his registered clerk also, who shall mention the name of the advocate, on whose behalf he receives the copy.

7. Separate petitions shall be made in regard to distinct subject matters:

Provided that one petition may be filed challenging more than one order passed in the same case on the same day, with the leave of the Court and subject to the law related to Court fees.

8. Every document whether presented along with a main case or in a pending main case, shall be accompanied by a list in Form No. 5.

9. Wherever it is imperative to file certified copy of judgment/order complained of with an appeal, petition or application and where provisions of the Limitation Act, 1963, do not apply, the day on which the judgment or order complained of, was pronounced and the time requisite for obtaining such copy, shall be excluded in computing the period of limitation prescribed for that appeal, petition or application.

### **A. CIVIL MATTERS**

**10.** The cause title of every memorandum of appeal, memorandum of objection under Order XLI, rules 22 & 26, petition for writ, review or revision or an application required to be registered as a miscellaneous civil case shall contain -

- (1) the name, description, registered address in terms of order VI, rule 14-A of the Code of Civil Procedure, 1908, and fax number with S.T.D. Code and e-mail address, if any; of each appellant, petitioner or applicant, as the case may be, where such appellant, petitioner, or applicant is a private person,
- (2) the name, description, registered address in terms of order VI, rule 14-A of the Code of Civil Procedure, 1908, and fax number with S.T.D. code and e-mail address, if known; of each person arrayed as respondent or opposite party, where such respondent or opposite party is a private person,
- (3) the status (whether plaintiff, defendant, applicant or non-applicant etc.) of the parties in the Court of first instance except in the cases where original jurisdiction of the High Court is invoked.

**11.** Below the provision (s) of law under which the main case is filed, following shall be mentioned-

- (1) the valuation and Court fees payable and paid in the main case,
- (2) the valuation and Court fees in original suit and in appeal, if any,

**12.** Every memorandum, petition or application as mentioned in rule 2 of this chapter shall contain-

- (1) particulars of original and/or appellate Court, i.e.
  - (a) case number in which such decree/judgment or order was passed,
  - (b) date of the decree / judgment or order, and
  - (c) the name of the Judge and designation of the Court,
- (2) a brief statement of facts of the case in petitions for review or revision,
- (3) grounds of appeal or objection, numbered ad seriatim, except in a second appeal,
- (4) precisely, summary of facts and grounds and the substantial question (s) of law involved, in a second appeal,

- (5) valuation of the subject matter in dispute in appeal, review or objection with reasons therefor,
- (6) separate valuation of each distinct relief with reasons in the cases covered by section 17 of Court Fees Act, 1870,
- (7) The relief sought.

**13.** In the last paragraph of every main civil case the appellant/petitioner/applicant shall unequivocally state that no notice of lodging a caveat by the opposite party is received by him or if notice of caveat is received, whether the appellant / petitioner / applicant has furnished the copies of the memo of appeal/petition/application, together with copies of the annexure, if any, to the caveator.

**14.** Every contempt petition (civil) shall disclose whether any writ appeal or special leave petition has been filed, challenging the order, in respect of which contempt has been averred. Where the order has been so challenged, the petitioner shall also disclose the status of such appeal or petition.

**15.** A memorandum of miscellaneous appeal u/s 173 of the Motor Vehicles Act, 1988, shall, so far as may be in Format No. 6.

**16.** Every –

- (1) memorandum of appeal and petition for writ, review or revision shall be accompanied by an index and chronology of events sufficient to enable the Court to comprehend the nature and scope of the dispute;
- (2) memorandum of appeal shall be accompanied by a certified copy of the impugned judgment, and in case of second appeal, true copy of the judgment of original Court also;
- (3) memorandum of appeal under section 30 (a) of the Workmen's Compensation Act, 1923, by an employer shall be accompanied by a certificate issued by the Commissioner to the effect that the appellant has deposited with him the amount payable under the order appealed against; and
- (4) review or revision petition shall be accompanied by a certified copy of the order or decree/judgment/award:

Provided that where two or more cases are tried together and decided by a common judgment and two or more appeals are filed against such judgment, whether by the same or different appellants, the Registrar may, on being satisfied that the questions for decision are analogous in such appeals, dispense with the production of more than one certified copy of the judgment;

- (5) contempt petition (civil) shall be accompanied by a certified copy of the judgment, decree or order.

**17.** A revision petition for the exercise of the power conferred by section 115 of the Code of Civil Procedure, 1908, shall set out clearly how and in what manner the subordinate Court has exercised a jurisdiction not vested in it by law or has failed to exercise a jurisdiction so vested, or the particular illegality or irregularity complained of, as the case may be; and also that if the order had been made in favour of the party applying for revision, it would have finally disposed of the suit or other proceeding.

**18.** A revision petition for which no specific statutory limitation is prescribed, will be treated as *prima facie* made without such diligence as ought ordinarily to be shown, to entitle the petitioner to relief, if the period from the date of the impugned order to the date on which the petition is filed in Court, excluding the time requisite in obtaining certified copy of impugned order, is more than 90 days.

**19.** A petition for the exercise of the power conferred by section 25 of the Provincial Small Cause Courts Act, 1887, shall specify as to how the decree or order of the Court is not according to law.

**20.** All petitions for restoration of Civil Revision dismissed for default by the Court shall be treated as *prima-facie* made without such diligence as ought ordinarily to be shown, to entitle the petitioner to the relief, if the period from the date of the impugned order to the date on which the petition is made excluding the time requisite in obtaining certified copy of the impugned order, is more than 30 days.

**21.** An advance notice may be given by the advocate for the party who is proposing to file an appeal (other than a second appeal) or revision, to the advocate for the opposite party in the lower Court, so as to enable him to inform the parties to appear, if they so elect, even at the first hearing of the appeal.

Where a memo of appearance is filed on behalf of such a party, the name of advocate shall be published in the cause list for the date of hearing.

**22.** An advance notice shall be given by the advocate for the party who is proposing to file any proceeding, including a review petition or an application for restoration, arising out of a main case, to the advocate for the opposite party and where service is so effected, the name of advocate for the opposite party shall be published in the cause list for the date of hearing in such proceeding.

**Writ Petition under Article 226 of the Constitution of India.**

- 23.** (1) Petition for a direction, order or writ including writs in the nature of mandamus, prohibition, quo-warranto and certiorari, or any of them, shall, as far as possible, be filed in the Format No. 7 and shall, as far as possible, conform to the provisions of order II rule 1, 2 and 3 of the Code of Civil Procedure, 1908.
- (2) Such petition shall -
- (a) be accompanied by original or certified copy or true copy of order or decision, if any, complained of;
  - (b) be supported by an affidavit verifying the facts relied on.
- (3) It shall not be necessary to present a separate application to seek interim order or direction if the same is prayed for in the original petition.
- (4) When a petitioner relies upon document (s) in his possession or power, he shall file those documents along with his petition. Where such document is hand written or is not fairly legible, it shall be accompanied by true, typed or printed copy thereof.
- (5) Every page of a document, annexed to any petition, return, rejoinder or affidavit, shall be attested by the filing advocate or by the party swearing the affidavit as true copy of the original and full name of the signatory to the attestation shall be given under the signature.
- (6) Where the petitioner relies on any other documents, which are not in his possession or power as evidence in support of his petition, he shall enter such documents in a list to be annexed to the petition.

**24.** The Registrar shall require the Central Government and all local or other authorities under the control of the State or Central Government operating within the territory of the State of Madhya Pradesh to inform the High Court the name and address of the advocate, if any, for the Principal Seat of the High Court at Jabalpur and Benches at Indore and Gwalior, who is authorized to accept service on their behalf. Such information shall be maintained in the form of a Register and shall be made available to the Bar. Whenever such advocate is changed, intimation of such change shall be given to the Registrar, who shall notify it to the Bar.

Provided that it shall not be incumbent upon any such local or other Authority to authorize an advocate for accepting service on its behalf.

**25.** Where the petition is against the State Government, Central Government, any local or other authority or any of their officers, the petitioner shall serve a copy of the petition together with annexure and the application for interim relief, if any, in advance to the Advocate General's office, advocate authorized to accept service on behalf of the Central Government or any such local or other authority or any of its officers, as the case may be, and file acknowledgement of the same.

On filing such acknowledgement, name of the advocate, so served, shall be published in the cause list.

### **Habeas Corpus**

**26.** (1) A petition for direction, order or writ in the nature of Habeas Corpus under Article 226 of the Constitution of India, shall be accompanied by an affidavit of the person restrained, stating the nature and circumstances of the restraint and whether any previous application had been filed, if so, its result:

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

Provided further that where the person restrained is unable, owing to the restraint, to make the affidavit, the application shall be accompanied by an affidavit to the like effect made by some other person and such affidavit shall also state the reason why the person restrained is unable to make the affidavit himself;

Provided further that if the applicant is unable to swear an affidavit or to get one sworn owing to the restraint or other reasonable cause, he may submit the application without an affidavit, giving reasons why no affidavit has been filed.

- (2) Provisions contained in this rule shall apply mutatis mutandis to an application made by a person other than the detenue or the person restrained.
- (3) In any case in which the High Court orders any person in custody to be brought before it, or before a Court-martial, or before any Commissioner, or to be removed from one custody to another, a warrant shall be prepared and signed by the Registrar under the seal of the High Court.
- (4) The affidavits filed in these proceedings shall conform to chapter IX of these Rules.

### **Regular Public Interest Litigation**

**27.** A writ petition filed in public interest, shall as far as possible be in Format No. 8 and disclose -

- (1) petitioner's social public standing / professional status and public spirited antecedents;
- (2) facts constituting the cause;
- (3) nature of injury caused; and
- (4) nature and extent of the personal interest of the petitioner involved in the cause, if any.

**28.** A writ petition filed in public interest shall be supported by prima facie proof on an affidavit of the petitioner on substantive averments / allegations as far as practicable.

**29.** A writ petition filed in public interest shall contain a statement/declaration of the petitioner that to his knowledge, issue raised was not dealt with or decided and that a similar or identical petition was not filed earlier by the petitioner or by any other person and in case such an issue was dealt with or a similar or identical petition was filed earlier, its status or the result thereof.

### **Writ Petition under Article 227 (1) of the Constitution of India.**

**30.** (1) A petition under Article 227 (1) of the Constitution of India shall, as far as possible, be in Format No. 9 and state -

- (a) the designation of the Court/tribunal and name of the Judge/ Presiding Officer by whom the decree or order impugned was passed, and if the decree or order was passed in appeal, the designation of the original Court/tribunal and name of the Judge/officer presiding over it and date of such decree/ order;

Provided that the Presiding Officer of the Court or the Tribunal shall not be impleaded as party to the petition;

- (b) the grounds on which the relief is sought and also such material facts as may be necessary for the proper determination of the case;
- (c) the nature of the relief and direction sought;
- (d) where a petition has been made or proceedings initiated earlier, on the same facts and/or for the same relief, the petitioner shall furnish details thereof with status and certified copy of relevant orders.

- (2) The petition shall be accompanied by the certified copy of the judgment, order or decision (if any) complained of.

**31.** No relief of an interlocutory nature shall be granted unless a separate application in that behalf is made.

### **Writ Appeals**

**32.** In computing the period of limitation for an appeal under section 2 (1) of the Madhya Pradesh Uchcha Nyayalaya (Khandpeeth Ko Appeal) Adhiniyam, 2005, the time requisite for obtaining a certified copy of the judgment or order, shall be excluded.

**33.** The memo of appeal under section 2 (1) of the Madhya Pradesh Uchcha Nyayalaya (Khandpeeth Ko Appeal) Adhiniyam, 2005, shall bear the same Court fee as on a writ petition and shall be accompanied by one certified copy along with one photo copy of the judgment or order appealed from.

**34.** At the time of presentation of a writ appeal, photocopy of the writ petition, return and rejoinder (if any), with annexure and documents shall be filed in two identical sets in paper-book form, enclosed in a cover with page numbers & index.

**35.** No relief of an interlocutory nature shall be granted unless a separate application in that behalf is made.

### **Caveat**

**36.** A person claiming a right to be heard in a civil or writ case before a stay or an interim relief is granted by the Court may at any time, file a Caveat.

**37.** A person intending to lodge a caveat, shall serve a notice of caveat by registered post with acknowledgement due or by approved courier service, on the person by whom the appeal/petition/ application has been, or is expected to be made, furnishing following particulars regarding the judgment/order etc. in respect whereof the caveat is sought to be filed -

- (1) the date of judgment/order etc.,
- (2) name of the Court, if any,
- (3) the cause title and case number, if any,
- (4) government/designation of the authority, and
- (5) particulars of the order etc.,

- accompanied by a receipt evidencing dispatch of caveat

The caveator may, thereafter present caveat furnishing aforesaid particulars in Format No. 10.

Provided that:

- (a) Where the caveator is represented by an advocate, his vakalatnama shall accompany the caveat.
- (b) If the caveat is filed in person, his full postal address, telephone number, fax number with S.T.D. Code and e-mail address, if any, shall be furnished.
- (c) In case the caveator is an outsider, he shall give his or his authorized agent's local address.

**38.** A caveat shall remain in force for a period of 90 days from the date of presentation.

### **Interlocutory Applications**

**39.** If an interlocutory application is filed in a main case, pending in the High Court, the class and number of such main case shall be set out in the cause title.

**40.** An interlocutory application shall ordinarily not contain more than one relief. However where more than one relief is asked for, extra Court fees shall be paid for each of such additional relief.

### **Taxation Cases**

**41.** All main cases under taxation statutes shall be prepared, processed, listed and heard in accordance with the rules framed by the High Court under those statutes.

### **Election Petitions**

**42.** All election petitions shall be prepared, processed, listed and heard in accordance with the Rules relating to election petitions framed by the High Court.

## **B. CRIMINAL MATTERS**

**43.** The cause title of every memorandum of appeal, petition or application shall contain –

- (1) the name, description and address with police station of each appellant, petitioner or applicant;
- (2) the name, description and address with police station of each person who is proposed to be made the opposite party;

- (3) the status (whether prosecution, complainant, applicant, accused or non-applicant etc.) of the parties in the Court of first instance.

**44.** Every memorandum of appeal or revision petition shall have endorsed, immediately below the provision under which such memorandum or petition is filed, the provision of law under which the conviction is recorded and the details of the sentence imposed, including fine, if any.

**45.** (1) Every memorandum, petition or application to initiate a main case shall state clearly –

- (a) (i) the name of the Judge and designation of the Court;  
(ii) date of the impugned judgment/order; and  
(iii) case number in which such judgment / order was passed  
-by the original and/or appellate Court,

- (b) facts of the case in brief;  
(c) grounds, numbered serially; and  
(d) relief prayed for.

(2) Every such memorandum, petition or application, shall be accompanied by a certified copy of the impugned judgment or order.

(3) Where the Court has ordered notice to be issued, the appellant, petitioner or applicant shall supply as many legible typed/printed copies or photocopies of memorandum of appeal, petition for revision, application for grant of bail or application for grant of any urgent relief pending appeal or revision, or affidavit, certified to be correct by the party supplying them or his advocate, as there be parties to be served:

No notice shall be issued from the office until the required number of such copies have been supplied.

**46.** It shall be stated in the first paragraph of every criminal appeal, revision petition or application as to whether it is first or subsequent appeal, revision or application against the impugned order. If subsequent, the particulars and result of earlier proceedings shall be disclosed.

**47.** It shall also be stated in the first paragraph of every revision petition, against the order of a Magistrate, that the petitioner (s) have not filed any revision petition against the impugned order or judgment before the Court of Session.

**48.** A memorandum of appeal or revision petition against conviction, except in cases where the sentence has been suspended by the Court below, shall contain a declaration to the effect that the convicted person is in custody or has surrendered after the conviction.

Where the sentence has been so suspended, the factum of such suspension and its period shall be stated in the memorandum of appeal or revision petition, as also in the application under section 389 of the Code of Criminal Procedure, 1973.

An application under section 389 of the Code of Criminal Procedure, 1973 shall, as far as possible, be in Format No. 11 and shall be accompanied by an affidavit of the appellant/applicant or some other person acquainted with the facts of the case.

**49.** No criminal appeal, revision petition or application for grant of bail or any other urgent relief shall be entertained unless a copy thereof along with the copy of judgment or order appealed against or sought to be revised or copy of the order refusing bail passed by the Sessions Judge has been delivered in the office of the Advocate General and acknowledgement thereof obtained on such memorandum, petition or application.

However, where the case had been investigated and prosecuted by Central Bureau of Investigation, such copy shall be served upon the standing counsel for that bureau.

**50.** Nothing hereinbefore contained in this chapter shall apply to criminal appeals and revisions made by person confined in prison.

### **Appeals & Revisions by Prisoners**

**51.** A Petition of appeal or revision may be presented to the Officer-in-charge of the jail, in which the prisoner is lodged, by the prisoner in person.

**52.** A memo of appearance or vakalatnama, if filed, shall be signed by the prisoner and forwarded by the officer – in – Charge of the jail under his signature.

**53.** The Officer-in-charge of the jail shall forthwith forward such petition of appeal or revision together with the copy of judgment or order appealed against or sought to be revised in Form No. 12, to the Sessions Judge of the concerned district. The Sessions Judge shall immediately transmit such appeal with entire record of the case to the Registrar of the High Court, who shall forward the same to the Section Officer/ Assistant, filing centre for processing.

Entire process shall be expedited by all concerned, particularly where the awarded sentence is of short duration,

**Bail Applications**

**54.** An application under section 438 and 439 of the Code of Criminal Procedure, 1973, shall, as far as possible be in the Format Nos. 13 and 14 respectively, and shall contain name of the police station and crime number.

**55.** An application under section 438 of the Code of Criminal Procedure, 1973, shall be supported by an affidavit of the applicant or some other person acquainted with the facts of the case.

**56.** An application under section 439 of the Code of Criminal Procedure, 1973, filed on the instructions of a person other than the accused confined in prison, shall be accompanied by an affidavit.

**57.** Where the number of accused persons is more than one, the affidavit mentioned in rule 56 shall state that to the best of the knowledge of the affiant, no bail application has been moved by any of the co-accused persons and if such an application has been moved, details (such as institution number, whether pending, if not, date of the order and *coram* of Judges deciding the application etc.) shall also be disclosed.

**58.** No application under section 438, 439 or 389 of the Code of Criminal Procedure, 1973, for the grant of bail or suspension of sentence, shall be entertained, unless it contains an averment that a similar application relating to the same subject matter has or has not been made to the Supreme Court, High Court and/or Court of session and if made, the date of presentation, date of disposal, result thereof and *coram* deciding the application, shall also be disclosed.

**59.** A first application for bail shall be accompanied by a certified copy of the order rejecting bail, if any.

**60.** Every subsequent application under section 438 or 439 of the Code of Criminal Procedure, 1973, shall be accompanied by certified copies or photocopies of certified copies of orders deciding earlier applications.

**CHAPTER XI**

**PRESENTATION AND PROCESSING OF CASES**

**1.** Every -

- (1) main case,
- (2) interlocutory application, or
- (3) any other document in a main case,

- shall be presented in the presentation centre of the High Court during working hours by the appellant, petitioner or applicant or his recognized agent or counsel, in person.

**Note:-** No main case and interlocutory application or other document therein, sent by any other mode of communication including post, messenger, courier, fax, e-mail etc., shall be entertained, except -

- (a) where such communication has been received from a prisoner, it shall be placed before the Registrar for orders, who may in his discretion treat it as properly filed; or
- (b) where it has been moved by way of letter petition:

Provided that an application u/s 11 of the Arbitration and Conciliation Act, 1996, shall be presented before the Registrar.

Provided further that following kinds of cases shall be filed by the applicant/petitioner in person before the Registrar -

- (i) an election petition under section 81 of the Representation of Peoples Act, 1951.
- (ii) an application under order XLIV rule 1 of the Code of Civil Procedure, 1908.

**Presentation Assistant**

**2.** Every main case, except otherwise provided, shall be presented to any presentation assistant in the presentation centre, who shall -

- (1) affix following seal on the opening note sheet and take signature of the person filing the case, beside the seal;

.....(Class of case)

**With.....(Interlocutory Application)**

**Presented on .....**

**By .....**

**Presentation Assistant**

- (2) affix following seal in the margin of the title page of the memorandum of appeal, application, or petition and sign it;

**Presented on.....**

**By .....**

**Presentation Assistant**

- (3) enter the class of case in the computer, which shall automatically generate institution number and a 10 digit unique case number;
- (4) write the institution number and unique number of the case on the title page of the appeal, application or petition and also on the opening order Sheet;
- (5) issue computer generated acknowledgement slip in the following format;

**Presented by.....**

**on..... at .....**

**.....Vs .....**

**Institution Number.....**

**Unique Case Number.....**

**Presentation Assistant**

- (6) cancel the Court fee stamps by punching out the figure-head so as to leave the amount designated on the stamp untouched, and by burning or otherwise destroying the part removed by punching;
- (7) enter in the computer complete description of the first petitioner/ applicant/appellant and first respondent/non applicant and names of their advocates;
- (8) enter in the computer details of the case, if any, out of which the main case arose;
- (9) pass on the main case to scrutiny assistant. However, where the main case is accompanied by interlocutory application (s), the same shall be passed on to the receiving assistant for entry of such application (s) in the computer; and
- (10) generate detailed list of all main cases filed during the course of the day.

At the end of the month, all such daily lists shall be compiled and bound to prepare a monthly Institution Register.

**Calling for Records in Criminal Appeals or Revisions (Against Conviction)**

**3.** Upon registration of a criminal appeal or revision against conviction, record of the lower Court (s) shall be requisitioned immediately with a direction to transmit the same within a week from the date of receipt of requisition.

**Receiving Assistant**

**4.** All interlocutory applications, documents along with list, returns, replies, rejoinders, vakalatnamas, memos and process applications etc., filed in a pending main case, shall be received by a receiving assistant, in the presentation centre, who shall –

- (1) enter details of interlocutory application documents, returns, replies, vakalatnamas, memos and process applications etc. in the computer and write automatically generated annual serial number on such document;
- (2) issue computer generated acknowledgement slip for all interlocutory applications, filed in a pending main case, in following format;

**Institution Number.....**  
**Unique Case Number.....**  
**Annual Serial Number.....**  
**Nature of Application.....**  
**Presented by.....**  
**on.....at.....**

**Receiving Assistant**

- (3) issue acknowledgement of all documents other than interlocutory applications, in following format, on a photocopy thereof, which shall be made available for the purpose by the person filing the documents;

**Received document (s) as per list, in case no. ....**  
**on..... at.....**

**Receiving Assistant**

- (4) After entry in the computer, the receiving assistant shall send the main case accompanied by interlocutory applications to the scrutiny assistant.

All other interlocutory applications, filed subsequently and

documents, returns, rejoinders, vakalatnamas and memos etc. shall be sent to the Section Officer/Assistant of concerned branch.

**Note:** No document mentioned under rule 4, filed on a particular day, shall be sent directly to the Court, for being placed on the record of a case, listed the same day, unless requisitioned by the Court.

### Scrutiny Assistant

5. After receipt and registration, a main case shall be passed on to the scrutiny assistant, who shall -

- (1) scrutinize the case for defects;
- (2) count the value of Court fees stamps affixed on memo of appeal, petition or application interlocutory application, affidavit, vakalatnama or document separately and enter the same in following seal to be affixed on the reverse side of the first page of the memo of appeal, application or petition;

#### COURT FEES

Main Case.....

Interlocutory application.....

Affidavit.....

vakalatnama .....

Memo of Appearance.....

Document.....

Total.....

Scrutiny Assistant

- (3) ensure that computer category code number is entered in the computer sheet required to be filled by the advocate. If computer category code number is not mentioned or has been erroneously mentioned, he shall ascertain and fill correct code number;
- (4) prepare file cover of 'A' file and spare set in division bench cases;
- (5) prepare a list of all cases which are found to be defective in any respect by 1.30 P.M. and display the same on the Notice Board of the section, at 2.15 P.M. Likewise he shall prepare a list of all cases which are found to be defective in any respect by 4.15 P.M. and display the same on the Notice Board of the section, at 4.30 P.M.;
- (6) place such cases as he considers to be either not maintainable for any reason or beyond the territorial jurisdiction of the Principal

Seat or the Bench, as the case may be, before the Section Officer/ Assistant, Presentation Centre, for orders in terms of rule 11 of this chapter;

- (7) prepare a note in every contempt petition (civil), if any writ appeal or special leave petition (S.L.P.), challenging the order, has been preferred and its status.

**6.** Where the scrutiny assistant is of the opinion that Court fees payable on a main case can not be determined for want of lower Court records, he shall post the matter before Registrar who may in his discretion, direct that record of the lower Court be requisitioned immediately or in his discretion may require the parties to produce the relevant records to enable him to decide the question of Court fees.

#### **Default Assistant**

**7.** If the case is found to be defective, the scrutiny assistant shall pass it on to the default assistant, where the lawyers/litigants may rectify those defects which they concede. The default assistant shall certify the same and pass the case on to the entry assistant for listing before the bench.

If the defect, as pointed out, is contested or not rectified, the case shall be passed on to the entry assistant for listing before the Registrar.

#### **Entry Assistant**

**8.** After scrutiny, the main case shall be passed on to the entry assistant, who shall enter into the computer -

- (1) complete description of all the parties other than first parties on either side;
- (2) computer category code/sub code verified by the scrutiny assistant;
- (3) particulars of Court fees paid as recorded by the scrutiny assistant;
- (4) section and provision of law under which the case is filed;
- (5) whether the case is cognizable by a division bench or a single bench.

**9.** (1) After making the entries mentioned in rule 8-

- (a) a defect-free main case, other than a regular public interest petition, shall be posted on the question of admission before the Court on the nearest available date by the entry assistant;
- (b) a jail appeal wherein the accused is unrepresented, shall be placed before the Registrar on administrative side for orders in terms of rule 22 of this chapter; and

- (c) a defective main case shall be posted before the Registrar for rectification of defects, on nearest available date;
- (2) Ordinarily, the date for which a main case is posted before the Court or the Registrar, shall not be later than 5 working days from the date of presentation of the case.

**10.** Where a criminal appeal or revision against conviction is accompanied by an application for suspension of sentence, the entry assistant shall not wait for the receipt of the record of the trial Court and post the case before the Court for admission and consideration of the application or before the Registrar for rectification of defect, as the case may be.

### **Section Officer/Assistant Presentation Centre**

**11.** The cases falling under rule 5 (6) of this chapter shall be placed before the Section Officer/Section Assistant, Presentation Centre, for consideration. If he is of the view that the objection regarding maintainability or territorial jurisdiction taken by the scrutiny assistant is sustainable, he shall post the case before the Court on the question of maintainability; otherwise the case shall be posted on the question of admission.

**12.** Every main case shall be posted before the Court or the Registrar by entry assistant under the signature of the Section Officer/Assistant of presentation centre.

### **Caveat**

**13.** In the presentation centre, all caveats shall be received by caveat assistant, who shall send it immediately to the scrutiny assistant. After scrutiny is over, the entry assistant shall enter the caveats, other than those filed in anticipation of writ cases, in special application software customized for caveat matching. When the relevant case is presented and entered in the computer, the software would alert the entry assistant about the subsistence of a caveat. In writ cases the caveats shall be matched manually and for this purpose a "Caveat Register for Writ Cases" in digital form, shall be maintained by the entry assistant.

### **The Registrar**

**14.** Except on the days that are registry holidays, the Registrar shall sit between 10.30 A.M. and 4.30 P.M., with a recess from 1.30 to 2.00 P.M., for rectification of defects.

**15.** A daily cause list of all cases posted before the Registrar shall be published in accordance with the provisions of chapter XII of these Rules. The records of such cases shall be sent to the Registrar by the entry assistant.

**16.** The Registrar may grant time for rectification of defects, which shall not ordinarily exceed one week.

**17.** If a memorandum of appeal, petition or application is not in proper form or is not accompanied by the necessary documents and the appellant, petitioner or applicant fails to amend it or rectify the omission within the time fixed by the Registrar, it shall be posted as soon as possible before a bench for orders.

The Court may, if deemed fit in the circumstances of the case extend time for rectification of the defects.

**18.** Where time for rectification of a defect is granted by the Registrar, the record of the case shall be sent to the default assistant, who shall get the defect rectified and certified by the Section Officer/Assistant, within the stipulated period, failing which the case shall be sent to the entry assistant for listing before the Court for orders in default.

The Court may, if deemed fit in the circumstances of the case, extend time for rectification of the defect.

**19.** If the defect is rectified, the Registrar shall certify the same and return the record to the entry assistant for listing before the Court for admission.

**20.** Once a case is listed for whatever purpose, before the Court, the record shall not be returned to the Presentation Centre. It shall be sent to the concerned Section Officer, for being allotted to a Dealing Assistant, who may get the defect rectified under the signature of the Section Officer.

**21.** For the purposes of placement in chronological order for listing, a defective case shall be deemed to have been filed on the date on which the defect is rectified and shall ordinarily be listed on the date on which defect-free cases filed on the date of such rectification, are to be listed.

**22.** When a jail appeal, wherein the accused is unrepresented, is placed before the Registrar, he shall request the Secretary, High Court Legal Services Committee to appoint an advocate for accused within a week from the date of receipt of communication in this regard.

#### **Assignment of Tracks to Cases**

**23.** Customized software shall, at an appropriate stage of processing, automatically assign different tracks to the cases in accordance with the provisions of the High Court of Madhya Pradesh Case Flow Management Rules, 2006.

## CHAPTER XII

### LISTING OF CASES

1. (1) The Registrar shall list the cases before benches in accordance with the provisions contained in this chapter and as per the directions of the Chief Justice.
- (2) All cases, so listed, shall be published in a cause list under the signature of the Registrar. The Section Officer/Assistant, cause list section shall be responsible for preparation of such cause list.
- (3) The cause list shall be published in the Court Notice Board. A copy of cause list shall be sent to the Chief Justice, Advocate General and the concerned High Court Bar Association. A copy of the cause list for respective benches shall also be sent to the concerned Judge and his Reader.

The cause list shall, as far as possible, be posted on official web-site of the High Court. A copy of the cause list shall also be sent to the concerned branch of the office.

2. Publication in the cause list shall be the only mode of intimation of listing of a case. No advocate shall be entitled to intimation by any other mode unless directed by the Chief Justice in a particular class of cases on administrative side or by the Court on judicial side, notwithstanding the fact that all or any of the advocates are not stationed at the place at which the case is to be heard.

Provided that a party unrepresented by an advocate shall be entitled to intimation of listing of a case by means of a service post card (S.P.C.) issued as far as possible, 15 days ahead of the date of hearing.

#### **Motion Hearing**

3. A daily cause list of motion hearing cases shall consist of fresh and pending main cases -
  - (1) fresh cases shall be sent by the presentation centre, and
  - (2) pending cases shall be proposed to be listed by the Dealing Assistants.
4. Unless otherwise directed by the Chief Justice –
  - (1) motion hearing cases shall be listed on Monday, Wednesday, Friday and Saturday subject to rule 10(4) of this chapter;
  - (2) Tuesday and Thursday of a week shall be reserved ordinarily for final Hearing of cases;

- (3) on Tuesday and Thursday, only bail matters, fixed date cases and cases wherein mention memo have been issued, shall be listed in motion hearing.
- 5.** (1) A daily list of motion hearing cases for Monday, Wednesday, Friday and Saturday shall be issued by the Registry on previous day at 1.00 P.M. Cases in which proposals for listing have been sent to cause list section by 11.00 A.M. that day, shall be included therein.
- (2) This List shall also include left over (“not reached”) cases from previous motion hearing day. However cases leftover on a Friday, which is not followed by a working Saturday for the Registry, shall be included in the daily list for following Wednesday.
- (3) Motion Hearing cases shall be included in the Daily List under following four sub-heads:
- (a) Fresh Matters. (With or without application for interim relief);
  - (b) Interim matters (including consideration of interlocutory applications);
  - (c) Miscellaneous matters (such as default matters and matters listed for further orders);
  - (d) After notice matters; and
  - (e) Final hearing at motion stage matters.
- However, the cases shall be listed *ad seriatum*, i.e. maintaining one Serial Number for the entire list. “Not reached” cases shall be included at the top under the respective sub-heads.
- (4) If necessary, a supplementary daily list may be issued at 5.00 P.M. However, this supplementary list shall only include cases in which mention memo are issued, or a fixed date is given by the Court.
- (5) Number of all motion hearing cases, including cases left over on previous motion day but excluding default matters, taken together, should not exceed such number of cases as directed by the Chief Justice by an order in writing:
- Provided that identical matters shall be treated as one matter.
- Provided further that matters listed before a special bench on Friday shall be exempted from the limit.
- (6) There shall be only one daily cause list for motion hearing cases, unless preparation of supplementary list becomes necessary.

**6.** Fresh motion hearing cases shall be included in the daily list of motion hearing cases in chronological order, i.e. in order of institution, as soon as they are processed and are ripe for listing before the bench.

### **Mention Memo**

- 7.** (1) Any party or advocate desirous of out of turn listing or early hearing of a motion hearing case on the ground of urgency, may make a mention before the concerned bench at 10.30 A.M. by way of a mention memo in Form No. 15.
- (2) No mention memo shall be presented unless the concerned main case has been filed and institution number has been allotted to it.
- (3) It shall contain the institution number of the concerned main case.
- (4) The mention memo shall disclose –
- (a) the date of institution of main case;
  - (b) the date on which the defects, if any, were rectified; and
  - (c) whether any fixed date has been given by the Court.
- (5) The bench may, in its discretion, grant mention memo under its signature for out of turn listing or early hearing of cases in motion hearing.

The mention memo shall be issued by the Judge or under the authority of the Judge, by the Reader.

- (6) A case shall be listed on the basis of a mention memo only if it is issued by -
- (a) the bench which is hearing cases of that class as per the roster prevalent on the date on which it was issued;
  - (b) the bench to which the case is tied up;
  - (c) the bench to which the case has been assigned; or
  - (d) the Chief Justice.
- (7) Where the mention memo has been issued by a bench other than those mentioned above, the concerned Section Officer shall make an endorsement overleaf in following words for being placed before the bench issuing the mention memo.

“The case is cognizable by the bench comprising Hon. Shri Justice .....

**Section Officer**

Reader to Hon'ble Shri Justice.....  
For being placed before His Lordship”

**8.** The Reader to the Court shall maintain a Register of mention memos issued by the bench. Such mention memos shall be forwarded to the concerned Section by the Reader immediately. The Section Officer shall also maintain a Register of mention memos received from benches.

**Final Hearing**

**9.** A weekly cause list of final hearing cases shall consist of pending cases proposed to be listed by the Dealing Assistants.

**10.** (1) The Registry shall prepare a class wise list of cases, ripe for final hearing, in chronological order, i.e. in order of the institution, for a period of three months. This list shall also include cases which have been ordered by the Court to be listed for final hearing, out of turn and are to be listed during the quarter. This list shall be entered in the computer and posted on the web-site of the High Court. A copy of list shall also be sent to the concerned branches of the office.

(2) Out of the quarterly list of ripe cases, the Registry shall prepare a weekly list, in chronological order and the same shall be sent to the Advocate General and the concerned High Court Bar Association. This weekly list shall also be displayed on the Notice Board of the High Court and posted on the web-site of the High Court. A copy of list shall also be sent to the concerned branch of the office.

Provided that a case once included in the weekly cause list for final hearing of cases, shall not ordinarily be dropped from the list of subsequent weeks unless the case is heard or adjourned by the Court.

Provided further that the not reached cases from previous week shall ordinarily be listed in the same order at the top of the weekly cause list for the subsequent week. The cases included in the subsequent weeks shall be added below the not reached cases in chronological order.

(3) If any cases included in the weekly list are disposed of that week, other cases shall be taken from the quarterly list in chronological order and added to the weekly list of that week by way of a supplementary list, as and when required.

- (4) The cases from weekly list of final hearing will be taken up for regular hearing by the concerned bench on Tuesday and Thursday and on other days, if time permits. There may be no daily list of final hearing cases.

Provided that at the end of every sitting day, intimation shall be sent to the Bar Association and Advocate General's office about the numbers of the cases in the weekly list which have been heard during the day.

- 11.** (1) Notwithstanding anything contained hereinabove, the following categories of cases shall be accorded priority in matter of listing for final hearing –
- (a) part heard cases,
  - (b) held up cases,
  - (c) criminal cases where the accused is in custody for a period of more than 5 years,
  - (d) cases of women prisoners having children with them in the prison,
  - (e) cases where one of the parties is a senior citizen, i.e. above 65 years of age,
  - (f) civil appeals and revisions under the Madhya Pradesh Accommodation Control Act, 1961, where ground of bonafide need is involved,
  - (g) cases relating to retiral benefits,
  - (h) cases relating to environmental pollution or disturbance in ecological balance, and
  - (i) cases relating to service of members of the State Judicial Services.
- (2) Ordinarily part-heard cases shall be proceeded with on the following day or days till they are concluded.

A case which has been fixed by special order for hearing on a particular day before a particular Judge or Judges shall, however, take priority over all cases other than a writ of *habeas corpus*, a criminal reference (capital punishment) and a part-heard case which shall be placed at the top of the list for the day. Cases shall be heard in the order given in the daily list unless otherwise directed by the Court.

**12.** Any party or advocate desirous of early hearing of a final hearing case may move an application for such hearing. An application for early hearing shall be listed before the bench in motion hearing within a week.

**13.** As soon as an order is passed in a case, the Reader shall update its status in the computer. The status of remaining cases shall be updated at the end of the day. The cause list for the following day shall be prepared accordingly.

**14.** No case shall be listed for hearing, unless it is certified as ripe for final hearing. Similarly, no case shall be listed for final hearing, if the lower Court record or any other record, requisitioned by the Court, has not been received.

**15.** A note shall be inserted in every cause list requesting the advocates to furnish a list of all books they intend to cite during the course of hearing, well in advance, to the Reader.

### **Special benches**

**16.** All tied up cases shall, as far as possible, be listed on Friday or such other day as may be fixed by the Chief Justice before the benches to which such cases are tied up:

Provided that, where the bench to which a matter is tied up is available on other week days the office shall not wait for Friday to list such matter notwithstanding the fact that the concerned bench is hearing some other class of cases as per current roster.

**17.** The proposals for listing of tied up cases shall be submitted to the Section Officer/Assistant cause list Section who shall prepare a programme of special benches for every Friday or such other day as may be fixed by the Chief Justice and submit before the Registrar who shall vet the programme and place it before the Chief Justice for approval latest by Wednesday evening. After approval, the programme shall be notified to all Judges, Advocate General and concerned High Court Bar Association and shall also be ported on the web site of the High Court. A copy of the programme shall also be sent to writ, civil and criminal Branch of the office.

### **Adjustment as to Listing of Cases**

- 18.** (1) Where an advocate is not available to appear before the Court on a particular date or during a particular period, he may make an application, requesting that his cases be not listed on that date or during that period.
- (2) An application for such adjustment shall be made 3 clear working days in advance before such date or commencement of such period and shall be addressed to the Registrar on administrative side.

- (3) Adjustment for a period of up to one month may be granted by the Registrar. An application for adjustment for a period exceeding one month shall be placed before the Chief Justice for orders.
- (4) Notwithstanding the fact that an application for adjustment has been allowed, ordinarily cases falling under following categories shall not be adjusted :
  - (a) Cases which are more than 7 years old,
  - (b) Fixed date cases,
  - (c) Cases in which a mention memo has been granted, and
  - (d) Cases placed in the fast track shall not be adjusted for a period exceeding one week.

A list of all adjusted advocates and a list of all those advocates who have moved an application for adjustment shall be appended to cause list of all benches.

- (5) Where an application for adjustment has been allowed, it shall be marked by the Registrar to the Section Officer/Assistant cause list section who shall cause it to be entered in the computer and circulated amongst the Section Officers/Assistants of Judicial Branch of the High Court, so as to ensure that cases of adjusted advocates are not listed.

### **Names of Senior Counsel not to be Published**

**19.** The name of a designated senior counsel shall not be published in the cause list. The name (s) of only the advocate (s) accepting vakalatnama from the party shall be published.

### **Hearing by Full Benches and Referee Benches**

- 20.** (1) Hearing of a case by a full bench shall be published in the cause list of the Principal Seat and the Benches as far as practicable, a week in advance along with point (s) involved.
- (2) First hearing of a case by a division bench on a point of law referred by a single bench shall be published in the cause list of the Principal Seat and the benches as far as practicable, a week in advance along with the point (s) involved.
- (3) On an application being made in this behalf, the bench may permit an advocate to address the Court on a question of law.

**21.** Ordinarily a case, once published in the cause list shall not be dropped nor shall its order be changed by the Registrar.

**22.** No supplementary cause list shall be published on the date of hearing at the behest of the Registry, however a Judge, having the roster, may direct listing of additional cases for analogous hearing and in such an event the Registry shall prepare a supplementary list and place the cases before the said Judge for hearing.

Where the Registry has failed to list a fixed date Court ordered case or a case in which a mention memo had been issued for that date, a supplementary cause list may be published with prior permission of the bench concerned.

**23.** Ordinarily, a bench directing the listing of a case before another bench or appropriate bench or a particular bench shall not fix a date for such listing. Such case shall, however, be listed as expeditiously as possible.

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**CHAPTER XIII****PROCEDURE AFTER LISTING****Requisitioning of Lower Court Records**

1. (1) In main cases, arising out of matters pending before the lower Court, Tribunal or Authority, the record shall not be requisitioned unless ordered by the Court.  
(2) Where such record has been requisitioned, it shall be retained in the High Court only as long as absolutely necessary; otherwise it shall be returned and called back as convenience permits.
2. (1) In main cases (other than criminal appeals against conviction and writ petitions) arising out of judgments or orders finally adjudicating the case, the record of lower Court or Tribunal shall be requisitioned after admission of the case, notwithstanding the fact that no order requisitioning the record has been made by the Court or the Registrar.  
(2) In criminal appeals against conviction, the record shall be requisitioned in accordance with rule 3 of chapter XI of these Rules.
3. (1) No record of a case or proceedings in possession of any Court or public servant, relevant to the disposal of a writ petition, shall be sent for, unless ordered by the Court either of its own motion or upon an application made by either of the parties to the petition.  
(2) Every application made under rule 3(1) shall (unless the Court otherwise directs) be supported by an affidavit showing how the record is material to the case in which the application is made, and that the applicant cannot, without unreasonable delay or expense, obtain a duly authenticated copy of the record or of such portion thereof as the petitioner requires or that the production of the original is necessary for the purpose of justice.

**Transportation of Records to and from the Court**

4. Records of all cases listed before the Court for motion hearing, shall be transmitted by entry assistant/Dealing Assistant to the Court Reader by 2.00 P.M. on the day the daily cause list is published.

Records of all cases listed for final hearing shall be transmitted by the Dealing Assistant to the Court reader by 5.00 P.M. on the day the weekly cause list is published.

The Reader to the Court shall acknowledge the receipt of the records of all such cases.

**5.** The records of all cases listed in motion hearing shall be returned to the concerned Section Officer/Assistant immediately after the hearing but not later than 3 days thereafter.

The records of all such cases listed for final hearing shall be retained in the Court till the case is –

- (1) disposed of,
- (2) dropped from the list of final hearing, or
- (3) required, for whatever reason, to be listed before another bench.

### **Place of Hearing**

**6.** Hearing of cases shall ordinarily be held in open Court.

### **Orders Granting Stay, Bail etc.**

**7.** Except in case of exigency, no order granting stay, bail or any other interim relief, in a civil or criminal main case, shall be made unless it is admitted for final hearing.

Provided that where stay, injunction or *ad interim* writ has been granted *ex parte*, the party in whose favour such order has been made, shall -

- (1) deliver to the opposite party against whom such order has been made or send to him by speed post/registered post/approved courier service, immediately after the order granting the *ad interim* writ/stay/injunction has been made, a copy of such order along with a copy of application or writ petition, as the case may be; and on an application of such party, the copying section shall supply certified copy of the order granting interim writ/stay/injunction on the same day so as to enable him to comply with the requirement of the rule, and
- (2) file on the next working day, an affidavit / document evidencing compliance of sub rule (1) above.

### **Notices to Public Officers and Corporations**

**8.** Notices to Public Officers and Corporations shall be sent by Registered post- acknowledgement due.

**Procedure Where a Case is not being Diligently Prosecuted**

**9.** If the appellant/applicant/petitioner fails to take requisite steps in a main case and it appears that he is not prosecuting the same with due diligence, the Registrar shall call upon him to make good/explain the default. If default is not made good and no explanation is offered within stipulated time or the offered explanation is found to be unsatisfactory, the matter shall be placed before the Court for dismissal in default of compliance or for appropriate orders.

**Civil Appeals, Revisions, Reviews and Miscellaneous Civil Cases**

**10.** The appellant, petitioner or applicant may file pleadings and/or evidence along with the memorandum of appeal, petition or application which he considers necessary to enable the Court to appreciate the scope of dispute for the purpose of admission, interlocutory orders or disposal.

**11.** The rules framed by the High Court for settlement of cases under section 89 of the Code of Civil Procedure, 1908 shall, as far as practicable, apply in respect of settlement of cases.

**Second Appeals**

**12.** The appellant shall, at the time of presentation, file a brief chronological list of events and brief written submission on the substantial question of law stated in the memorandum of appeal, so as to enable the Court to consider whether there indeed is a substantial question of law involved in the appeal.

If the Court is satisfied that a substantial question of law is involved, a notice may be issued to the respondent to show cause why the appeal may not be heard on the substantial question of law so formulated and the respondent on receipt of notice may argue that the substantial question of law so formulated does not arise for decision.

**13.** Wherever the Court proposes to issue such notice or admits the appeal, the notice shall accompany the substantial question (s) of law so formulated, and shall require the respondent to file his brief written submission after serving a copy to the opposite party, within a period of eight weeks from the service of notice.

Efforts shall be made to decide a second appeal as expeditiously as possible.

**Writ Petitions**

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

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

Provided further that where at the hearing of the petition, the Court is of opinion that any person who ought to have been served with notice of the petition, has not been so served, the Court may order such notice to be served and adjourn the hearing upon such terms, if any, as the Court may think fit.

- 15.** (1) All questions of fact arising for determination under this part shall be decided ordinarily upon affidavit, but the Court may direct that such other evidence be taken as it may deem fit.
- (2) Where the Court orders that certain matters in controversy between the parties shall be decided on oral evidence, it may either itself record the evidence or may direct any Court or Tribunal or a Commissioner appointed for the purpose to record it in accordance with the procedure prescribed by law.
- 16.** An application for issue of an interim order, accompanied by an application for urgent hearing, shall be dealt with as per rule 8(7) of chapter XIV of these Rules.
- 17.** The Court may in such proceedings impose such terms as to costs as it thinks fit.
- 18.** The Court may in its discretion, either before the opposite party is called upon to appear and answer or afterwards on the application of the opposite party, demand from the petitioner security for the costs of the petition.
- 19.** The rules regarding deposit or withdrawal of money as contained in chapter XX of these Rules, shall apply to the deposit or withdrawal of security.

**Writ Petition under Article 226 of the Constitution of India.**

- 20.** (1) Answer to the *rule nisi* showing cause against such petition shall be made by the respondent by filing a return duly supported by an affidavit and annexure and serving a copy thereof upon the petitioner, his agent or advocate at least two days before the date of return of the *rule nisi*.
- (2) Where the opposite party relies upon a document or documents in his possession or power, he shall file them along with his return.
- (3) Where a party relies on any other documents which are not in his possession or power as evidence in support of his return, he shall enter such documents in a list to be added or annexed to the return.

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

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

**23.** (1) An application for any order of an interlocutory nature other than for ad-interim direction shall be made by a separate application.

(2) Where any party against whom an interim order of any kind has been made, makes an application to the High Court for vacating the same, that application shall be listed within three working days from the date of filing of such application before the appropriate bench for orders.

**24.** (1) If the Court so directs, all documents not in English or Hindi, shall be translated into English by the official translator of the Court before being included in the paper-book and unless exempted by the Court, the cost of such translation shall be borne by the party relying upon them.

Such payment shall be made within such time as may be fixed by the Registrar.

(2) The attention of the Court shall be invited at the hearing to the costs of the above translation for orders.

**25.** Any party to a proceeding under article 226 of the Constitution of India desiring to obtain execution of the order relating to costs awarded in such proceedings shall apply to the Court by a stamped petition and such an application shall be registered as a miscellaneous civil case.

**26.** 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.

**27.** (1) Writs of this Court shall be issued under the signature of the Registrar in Form No. 16.

(2) The certificate of non-satisfaction of costs shall be issued under

the signature of the Registrar and the seal of the Court in Form No. 17, and shall be executable as decree of a civil Court.

**28.** The certificate for the recovery of costs shall be executed by the District Judge of the Civil District where cause of action arose or in which the party, from whom the costs are recoverable actually resides or carries on business or personally works for gain or has some property.

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

### **Writ of *Habeas Corpus***

**30.** Processing, listing, hearing and disposal of a writ petition in the nature of *habeas corpus* shall be expedited throughout and take precedence over all other matters - civil or criminal.

A writ of *habeas corpus* shall, as far as possible, be disposed of within a period of two weeks.

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

Provided that ordinarily a notice in respect of writ of *habeas corpus*, where the person is in custody under orders of the Central Government or the State Government, shall be issued by the Court at the first hearing and be made returnable within 72 hours. The Central Government or the State Government may file a return enclosing relevant documents to justify the detention within 5 days of the date on which notice was served. The case shall be listed on the 8th working day from the date of notice, unless there is an order to contrary, for hearing and appropriate orders.

**32.** A return shall be accompanied by an affidavit and documents, if any, in quadruplicate.

**33.** (1) The High Court may order any fact to be proved by affidavit or by oral evidence if considered necessary.

(2) The High Court may, if necessary, direct a Court of Session or a Magistrate to take evidence as provided in section 391 of the Code of Criminal Procedure, 1973.

**34.** On the day on which the person confined has been directed to be produced or on any day to which the hearing thereof is adjourned, if no cause is shown or if cause is shown and disallowed, the Court shall pass appropriate orders.

**35.** In any case in which the High Court orders a person in custody to be brought before it or before a Court martial, or before any authority, or to be removed from one custody to another or to be set at liberty, a warrant in Form No.18, to that effect shall be prepared and signed by the Registrar under the seal of the High Court.

**36.** Where the person is under detention in a Jail, such warrant shall be forwarded by the Registrar to the officer-in-charge of such jail and a copy thereof shall be sent simultaneously to the detaining authority.

In every other case, the warrant shall be served as the Court may direct.

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

**Note-** Please see rules 38 & 39 of chapter XVI for provision regarding preparation of paper-books in *habeas corpus* cases.

### **Writ Petition under Article 227 (1) of the Constitution of India.**

**38.** Save as herein provided, these rules, which are applicable to civil or criminal revisions, as the case may be, shall mutatis mutandis apply to the petitions under article 227 of the Constitution of India.

### **Writ Appeals**

#### **39. (1) Writ Appeals:**

Writ appeals shall be filed with advance service on the counsel for the opposite party, who had appeared before the single Judge.

The name of such advocate shall be published in the cause list.

The High Court may follow a flexible time schedule in such appeals.

#### **(2) Writ Appeals Arising out of pending writ matters:**

Appeals against appealable orders of the single Judge passed in pending writ matters shall be filed after advance notice to the opposite advocate (who appeared before the single Judge). The name of such advocate shall be published in the cause list.

Thereafter such appeal may be disposed of at the first hearing. In such cases, necessary documents shall be kept ready by both the advocate to enable the Court to dispose of the appeal at the first hearing itself. If for any reason, this is not practicable, such appeals shall, ordinarily, be disposed of within a period of one month.

In all such appeals, the Court shall set down and the advocate shall observe a strict time limit in regard to oral arguments.

### CRIMINAL CASES

**40.** Where an appeal is filed by a person in jail, or by the state, skeletal paper-book containing memorandum of appeal, impugned judgment, first information report, post-mortem report, medico-legal case report, statements of witnesses for the prosecution and the defence shall be prepared by the Registry.

In the case of an appeal filed by a person in jail, such paper-book shall be prepared in quadruplicate, within a week.

**41.** In criminal cases where the accused is not represented by an advocate, the Court may either appoint an advocate or direct the Secretary, High Court Legal Services Committee, to appoint an advocate to represent such accused and the Secretary shall make such appointment out of the panel maintained by the Committee at the earliest, from the date of communication of the order, under intimation to the Registry and the accused.

The advocate appointed by the Court shall be entitled to the fee equal to the amount payable to an advocate whose name included in the panel maintained by the authority.

- 42.** (1) Where attendance of an accused before the Court is required in an appeal or revision, it may direct that he shall, instead of appearing before the Court, appear before the trial Court / District Registrar (if working as Presiding Officer of a Court) / Chief Judicial Magistrate of the District in which the trial was held, on such dates as may from time to time be given by such trial Court/ District Registrar / Chief Judicial Magistrate, till the Court directs otherwise.
- (2) Such trial Court / District Registrar / Chief Judicial Magistrate may grant exemption from attendance to the accused on any date on sufficient cause being shown.
- (3) Where the accused does not appear on the date given to him and no sufficient cause for the non- appearance is shown, the trial

Court / District Registrar / Chief Judicial Magistrate may issue non-bailable / bailable warrant against such accused to secure his attendance, under intimation to the Registry of the High Court without delay. He shall simultaneously proceed under section 446 of the Code of Criminal Procedure, 1973.

### **Criminal Reference (Capital Punishment)**

**43.** Record of proceedings submitted to the High Court under section 366 of the Code of Criminal Procedure, shall be placed before the Registrar forthwith. The Registrar shall cause the reference to be processed and 5 copies of paper book to be prepared without delay.

**44.** Immediately on the receipt of the paper-book, the Registrar shall cause one copy of the paper-book each to be served on the office of Advocate General and the defence advocate.

**45.** If the record is in order, the Registrar shall fix a date of hearing of the reference, which shall not be before the date of expiry of the period of limitation against the judgment which is subject matter of the reference.

**46.** The processing, listing, hearing and disposal of a criminal reference (capital punishment) shall be expedited throughout and shall take precedence over all matters other than a writ in the nature of *habeas corpus*.

### **Jail Appeals**

**47.** Where, in view of the proviso (b) to Section 384 (1) of the Code of Criminal Procedure, 1973, the Court directs that the accused is to be heard in person, the appeal shall be listed for motion hearing ordinarily for a date, after limitation for filing appeal or revision against impugned judgment has expired.

**48.** A jail appeal shall not be dismissed summarily in view of proviso (c) to Section 384(1) of the Code of Criminal Procedure, 1973, until the period of limitation for filing such appeal has expired.

Where the duration of sentence is –

- (1) shorter than the period of limitation, or
- (2) so short that keeping the appeal pending for such period, would render the appeal infructuous or meaningless,

- it shall be posted forthwith before the Court drawing special attention to the fact that though the period of limitation has not expired, the case has been posted owing to the short sentence.

**49.** A notice of date of motion hearing shall be sent in duplicate to be served on the accused through the Officer-in-Charge of jail. Such Officer shall serve one copy of the notice on the accused and return the other copy with an endorsement of service to the Registry.

**50.** In case the accused does not want to remain present during the hearing, the Officer-in-Charge of jail shall obtain such unwillingness in writing from the accused.

**51.** In case the accused wants to remain present at the time of hearing, the Officer-in-Charge of jail shall make arrangements for his production at the time of hearing and safe return thereafter.

**52.** The Officer-in-Charge of jail shall, in either case, return the notice clearly intimating the Registry in advance as to whether the accused shall attend the Court on the date of hearing.

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**CHAPTER XIV**  
**CONSTITUTION AND FUNCTIONS OF THE**  
**JUDICIAL BRANCH**

**Preliminary**

**1.** The Judicial Branch of the High Court shall, for the purposes of these rules, be referred to as Registry/Office and shall be responsible for -

- (1) receipt and processing,
- (2) listing,
- (3) requisitioning of lower Court records,
- (4) compliance with Court orders,
- (5) preparation of paper-books,
- (6) receipt of process fees and preparation of notices etc.,
- (7) receipt and disbursement of amounts and maintenance of accounts,
- (8) translation,
- (9) preparation of decrees, memos of cost, certificates and writs,
- (10) delivery of certified copies,
- (11) transmission of records to Supreme Court and compliance with its orders,
- (12) maintenances and elimination of records,
- (13) generation of statistical reports

-and matters incidental thereto in respect of main cases and /  
or papers filed therein.

**2.** The Office shall consist of following branches and sections-

**(1) Branches**

- (a) Presentation Centre
- (b) Civil Branch
- (c) Writ Branch
- (d) Criminal Branch
- (e) Cause List Branch

**(2) Sections**

- (a) Record Room,
- (b) Paper-book Section

- (c) Translation Section
- (d) Copying Section
- (e) Cashier Judicial Section
- (f) Statistical Writer Section
- (g) Judicial Dispatch Section
- (h) Supreme Court Section
- (i) Election Petition Section
- (j) Forms Section

**3.** A branch or a section may be divided by the Registrar (Judicial) in the Principal Seat and Registrars in the Benches, in to sub-branches or sub-sections as per administrative convenience.

Each branch or section shall be headed by a Section Officer.

A section may be headed by a Section Officer, Assistant Grade-I or by any other official as per administrative convenience.

**4.** All officers and officials of the Judicial Branch shall work under the general supervision of the Registrar (Judicial) in the Principal Seat and the Registrar in the Benches.

**5.** Civil, Writ and Criminal Branches and Election Petition Section shall consist of sufficient number of Assistants Grade I, II or III, to be called Dealing Assistants.

**6.** Every main case shall be allotted to a Dealing Assistant. Endeavour shall be made to ensure that total number of cases allotted to a Dealing Assistant does not exceed 1000 at any given time.

**7.** Main cases shall be allotted to the Dealing Assistants by the Section Officer ordinarily in the lots of hundreds, e.g. first hundred cases, received in the branch, shall be allotted to the Dealing Assistant No. 1, next hundred to the Dealing Assistant No. 2 and so on.

#### **Duties of the Dealing Assistant**

**8.** It shall be the duty of the Dealing Assistant -

- (1) to prepare and maintain -
  - (a) Daily Diary, (Form. No. 19)
  - (b) Case Progress Register (Form No. 20)
  - (c) Register of Fixing of Cases (Form No. 21)
  - (d) Dak-Book and
  - (e) Register of Appearance in Criminal Cases (Form No. 22);

- (2) to prepare file covers for 'B' file of cases;
- (3) to keep the case ready for hearing if it is to be heard without lower Court record;
- (4) to requisition the relevant records if the case is to be heard with the records;
- (5) to send proposals (Form No. 23) for listing of cases in motion hearing or default, to the Section Officer / Assistant cause list section, where possible 3 days in advance;
- (6) to keep the case ready for hearing after making necessary compliance with any direction given by the Court;
- (7) to deal with every interlocutory application and while doing so, list the urgent matter on the third day and other matter on seventh day from the date of filing;
- (8) to take all actions like service of notices on the parties, bringing legal representatives on record, listing of all interlocutory applications, requisitioning of lower Court records etc., for ripening of the case;
- (9) to get the fixed date or Court ordered cases listed on the date or in the period specified by the Court, even if it is not otherwise ready for hearing, with explanation therefor;
- (10) to issue service post-card to the unrepresented parties;
- (11) to prepare and maintain report of service on parties in Form No.24 and place it before first order sheet in the file;
- (12) to send records of cases to the Paper-Book Section for preparation of the paper books;
- (13) to get the cases certified as ripe for hearing in the Form No. 25 and to send a copy thereof to the Section Officer / Assistant Cause List Section;
- (14) to deposit the records of pending cases in Record Room (Pending), when they are not required in near future;
- (15) to make compliance with the orders of the Court;
- (16) to prepare decrees, remand orders, schedule of costs, writs and certificate of orders etc.;
- (17) to arrange and prepare the records of disposed of cases for depositing in the record room;

- (18) to perform such other duties and do such other work, as may from time to time, be assigned by the Section Officer.

The aforesaid list is not exhaustive and does not, in any way preclude the Dealing Assistant from doing anything which is required to be done for smooth and efficient functioning of the branch or section.

**9.** Whenever a Dealing Assistant is on leave or is otherwise not available, for whatever reason, to attend to his duties, such duties shall be performed by the Dealing Assistant next in serial number. The duties of the Dealing Assistant last in serial number shall be performed by the first Dealing Assistant.

### **Duties of the Section Assistants**

**10.** It shall be the duty of a Section Assistant -

- (1) to verify the progress register and daily diaries maintained by the Dealing Assistants working under his supervision, at least once in a month and bring the defects and irregularities, if any, to the notice of the Section Officer;
- (2) to receive all cases and papers and mark them to the concerned Dealing Assistant;
- (3) to ensure compliance with any special direction given by the Court regarding issuance of notice or listing of cases and to bring the difficulties, if any, such as the absence of concerning Dealing Assistant, non-availability of record etc. to the notice of the Section Officer at the earliest;
- (4) to check notices before signing them or submitting them for signature of Section Officer/Deputy Registrar, as the case may be;
- (5) to ascertain that notices are issued by the Dealing Assistants within 7 days of the date of receipt of the process fee unless otherwise directed by the Court;
- (6) to examine the service reports submitted by the Dealing Assistants;
- (7) to certify cases as ripe for hearing;
- (8) to examine motion and final hearing cases before sending them to the benches;
- (9) to sign service post cards (S.P.Cs.) to be issued to unrepresented parties;
- (10) to maintain a register of fixed date cases and ensure that no such case escapes listing on the due date;

- (11) to perform such other duties and do such other work as may, from time to time, be assigned by the Section Officer.

The aforesaid duty list is only illustrative and does not absolve the Section Assistants from performing any duty which is required for smooth and efficient functioning of the Section.

### **Duties of Section Officers**

**11.** It shall be duty of the Section Officer -

- (1) to supervise overall working of the Section;
- (2) to ensure that all seats in the Section are manned and work of absentees is properly reallocated;
- (3) to check and sign the copies of orders passed by the Court on applications for interim relief;
- (4) to check and sign the copies of bail and other interlocutory orders in Criminal Branch;
- (5) to check draft and fare writs in Writ Branch;
- (6) to check draft and fare decrees in the Civil Branch;
- (7) to check certificate of judgment/order and bailable and non-bailable warrants in Criminal Branch;
- (8) to check and sign all endorsements forwarding copies of final or interlocutory orders and records to lower Courts and other departments;
- (9) to check certificates where leave to appeal to Supreme Court is granted;
- (10) to get prepared and check all registers and statistical reports in the section;
- (11) to forward all applications for leave including casual leave with comments/recommendations;
- (12) to perform such other duties and do such other work as may, from time to time, be assigned by the Registrar/Deputy Registrar.

The aforesaid duty list is only illustrative and does not absolve the Section Officer from performing any duty which is required for smooth and efficient functioning of the Section.

**Court Readers**

**12.** It shall be the duty of the Court Reader, *inter alia*, to -

- (1) receive and acknowledge the records of cases listed for hearing from the concerned Section Assistant as per rule 4 of chapter XIII of these rules;
- (2) inform the Dealing Assistant concerned of the non-receipt of record of any case listed for hearing, as early as practicable;
- (3) prepare record of the case as per instructions of the Judge;
- (4) arrange all records *ad-seriatum*;
- (5) call the cases in the open Court serially and place the record of the concerned case before the bench;
- (6) ensure that the case being heard is properly displayed on the Digital Display Boards;
- (7) maintain a register of mention memo issued by the bench and to forward such mention memo to the concerned Section immediately in accordance with rule 8 of chapter XII of these Rules;
- (8) update the status of cases in the computer as per rule 13 of chapter XII;
- (9) make available at the time of hearing all the books cited by the advocates as per rule 15 of chapter XII of these Rules;
- (10) return to the concerned Section Assistant records of cases listed for hearing as per rule 5 of chapter XIII of these Rules;
- (11) notify on the board at the end of each working day the result of all main cases decided by the bench as per rule 10 of chapter XVII of these Rules;
- (12) write the operative portion of the order passed by the Court on warrant/memo submitted in respect of any appellant/petitioner produced from Jail;
- (13) perform all duties imposed on him by rule 28 of this chapter for maintaining second set of "A" file of the record;
- (14) maintain disposal register in the Form No. 26 and send it to Statistical Writer on the last day of the month;
- (15) maintain catalogue of all the books permanently allotted to the Court and to maintain and make available the books required by the Judge;
- (16) verify physically the books entered in the catalogue during summer vacation with the assistance of the Librarian.

The aforesaid duty list is only illustrative and does not absolve the Court Reader from performing any duty which is required for smooth and efficient functioning of the Court.

### **Procedure to be followed in the Office**

**13.** The records of all cases, forwarded by the Reader to the branch in accordance with rule 5 of Chapter XIII, shall be received and acknowledged by the Section Assistant.

(1) Fresh cases shall be allotted by the Section Officer in accordance with rule 7 of this chapter and handed over to the concerned Dealing Assistant by the Section Assistant.

(2) Old cases shall be handed over to the concerned Dealing Assistant.

**14.** The Dealing Assistant shall be the custodian of all cases allotted to him. He shall be responsible for safety and security of the record. He shall be duty-bound to maintain the record in proper order and to deposit it in Record Room (Pending), whenever it is unlikely to be required in near future.

**15.** Primary duty of complying with the Court order shall lie with the Dealing Assistant. He shall peruse the Court order as soon as practicable. If he faces any difficulty in gathering the import of the order, he shall immediately consult the Section Assistant/Section Officer. Thereafter steps shall be taken to comply with the Court order immediately.

**16.** Where the Court directs that the order shall be brought to the notice of higher authorities, the Dealing Assistant shall forthwith place such matter before such authority.

### **Listing of Cases**

**17.** Separate registers of civil and criminal cases to be heard by division and single benches shall be maintained in such manner as to show when they are complete in every respect and ripe for hearing. The cases shall ordinarily be taken up from these registers in the order of institution for incorporation in monthly lists of cases to be heard by division and single benches.

**18.** Where the Court directs listing of a case on a particular date or during a particular period, the Dealing Assistant shall take a note thereof in the fixing register and prepare proposals for listing accordingly.

**19.** Proposal for listing of a case shall be submitted to the Section Officer/Assistant of the Cause List Branch by the Dealing Assistant through the Section Officer of concerned branch. Proposal for listing of a case in motion hearing shall be submitted at least three days in advance of the proposed date of listing.

Proposal for listing of a case in final hearing shall be submitted by Wednesday in the previous week.

**20.** The Section Officer/Assistant, cause list branch shall vet the proposals received from the Dealing Assistants, keeping in view the fresh cases to be listed by the entry assistant and ensure that the cases are listed in accordance with the relevant rules, instructions issued by the Chief Justice from time to time and the roster.

### **Interlocutory Applications**

**21.** Where the Section Assistant receives an interlocutory application in accordance with rule 4(4) of Chapter XI, he shall forward such application to the concerned Dealing Assistant, who shall place it on the record of the main case in which it has been filed, the same day, if possible but in no case, later than the next working day.

**22.** Every interlocutory application or petition besides bearing the annual serial number against which it is registered in the register of petitions in the computer, shall also bear a serial number in the chronological order of its presentation in the proceeding. This number shall be entered in red-ink at the head of the application or petition as follows:

The first interlocutory application or petition in the particular case or proceedings will be endorsed "Interlocutory Application (or petition) No.1" the second "Interlocutory Application (or petition) No.2" and so on.

**23.** Where the Court grants relief of an interim nature without hearing the opposite party, the case shall be posted before the Court for orders within a period of 30 days from the date of such order unless otherwise directed by the Court, irrespective of the fact that process fee was not paid or opposite party was not served.

### **Peremptory Order**

**24.** (1) Where a peremptory order has been passed, the Dealing Assistant shall make a diary note of the same and call for compliance report from the concerned official immediately after the expiry of the period stipulated in the order.

(2) Where on the basis of such report and such other inquiry as he may deem fit, the Dealing Assistant comes to a conclusion that the peremptory order has not been complied with, he shall prepare a note recording the factum of such non-compliance and submit it before the Registrar on administrative side through the Section Officer within a week of the expiry of the period stipulated in the order.

**Explanation:** Part compliance of a peremptory order shall be deemed to be non-compliance thereof.

- (3) On such note being submitted, the Registrar shall examine the matter and on being satisfied that the peremptory order has not been complied with and consequence (s) specified in the order has (have) ensued, shall direct that the parties concerned, Reader to the Court and the Statistical Writer shall take notice of such consequence (s).
- (4) Notwithstanding the fact that the administrative direction under rule 24(3) was made by the Registrar on a particular date, the consequence shall be deemed to have ensued on the expiry of the period stipulated in the order and the limitation for restoration shall be deemed to have commenced on such date.
- (5) Where an administrative direction under rule 24 (3) has been made by the Registrar, a copy of such direction along with the peremptory order shall be forwarded to the lower Court/Tribunal/ Authority, within a week of such direction.

### **Paper Books**

**25.** The Dealing Assistant shall send the records of all those cases in which paper-book is to be prepared and no matter is pending for listing before the Court in motion hearing, to the Editor, Paper-book Section, after parties are served.

### **Decrees, Remand Orders, Writs and Certificates**

**26.** All drafts of decrees, remand orders, writs and certificates of orders shall be prepared in English within one week from the date of receipt of record by the Dealing Assistant. Such draft shall be vetted and forwarded to the Registrar by the Section Officer.

**27.** After the final decree, remand order, writ or certificate of order is signed by the Registrar, the Dealing Assistant shall arrange the High Court record for the purpose of indexing. Thereafter the lower Court record shall be returned with the copy of judgment/order, decree, remand order, writ or certificate of order, as the case may be.

### **Maintenance of Second Set of "A" File**

**28.** The office shall be duty bound to prepare and maintain identical second set of "A" file of all the cases which are to be heard by a division bench. In order to perform this duty-

- (1) The filing assistant shall ensure that second set is presented in accordance with rule 3 of chapter X of these Rules.
- (2) The scrutiny assistant shall list the case for rectification of defects before the Registrar, where second set has not been provided as per rules, or where second set is not in paper book form, if required. The scrutiny assistant shall place the second set in a file cover in cases which are not required to be presented in paper book form.
- (3) The Section Assistant shall, in no case, certify a matter as ripe for hearing, where the second set of "A" file is not in order. It shall be the duty of the Dealing Assistant to maintain the second set in proper order. To ensure this, copies of all interlocutory applications, replies, returns, rejoinders and other documents etc. shall be diligently placed in the second set, within three days of presentation. The Dealing Assistant shall place the second set in file cover before listing in pending case.
- (4) It shall be the duty of the Secretary/Reader, who prepares the order to make an extra copy of the same, for being placed in the second set.
- (5) No case, where the second set is not in order, shall be listed for hearing before a division bench. It shall be the duty of the Court Reader to diligently restore the second set to the record of the case after it is received back from the Judge. Where a record is returned by the Reader without the second set, the Dealing Assistant shall immediately apprise the Registrar.

### **Linked Cases**

**29.** More than one cases belonging to the same class and which can be listed before the same bench, arising from the same judgment/order/notification etc., shall be heard analogously.

The office shall post such cases together before that bench for analogous hearing.

**30.** More than one cases belonging to the same class, arising from the same judgment/order/notification etc., one or more being listable before a division bench and other or others before a single bench, shall be heard analogously by the division bench.

The office shall post such cases together before the division bench for analogous hearing.

**31.** More than one cases belonging to different classes and listable before different benches, arising from the same judgment/order/ notification etc., shall be heard analogously by the same bench.

The office shall place such cases before the Chief Justice for orders as to the bench before which all such cases ought to be listed together for analogous hearing.

### **Connected Cases**

- 32.** (1) The cases involving similar points of law and/or fact though arising from the different judgment/order/ notification etc., shall be referred to as “connected cases”.
- (2) No cases shall be treated as connected cases by the office unless specifically ordered by the Court.
- (3) Such cases shall, ordinarily be listed together, heard analogously and disposed of, as far as practicable, by a common judgment/ order.
- (4) Where the connected cases, owing to roster, are listable before different benches, the office shall place them before the Chief Justice for orders as to the bench before which such cases may be posted for analogous hearing.

**33.** It shall be the responsibility of the Section Officer/Assistant to keep track of the linked and connected cases. All such cases shall be clubbed together and allotted to the assistant, dealing with the oldest case in the bunch.

### **Consignment to the Record Room**

**34.** After signing of decree/remand order/writ/certificate by the Registrar; or where no such document is required to be prepared, after preparation of fly sheet endorsing the copy of final order to the concerned Court/Authority/ Tribunal; the Dealing Assistant shall transmit the record to the dispatcher (judicial), who shall forthwith dispatch the decree/remand order/writ/certificate/ final order/lower Court records to the concerned Court/Authority/Tribunal. The dispatcher shall thereafter transmit the High Court record to the statistical writer.

**35.** The statistical writer shall make entry of the result of the case in relevant register and forward the record to the record room (disposed of).

### **Information of Judgments etc. of Appellate Courts**

**36.** Any order passed by the Supreme Court in a matter arising from a case pending before the High Court shall, as soon as practicable, be listed before the concerned bench.

**CHAPTER XV****PROCESS AND PROCESS-FEES**

**1.** Whenever notice is ordered to be issued to any party at the expense of any other-party, the latter shall pay the necessary process-fee within the time stated in the order, or if no such time is stated, within 7 days and shall, at the same time, supply as many copies of memorandum of appeal, objection, petition or application, as the case may be, and any affidavit filed in support thereof and in case of a second appeal, the substantial question (s) of law on which the same is admitted, as there are persons to be served:

Provided that the time requisite for obtaining a certified copy of the order sheet containing the substantial question (s) of law on which the second appeal is admitted, will be available in addition to the period mentioned above, for supplying copies thereof along with process-fee:

Provided further that in all civil matters, notices to the Public Officers and Corporations shall be sent in the prescribed forms by registered or speed post or approved courier service - acknowledgement due.

**2.** No party to a proceeding other than the State of Madhya Pradesh shall be exempt from the payment of process fee, unless specifically directed by the Court.

**3.** If the process-fees are not paid by the due date or if the necessary documents are not filed, the case shall be posted as a defective case before the Registrar who may, in his discretion either grant further time for depositing the process-fees or filing the documents or may direct that the proceedings be placed forthwith before the appropriate Bench for orders:

Provided that the Registrar shall not condone the delay where an interim relief has been granted by the Court in favour of the defaulting party.

**4.** (1) Except in case of process to be transmitted by registered post/ parcel - acknowledgement due, the process-fees shall be paid in Court-fee stamps only and not by any other mode. The stamps must be affixed to the memorandum of process in Form No. 27. The memorandum shall state the number and class of the proceeding, the value of the claim in suit and/or appeal, the value of the Court-fee stamp affixed, details of the processes to be issued, and particulars and full address of the parties on whom the notices are to be served. If the address so given is registered address within the meaning of Order VII, rule 19 and Order VIII, rule 11 (both Madhya Pradesh amendments) of the Code of Civil

Procedure, 1908, the letters "R.A." shall be placed before the address.

- (2) Court fees stamp of Rs 5/- shall be affixed on the memorandum of process in addition to the requisite stamp for the process-fee.
  - (3) If a party presents a memorandum of process in duplicate and desires that the receiving official should acknowledge it, the latter shall sign and date the duplicate copy by way of acknowledgment of receipt of the original and return it to the party presenting it.
- 5.** The memorandum, referred to in rule 4, may be filed in the presentation centre within the period allowed or may be sent by registered post, addressed to the Registrar, in time to reach the Court within the period allowed.
- 6.** Where the Court has admitted a writ petition for final hearing, the petitioner shall, for issuing notices to the respondents, deposit the necessary process fee along with duly filled in notice forms and requisite number of copies of paginated petition, annexure, index and file-sized envelopes.
- 7.** True Copy of the writ petition together with annexure and affidavit, duly attested by the petitioner or his advocate, shall be served with the notice.
- 8.** The Section Officer shall, having regard to the state of the file, fix a date to be entered in the notice for appearance and reply of respondents within the period prescribed by the Court and where the time is not prescribed by the Court, the date to be so fixed, shall not be beyond eight weeks.
- 9.** The fees, exhibited in the following table, shall be charged for serving and executing the several processes against which they are severally mentioned:
- (1) In every case in which personal or substituted service of a summons or notice is required in respect of each person-
    - (a) in appeals and revision not exceeding  
Rs.10,000 in value.                      Rs.10.00
    - (b) in appeals and revisions exceeding  
Rs.10,000 in value.                      Rs.15.00

Provided that for the service on more than one person, residing in the same village or in the same ward of a municipality or cantonment, the fee payable for each person other than the first, shall be Rs. 5.00.
  - (2) The process-fee in applications for probate and letters of administration and applications for revocation of probate and letters

of administration shall be according to the value of the property in dispute, and as per scale laid down in the clause (1) (a) or (b) and the proviso thereunder.

- (3) Process-fee in cases, not otherwise provided for, shall be as per scale laid down in clause (1) (a) or (b) and the proviso thereunder.
- (4) In cases where processes have to be transmitted to the District Judge for service on a private party by registered post/parcel - acknowledgment due, the actual sum payable for such transmission through registered post shall be paid in the form of envelope containing postal stamps of the requisite value, in addition to the sum payable under clause (1) (a) or (b).
- (5) the provisions of order V of the Code of Civil Procedure, 1908 shall, so far as may be, apply to service of process in all proceedings of this Court.

**10.** Notwithstanding any provision contained in this chapter, no fee shall be charged for serving-

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

**11.** If the following criminal cases are admitted for final bipartite hearing, notice of final hearing shall invariably be issued to the Advocate-General through the Legal Remembrancer, Madhya Pradesh-

- (1) an appeal by an accused person against the decision of a Court of Session;
- (2) a petition by a private person for revision of a judgment or order of a Court of Session;
- (3) proceedings regarding the transfer of a case;
- (4) an appeal or a reference for confirmation of capital punishment in murder cases;
- (5) in all cases of enhancement of sentence when the Court considers that there is a prima facie case therefor.

**12.** In all criminal cases in which a charge involving the capital sentence is involved in one way or another and the capital sentence is not imposed, a notice shall issue to the Advocate-General with a view to affording an opportunity to the State for considering whether an appeal against acquittal or an application for enhancement of sentence should be filed. Cases in which such notice has been given shall not be posted for disposal until after the expiry of two weeks from the date of issue of such notice.

If in such a case, the Government gives a notice of an appeal within the said period of two weeks, the appeal originally filed by the accused and the appeal or application filed by the Government shall be posted for disposal together.

- 13.** (1) where a notice in a Writ Petition has been issued by registered post - acknowledgement due, pre-paid and properly addressed and neither the envelope containing the notice nor the acknowledgement has been received back, for a period of 30 days from the date of issue of notice, the office shall presume that notice has been duly served.
- (2) In such a case, after expiry of aforesaid period of 30 days, the concerned Dealing Assistant shall submit a report to Deputy Registrar (Judicial), who shall, after verifying as to whether the envelope, containing the notice or the acknowledgement has been received back in the office and certify that the notice has been duly served, in case it is not so received. Such certification in following format shall be placed before the Court-

“The notice has been duly served, as it was sent by registered post-acknowledgement due, pre-paid and properly addressed and neither the envelope, containing the notice nor the acknowledgement has been received back for a period of 30 days from ..... (the date of issue of notice.)”

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## **CHAPTER XVI**

### **PAPER-BOOKS**

#### **Preparation of Paper-Books in Civil Cases**

**1.** In every case in which a civil appeal or an application for revision or review on the civil side has been admitted for hearing parties, the Registrar shall, on receipt of the records from the lower Court and on the prescribed cost, if any, due from the parties, cause a paper book to be prepared in accordance with the rules of this chapter.

Provided that ordinarily no paper-book shall be prepared in the matters to be heard and disposed of by a Judge sitting alone unless otherwise directed by the Court.

**2.** The paper-books shall be prepared by using photo copies on white foolscap paper, only one side of the paper being used. A table of contents with reference to pages shall be prefixed to each paper-book and each paper-book shall be stitched together with a fly leaf.

Provided that photocopy of a document in the paper-book which is faint or is otherwise not fairly legible, shall be accompanied by a typed copy thereof.

Except as stated in the proviso, no page other than table of contents and fly leaf in the paper-book shall be typewritten, unless unavoidable.

**3.** All documents not in English or Hindi shall be translated in English by the official translators of the Court before being included in the paper-books:

Provided that a Judge, hearing the case, may direct that English translation of a document in Hindi be included in the paper-book.

**4.** When paper-book in a case is ready, it shall be sent to the Dispatcher (Judicial). The intimation of the paper-book being so ready, shall be published in the weekly cause list and shall also be displayed on the notice board outside the office of Registrar and the Paper-Book Section. Thereafter it shall be the duty of advocates concerned to collect the paper-book from the Dispatcher (Judicial).

**5.** (1) At the end of each paper-book, details of the costs, incurred in the preparation thereof, by the parties separately, shall be noted and such amount shall, subject to the following provisions, be included in the costs of the case unless the Court otherwise directs.

(a) In the case of charges incurred under proviso to rule 28, only such amount shall be included as would have been chargeable at the rate prescribed in rule 6.

- (b) The cost of one extra copy for each respondent or non-applicant calculated at the rate prescribed under rule 6 (4) shall, if actually supplied under rule 13, be included.
  - (c) Any costs incurred under rule 9 shall be included if the Court allows the admission of the documents.
- (2) Any surplus remaining after deducting the cost actually incurred from the amount deposited by each party with the cashier of the Court shall be refunded upon a written request (unstamped) to the party in the proceedings by whom the deposit was made or to the counsel appointed to get in this behalf. When the deposit was made by a counsel, it shall be accompanied by a power of attorney or shall contain a declaration that the counsel has already filed a power of attorney in the case authorizing him to receive the sum.
- 6.** The costs shall be calculated at the following rates:-
- (1) Translation from Hindi into English for every 40 words of the English translation or part thereof..... Rs. 5.00.
  - (2) Translation from any other language into English, for every 30 words of the English Translation or part thereof ..... Rs.5.00.
  - (3) Preparation of necessary number of copies for the use of the Court and two more copies for counsel on either side, for every page or part thereof ..... Rs.5.00.
  - (4) Preparation of additional copies of the paper-book, per page per copy ..... Rs.2.00.

For typing documents not in English or Hindi-

- (a) Rs.5.00 for every 150 words or part thereof,
- (b) Rs.2.00 for page typed per copy of the additional copies of the Paper-Book.

Four figures shall be treated as the equivalent of one word.

- 7.** No paper in the record of a case which ought to have been but was not included in the list of documents, specified by any party under rule 10 (6), 30 (1) (a), and 32 (1) (c) or in respect of which costs have not been paid under any rule, shall be referred to at the hearing of the case without the special leave of the Court and unless both, the Court and the opposite party, have been previously supplied with copies and if necessary, translation thereof, prepared in the office, at the cost of the party concerned.

Provided that this rule shall not preclude the Court from referring to any paper, if it considers so to do for the ends of justice. In such a case the Court may order inclusion of such papers in supplementary paper-book. Every endeavour shall be made to prepare such paper-book before the date of hearing. However, in such a case, the charges for preparing such supplementary paper-book shall be twice the amount, prescribed in rule 6:

Provided further that parties will have no claim to an adjournment merely because such supplementary paper-book was not supplied in time unless the Court considers such adjournment expedient.

**8.** No order shall be passed exempting any party from the operation of the whole or any part of these rules, and no special order shall be made as to any matter with which these rules are concerned except upon application duly stamped with a Court-fee of Rs.10.00 setting forth sufficient grounds.

An application for enlargement of time for the doing of any act required to be done under these rules shall ordinarily be made before the expiry of prescribed time:

Provided that if it is deemed necessary, an order may be passed directing that an affidavit be filed in support of the application for extension of time.

**9.** If any party desires to refer at hearing to any document not admitted in evidence in the lower Court or desires the admission of fresh documentary evidence in this Court, such documentary evidence shall be specified by such party and included in the list of documents filed by the party, and copies and if necessary, translations shall be prepared at the cost of the parties and kept with but shall not be included in the paper-book of the case.

**10. Appeals from Original Decrees-** In appeals from original decrees, paper-book shall ordinarily consist of the following papers, *viz.*:-

- (1) the pleadings (plaint and written statements);
- (2) the oral statements;
- (3) the issues;
- (4) the evidence of witnesses, whether taken in Court or on commission or on affidavit under rule 4 of order XVIII of the Code of Civil Procedure, 1908;
- (5) maps and plans, if any;
- (6) the judgment and decree;
- (7) such interlocutory applications and the orders thereon and such

documents admitted in evidence as may be specified by either party in response to the notice issued to him in this behalf;

- (8) documents not admitted in evidence for any reason, with permission of the Registrar; and
- (9) the memorandum of appeal:

Provided that it shall ordinarily be unnecessary to include schedules, statements and similar papers unless they are material for an understanding of a case.

Provided further that the Registrar shall be empowered, either on application made or of his own motion, after hearing the parties, to exclude from the paper-book all documents or portions of documents that are not relevant to the subject matter of the appeal and generally to reduce the bulk of the record.

**11.** (1) In the first appeal in which the prayer is-

- (a) to grant instalments or to set aside or modify instalments granted or to modify the time granted to satisfy a decree, or
- (b) to alter interest allowed, or
- (c) to extend time to satisfy a mortgage decree or to set aside a decree following refusal to grant time, or
- (d) to extend time to pay the price in pre-emption cases or to challenge an order allowing time for payment, or
- (e) to alter the relief granted from sale to foreclosure or from foreclosure to sale in mortgage cases,

-the paper-book shall ordinarily consist of the following papers only-

- (i) the pleadings ( petition and written reply);
  - (ii) the oral statements;
  - (iii) the judgment and decree or order;
  - (iv) such portions of oral or documentary evidence as may be specified by either party in response to the notice issued to him in this behalf; and
  - (v) the memorandum of appeal.
- (2) In appeals to set aside or vary a decree based on an award under section 39 of the Arbitration Act (X of 1940), or section 37 or 50

of the Arbitration and Conciliation Act, 1996, in addition to the papers mentioned in sub-rule (1) above, a copy of arbitration agreement and award shall also be included.

- (3) In a first appeal arising out of proceedings after the preliminary decree in suits for accounts or partition, the paper-book shall ordinarily consist of the following papers only :-
- (a) the judgment and preliminary decree including maps and plans, if any;
  - (b) the final decree;
  - (c) (i) such portions of orders of the Court; and  
(ii) such portions of oral and documentary evidence as may be specified by either party in response to the notice issued to him in this behalf.

**12.** The paper-book shall be arranged in two parts. Part II containing the exhibits and documents and Part I all the other papers. Part I shall be arranged strictly in chronological order while Part II shall follow the order of the exhibit mark. Additional evidence admitted by a lower Court after remand of the case by this Court shall however, not be incorporated in the main paper-book, but shall be arranged in chronological order while Part II shall follow the order of the exhibit mark. Additional evidence admitted by a lower Court after remand of the case by this Court shall however, not be incorporated in the main paper-book, but shall be arranged in chronological order in a separate paper-book.

**13.** Three copies shall ordinarily be prepared in appeals which are to be heard by a single Judge and four copies in appeals which are to be heard by a division bench. One copy in the former and two copies in the latter will be retained for the use of the Court and the other two copies given to the counsel on either side. If, however, an application is made in this behalf to the Deputy Registrar, before the commencement of the preparation of the paper-book, additional copies not exceeding three, may be prepared along with the Court copies and given to the parties on payment calculated under rule 6 (4). Extra copies applied for, after the commencement of the preparation of the paper-book, may be refused; and if supplied, shall be charged for at 1½ time the rate prescribed under rule 6 (3). Extra copies applied for, after inclusion of the case in the weekly list, will be refused. Office will endeavour to complete extra copies so charged for under rule 6 (3) before the hearing but no party shall have any right to an adjournment merely because such copies are not ready.

**14.** As soon as an order has been passed admitting the case for final hearing and the records have been received from the Court, the Deputy Registrar shall

cause notice to be given to the parties requiring them to prepare and deliver by certain specified dates, separate lists of the papers mentioned in rule 10 above which they desire to be included in the paper-book in the following form-

Description of the Papers with Date, Distinguishing Mark or Number of the Page	Whether the Whole or a Portion is to be Included	Page of the PaperBook to be filed in the Office
--------------------------------------------------------------------------------	--------------------------------------------------	-------------------------------------------------

If the appellant does not desire to include any such papers in the paper-book, he shall file a blank list by the specified date referred to above.

**15.** If only a portion of a document is to be included in the paper-book, it shall be incumbent on the party to specify that portion clearly and beyond risk of doubt; if this is not done, estimates will be prepared excluding the whole document and reference to be allowed at the hearing.

**16.** The date given to the appellant shall be at least three weeks earlier than that given to the respondents.

**17.** Every respondent may insert the appellant's list and at his own expense obtain a copy of the whole or any portion thereof.

**18.** Respondents having a common interest in the appeal may deliver a combined list and those having separate interest may deliver separate lists.

**19.** When a memorandum of objections has been filed by a respondent under Order XLI, rule 22 of the Code of Civil Procedure, 1908, the appellant may file an additional list of papers which he desires to be included in the paper-book.

**20.** The filing of lists of documents should be a considered act and revision of these lists will be allowed only in exceptional cases and for good cause shown. It will be allowed more freely on a duly stamped, agreed application made by all parties under rule 8. In judging whether revision be allowed, reasonable diligence in filing the revised list will be considered. Normally, reasonable diligence would require the applications to be filed within a fortnight of service of estimates.

Provided that when order allowing an application for revision of the list is passed, the appellant shall pay Rs.10 in Court-fee labels, as fee for the preparation of the revised estimates within the time fixed, if any, or within 7 days of the date of the order, failing which the preparation of paper-books shall be proceeded with as if there was no such application.

- 21.** If an application is allowed to revise his list, the respondent may file an additional list of papers to be included in the paper-book.
- 22.** On receipt of the appellant's and the respondent's lists, the Deputy Registrar shall, as soon as practicable, make and deliver to the parties separate rough estimate of the costs of preparing their portions of the paper-book.
- 23.** The parties shall deposit the amounts as demanded in cash with the Cashier of the Court within 3 weeks of the delivery of the rough estimates referred to in rule 22.
- 24.** In cases falling under proviso to rule 1 of this chapter, when the Court orders a party to pay paper-book costs, the Estimator shall issue a notice to the party concerned to pay costs, within two weeks of the receipt of the notice. In default of payment, the Deputy Registrar shall issue a certificate of non-satisfaction to the District Judge having jurisdiction over the place where the party concerned ordinarily resides or carries on business or personally works for gain. The District Judge shall recover the costs, together with the costs of the notice, as in the case of a decree and remit the amount to the Registry at the expense of the party concerned.
- 25.** If it subsequently appears that the amount so deposited by either party is insufficient, the Deputy Registrar shall estimate the additional amount required and give notice thereof to the party concerned who shall thereupon deposit the amount within two weeks of service of the notice.
- 26.** If on completion of the paper-book it is found that the deposit is insufficient, the balance shall be recoverable from the party concerned. The case shall be placed before the Court and it may pass such orders for recovery of costs as it thinks fit.
- 27.** If the appellant fails to deliver his list or blank list under rule 14 or to make the deposits required under these rules, the Deputy Registrar shall cause the case to be laid before the Court for orders under Order XLI, rule 15-A, First Schedule, Code of Civil Procedure, 1908.
- 28.** If the respondent does not enter an appearance or fails to deliver his list or to make the deposits required by the forgoing rules, the paper-book shall be prepared in accordance with the appellants' list:

Provided that a respondent may subsequently be permitted by the Registrar to get the papers and documents required by him translated and included in the paper-book, if he makes an application for this purpose at any time before the case is placed on the monthly list. The charges for preparing the copies and translations under this proviso shall be one and half times, those prescribed in rule 6.

**29. First Appeals from Orders-** The rule for the preparation of paper-books in appeals from original decrees shall apply *mutatis mutandis*, to the preparation of paper-books in first appeals from orders passed by subordinate Courts. In these appeals a paper-book shall ordinarily consist only of the papers mentioned in rule 11.

**30. Second Appeal-** Where the Court orders for preparation of paper book in a second appeal, it shall consist of the following papers *viz.*-

- (1) (a) the memorandum of appeal;
  - (b) the pleadings with maps and plans, if any;
  - (c) the judgments and decrees with maps and plans, if any, of both the lower Courts;
  - (d) any judgment or order of remand passed in the case either by the lower appellate Court or by the High Court.
- (2) It shall also contain any portion of the record of any evidence oral or documentary that may be specified by either party, provided that the advocate or the party filing the list certifies in writing that such evidence or documents shall be referred to at the hearing of the appeal:

Provisions contained in rules 14, 15, 16 and 17 will not apply so far as preparation of Paper Books in Second Appeals are concerned.

**31. Writ Appeal-** In a writ appeal, the paper-book shall ordinarily consist of—

- (1) pleadings of both the parties with annexure,
- (2) a copy of the judgment appealed from, and
- (3) the memorandum of appeal.

It shall be prepared in quadruplicate at the expense of the appellant.

**32. Application for Revision-**

- (1) In applications for revision, the paper-book shall ordinarily consist of -
  - (a) the application;
  - (b) the judgment or order of the Court of first instance and of the lower appellant Court, if any, to which the application relates; and
  - (c) all papers or documents which are not in English or Hindi, to which reference will be made at the hearing.

- (2) It shall be prepared in the same way as the paper-books in First appeals from order and the rules for preparation of the paper-books in first appeals from orders shall apply *mutatis mutandis* to the preparation of the paper- books under this rule.

**33. Application for Review of Judgment.-** In application for review of judgment the paper-book shall ordinarily consist of-

- (1) the application;
- (2) any affidavit filed with the application;
- (3) any affidavit filed in reply; and
- (4) the judgment and the decree or order to which the application relates.

**34.** When these rules direct or allow any act to be done by or any notice to be given to a party to the case, such act may be done by or such notice may be given to advocate appointed to act by that party.

**35.** The Registrar may enlarge the time prescribed by these rules for doing any act. The Registrar may also exempt any party from the operation of any of the above rules or may make such special order as he deems fit as to the preparation of paper-book in a particular case.

**36.** When a case is referred to a division bench or full bench, the Registrar shall direct for preparation of requisite number of extra paper-books. The costs of such extra paper-book shall not be recovered from the parties.

**37.** Notwithstanding anything contained in these rules, the Chief Justice may by a general or special order dispense with translation of documents in any case or classes of cases that may be pending in the High Court.

### **Paper-Book in Writ Petitions in the Nature of *Habeas Corpus***

**38.** In writ petitions in the nature of *habeas corpus*, four copies of paper-books shall be prepared free of costs. Out of these, two will be for the use of the bench and one each for the Advocate General and the applicant.

**39.** The paper-book shall consist of pleadings with affidavits and such other documents as may be filed by the parties or as the Court may order to be included.

### **Preparation of Paper-Books in Criminal Cases**

#### **Paper-Books in Criminal References (Capital Punishment)**

**40.** When the record of the proceedings submitted to the High Court under section 366 (1) of the Code of Criminal Procedure, 1973, has been examined and found to be in order, the Registrar shall at once cause a paper-book to be prepared.

**41.** The paper-book shall ordinarily consist of -

- (1) photocopies of a Sessions Court's record, all documents and statements, not in English or Hindi, having been translated into English; and
- (2) a typed copy of the memorandum of appeal, if any, translated into English, if not in English or Hindi:

Provided that a Judge hearing the case may direct that English translation of a document in Hindi be included in the paper-book.

**42.** Four copies of the paper-book shall be prepared on white foolscap paper, only one side of the paper being used. Each paper-book shall be stitched together with a fly-leaf in form of the schedules appended to the Revised Madhya Pradesh Forms Rules, 1961, with a table of contents with reference to the pages of the paper-book.

**43.** As soon as the paper-book is ready, one copy shall be sent to the Advocate-General, one copy to the prisoner's counsel and the remaining copies shall be retained for the use of the Court.

#### **Paper-Books in Criminal Appeals and other Criminal Cases**

**44.** Paper-books shall be prepared in all criminal appeals and criminal cases admitted for hearing by a division bench and shall be prepared and distributed in the manner prescribed in rule 42 and 43 above and shall ordinarily consist of-

- (1) the memorandum of appeal or reference;
- (2) statements of all the eye witnesses medical or other expert witnesses, the first information report, maps and plans, the injury and post-mortem reports, Chemical Examiner and Serologist's reports, or the report of any other expert; and
- (3) the judgment or order of the Court of Session in appeal or revision, if any:

Provided that any other document and /or statement may also be included in the Paper Book, if so ordered by the Court:

Provided further that the Chief Justice in his discretion may, in any such case or class of cases either dispense with the preparation of paper books or may order that skeleton paper books be prepared containing only such documents as he may order:

Provided further that in any case where there are more than one accused persons who are represented by separate advocate, on an application being made to the Registrar before commencement of preparation of the paper books,

such number of additional paper books may be prepared as directed by the Court.

**45.** In criminal appeals admitted for hearing by a single Judge, a paper-book will not ordinarily be required but all documents and statements, if not in English or Hindi, shall be translated into English and the translation placed immediately after the originals in the record of the case. The Judge may, however, direct at the preliminary hearing of the appeal, the preparation of photocopies of any portion or a complete paper-book as in rule 44.

**46.** The paper-book in revision cases shall ordinarily consist of-

- (1) the report of the Sessions Judge under section 399 of the Code of Criminal Procedure, 1973 or the petition praying for revision, translated into English, if not in English or Hindi .
- (2) copies of the judgments or final orders passed in the case by all the Courts below, if any.

Only one copy of the paper book shall be prepared and the original documents and certified copies in the record shall be utilized if they are fairly legible. On receipt of the trial Court's record, the first information report and the statements and confession of the accused shall be translated, if not in English or Hindi, in English and the translations placed immediately after the originals in the record of the case. It shall not be necessary to translate the other documents not in English or Hindi; or to prepare a typed copy of any portion of the record unless specially ordered by the Judge at the preliminary hearing or subsequently.

**47.** (1) Where the Court orders the preparation of a paper-book in a criminal case at the cost of party, the Deputy Registrar shall fix the time within which the party or his advocate shall deposit money or do any act for implementing the order of Court and the charges shall be calculated at the rates prescribed for civil cases.

- (2) Notwithstanding anything in sub-rule (1) above, no costs shall be required to be deposited by a prisoner or person who is under restraint in pursuance of the orders of any Court.

**48.** In all Criminal appeals filed under section 378 of the Code of Criminal Procedure, 1973, the paper books shall be prepared at the cost of the appellants and all rules for the preparation of the paper books shall apply *mutatis mutandis*.

**49.** Notwithstanding anything contained in these rules, the Chief Justice may, by a general or special order, dispense with the translation of documents in any case or classes of cases that may be pending in the High Court.

## **CHAPTER XVII**

### **JUDGMENT AND DECREE**

**1.** Every judgment, delivered, and order or award, passed by the Court, shall be recorded. Every judgment, final order or award shall be prepared on computer.

**2.** On conclusion of hearing of a case, if the judgment or order is not pronounced in the open Court but reserved, an endeavour shall be made to deliver the same expeditiously with notice there of to the parties/advocates by way of publication in the cause list:

Provided that where the judgment/order is not pronounced in open Court after conclusion of hearing, it shall not be necessary for the Judge (s) to assemble in open Court at a future date, for pronouncement of the judgment/order. Such judgment/order may be delivered by the Judge (s) subscribing thereto, his/their signature (s) with date.

Provided further that where the Judge (s) assembles to deliver a written judgment/order, it shall be sufficient if the operative portion of the judgment/order is read out.

**3.** After delivery of a judgment or final order, the Private Secretary, Personal Assistant or Stenographer, preparing it, shall ensure that all the corrections made by the Judge (s) in the typescript of the judgment or final order, are carried out in the electronic copy thereof. He shall then digitally sign the electronic record of such judgment or final order and transmit the same through the local area network to the specified folder, containing judgments/final orders in the main server of the High Court.

All the judgments and final orders, not digitally signed for some reason, shall be sent by the Reader to the copying section for scanning.

**4.** When a type script of a judgment or order has been prepared and is ready for signature, the judgment or order shall be laid on the table of the Court Reader, making it available for inspection to the parties and advocates appearing in the case. The Judgment will be signed at the close of the sitting of the Court on the day on which the judgment or order is placed on the Reader's table. At any time before signature, a party to the case or his advocate may appear and ask for the correction of clerical mistakes and omissions.

**5.** In a case where the judgment is reserved after conclusion of hearing and is pronounced later, the date of reserving the judgment and the date of pronouncing it, shall be mentioned in the fly sheet of the judgment.

- 6. (1) Where a Judge sitting singly has heard a case at Jabalpur, Indore or Gwalior but when the judgment/order is ready, he is not sitting there, the judgment/order shall be signed by such Judge and shall be transmitted in a sealed cover to the place where the case was heard with an authorization in favour of a Judge, sitting at that place, for pronouncement on his behalf.
- (2) The date of pronouncement of Judgment / order, in sub-rule 1 shall be the date of judgment / order.
- 7. (1) Where a division bench has heard a case at Jabalpur, Indore or Gwalior but when the judgment/order is ready, both the Judges constituting the division bench, are not sitting there, the judgment/order shall be signed by the Judges constituting the division bench wherever they are sitting and transmitted in a sealed cover to the place, where the case was heard, with an authorization in favour of a Judge of that place to pronounce the judgment/order on behalf of the division bench.
- (2) The date of pronouncement of Judgment / order, in sub-rule 1 shall be the date of judgment / order.
- 8. Where a division bench has heard a case either at Jabalpur, Indore or Gwalior but when the judgment/order is ready, any of the Judges constituting the division bench, is not sitting there, the judgment/order shall be delivered at the place where the case was heard. Such judgment shall be signed and dated separately by both the Judges but shall be pronounced on behalf of the bench by the Judge, sitting there.
- 9. Where a party is not represented by an advocate, in a case and has appeared in person before the Court, the Registry shall intimate to such party by a service post card, the result of the case within a week of the pronouncement of the judgment / order.
- 10. The Court Reader shall, at the end of each working day, notify on the board the result of all main cases decided by the bench, in the tabular form given below.

**Table showing Cases decided**

Cases decided on.....by the single bench / division bench comprising Hon'ble .....and Hon'ble.....

No. and class of the case	Names of Parties	Name of the Advocates	Result in brief	Remarks
1	2	3	4	5

In criminal appeals and revisions the main section (s) shall be mentioned in the remarks column.

**11.** A case in which hearing is concluded and judgment has been reserved, shall be treated as disposed of on the date on which judgment has been delivered.

**12.** When an order, of remand or on a reference, is made, the lower Court record shall be forwarded at once to the Court which has to comply with the order.

**13.** On submission of drafts of decrees, remand orders, writs and certificates of orders under rule 26 of chapter XIV of these Rules, the Registrar may approve the draft without or with such corrections as he may deem necessary. After approval of the Registrar, the draft of decree shall be exhibited with a notice on the notice board of the Court concerned. Such notice shall be to the effect that any party to the decree or his advocate may, within three days, peruse the decree and sign the draft or file with the Registrar a written objection that the decree is not in accordance with the judgment or order upon which it is founded.

**14.** The Registrar may, on perusal of such statement of objection, hear the party or his advocate and may correct the draft of the decree, overrule the objection or refer the matter to the Court for orders. After the decree is finally drawn up, the Registrar shall affix the Court seal, sign and date the decree with the date of pronouncement of judgment.

**15.** A final decree in an appeal, arising from a partition suit, shall be prepared on a non-judicial stamp as per the provisions of section 2(15) and Article 45 of Schedule 1-A of the Indian Stamp Act, 1899.

**16.** Under no circumstances shall, any judgment, order or decree, passed or made by a Judge or Judges, be altered, or varied in any particulars in the office, except under an order of the Judge or Judges in writing, who passed or made such judgment, order or decree, in which case the Registrar shall incorporate the amendment in the original under his seal and signature with date, specifying particulars of the order.

**17.** Where any judgment or order of any Judge or Judges of the Court contains any recommendation for the alteration of a practice or procedure in

this Court or recommends to or suggests for the consideration of the Government any alteration in law or in rules, having the force of law, such judgment or order shall, immediately after delivery, be submitted by the Registrar to the Chief Justice.

**18.** Where any judgment or order of any Judge or Judges of the Court contains any recommendation for circulation of such judgment or order amongst the Judges of the High Court or members of Judicial Services of the state, it shall be submitted by the Registrar to the Chief Justice.

- 19.** (1) The Court Reader shall supply one photocopy of every judgment or final order to -
- (a) the libraries in the Principal Seat and the Benches,
  - (b) the Advocate General,
  - (c) the Secretaries, High Court Bar Associations,
  - (d) the Editor, Indian Law Reports, Madhya Pradesh Series, for the purpose of reporting, and
  - (e) In-charge, Computer Cell for porting on the official website of the High Court, who shall retrieve electronic copy of the judgment and final orders from specified folder containing judgments/final orders in the main server of the High Court mentioned under rule 3 of this chapter.
- (2) A copy of the judgment or final order shall be prepared and sent under the signature of the Section officer of concerned branch-
- (a) in all cases, to the Court, tribunal or authority which had passed the impugned order;
  - (b) in criminal cases where the accused is not in jail, to the Court where the accused had furnished bail;
  - (c) in criminal cases where the accused is in jail, to the Officer-in-Charge of the jail for his record;
  - (d) in criminal cases where the accused is in jail and conviction has been maintained, to the accused through the Officer-in-Charge of the jail;
  - (e) in writ cases, to the concerned authorities impleaded as parties;
  - (f) in the cases challenging constitutional validity of any provision

of a central enactment, to the Officer on Special Duty, Parliament Secretariat, Parliament House;

- (g) in the cases challenging constitutional validity of any provision of a state enactment, to the Secretary, Madhya Pradesh Vidhan Sabha Secretariat, Bhopal;
- (h) in election petitions, to the Secretary, Election Commission of India or the State Election Commission, as the case may be.

**20.** Copies of all decrees or final orders passed in appeals presented under rule (1) of order XLIV of the Code of Civil Procedure, 1908, shall be transmitted without delay to the Collector of the District in which the Court passing the original decree is situated, to enable him to recover Court-fee or to apply for orders for payment of Court-fee.

H H H H

**CHAPTER XVIII**  
**CERTIFIED COPIES**

1. (1) A party to a proceeding in the High Court shall be entitled to apply for and receive certified copies of all pleadings, judgments, decrees, orders or writs and all original documents exhibited in the said proceeding and deposition of witnesses.
- (2) A person who is not a party to the proceeding, may be granted certified copy of record(s) only if the Registrar is satisfied as to the bonafides of the grounds and reasons sufficient to justify such grant.
- (3) Without prejudice to the provisions of the Right to Information Act, 2005, no certified copy of the office notes or reports made by the Registry, which is not made a part of the judicial order, shall be granted.
- (4) No certified copy of a document other than an original, shall be granted.

Provided that where copy of a copy, filed in a case, has been applied for, a Photostat copy of such copy may be granted in the same manner as a certified copy, with following endorsement.

“Photostat copy of copy, as filed by.....(name)  
..... (status) in .....(case no.)

**Head Copyist**

- (5) No certified copy of a document, registered under any law for time being in force, shall be granted.
2. An application for certified copy of a document of –
  - (1) the record of a judicial proceeding in the High Court, or
  - (2) the record of a judicial proceeding in any Court, subordinate to the High Court, which has been requisitioned by the High Court
    - may be presented in person, by a recognized agent or a duly engaged advocate; or sent by post to the Head Copyist of the High Court.
3. The applications for certified copies shall be received on all working days of the Registry, between 10.30 A.M. and 12.30 P.M. The certified copies shall be delivered between 3.30 P.M. and 5.00 P.M.

- 4.** It shall not be necessary to file separate applications for certified copies of more than one documents of the same record.
- 5.** An application for certified copy shall contain –
- (1) case number (whether pending or decided),
  - (2) names of the first party on the either side,
  - (3) date of the judgment/order,
  - (4) name (s) of the Judge (s),
  - (5) details of the document, copy of which is applied for,
  - (6) whether the applicant is party to the proceeding, if not, purpose for which the copy is applied,
  - (7) whether express or ordinary,
  - (8) amount deposited,
  - (9) whether the copy is to be sent by post or the applicant, his agent or legal practitioner shall take delivery thereof in person, and
  - (10) the applicant's name and full postal address,
  - (11) signature of the applicant, his recognized agent or the advocate.
- 6.**
- (1) Every application for certified copy shall be accompanied by an amount, in advance, sufficient to cover the estimated cost for the preparation of the certified copy and the cost of the Court fees stamps, if any, required under articles 6,7 and 9 of the Schedule I of the Court Fees Act, 1870.
  - (2) Where the certified copy applied for requires a non-judicial stamp under the provisions of the Indian Stamp Act, 1899, the application shall be accompanied by the non-judicial stamps of requisite value.
  - (3) Where the certified copy of a map on tracing cloth is applied for, the application shall be accompanied by tracing cloth.
  - (4) (a) Where an application for certified copy is sent by post, the advance mentioned in sub-rule (1) shall be remitted by money order.  
(b) An application, received by post, shall be acted upon only after receipt of the advance.  
(c) In case the advance is received by money order before the receipt of application, it shall be deposited as copying advance

in abeyance. If the application is not received within 30 days of the date of receipt of the advance, the Head Copyist shall cause the advance to be remitted to the applicant at his expense.

7. (1) An application for express delivery of certified copy, stating the grounds therefor, shall bear additional Court fees stamps in accordance with article 1(b) of Schedule II of the Court Fees Act, 1870.
- (2) (a) Where such an application is received by post without requisite stamps, the head copyist shall cause the deficient stamps to be affixed and cancelled and debit the cost to the applicant's account.
- (b) Where the account permits the deficiency of stamps to be made good only to the extent of preparation of copy in ordinary manner, the application shall be treated as an application for certified copy by ordinary mode.
- (c) Where the account does not permit the deficiency of stamps to be made good in the manner prescribed in clause (b), the application shall stand rejected.
- (3) (a) The application for express delivery will be immediately forwarded to the Deputy Registrar who shall deal with it forthwith and may, after taking into consideration the grounds alleged, allow the application and return it to the head copyist.
- (b) The charge for copies, in respect of which an application has been allowed, will be worked out at double the ordinary rate.
- (c) Where the application is rejected, the copies will be prepared in the ordinary way, the usual copying fee being charged; and the excess shall be refunded.
- (d) Where the application for express delivery is granted, the copies, applied for, shall be prepared as expeditiously as possible getting preference over ordinary applications for copies, and ordinarily should be made ready for delivery not later than two days after the order for express delivery is passed.
- (e) The words "express delivery" shall be noted in red ink at the top of the first page of the copies and in the remarks column of the Register of Applications.

- (f) Unless directed by the Court, the extra costs for obtaining such an express copy, shall not be taken into account in calculating the costs of any proceedings.
- (4) An application for copy of an order containing direction to supply copy on the date of order shall, for all purposes, be treated as an application for express delivery.
- 8.** (1) Every application for certified copy presented in the copying section of the High Court, shall be scanned by the filing assistant and if there be any mistake, defect or shortcoming apparent *ex-facie*, he shall get the same rectified by the applicant.
- (2) The application shall then be registered and allotted a number. The filing assistant shall forthwith issue a receipt therefor. Such receipt shall, *inter alia*, indicate the registration number of the application and the date on which the certified copy is likely to be ready.
- 9.** (1) Before preparation of the certified copy, every application shall be minutely scrutinized. The defect, if not enquired into and rectified, shall be notified on the notice board of the copying section and shall also be published once in the cause list at an early date.
- (2) Where the defect is not cured within 15 days of such publication with the cause list, the Head Copyist shall notify the application for being returned to the applicant or his advocate at his expense along with the balance of advance. In case the applicant or his advocate fails to take the application back within 15 days of such notification, it shall be filed by the Registrar.
- (3) The notice of a defective application received by post, shall be sent to the applicant by post, as expeditiously as possible.
- (4) Where the defect, mistake or shortcoming is removed within the period stipulated in sub-rule (2), the section shall proceed to prepare the certified copy applied for.
- 10.** Every judgment or final order sent by the Reader under rule 3 of chapter XVIII of these Rules shall be scanned and stored in the server of the copying section in Portable Document File Format, regardless of the fact that no application for a certified copy thereof had till then been filed. All due precautions shall be taken on administrative and technical side to prevent tempering with such stored judgments.

**11.** A defect free application for certified copy shall be proceeded with in the following manner-

- (1) Where a certified copy of a digitally signed judgment or order, transmitted to the main server of the High Court under rule 3 of chapter XVII of these Rules, has been applied for, the Head Copyist shall access the same and where the software indicates that –
  - (a) the judgment or final order has been digitally signed by the corresponding private key and
  - (b) the document has not been tampered with,
    - the Head Copyist shall take out a print thereof and after completion of formalities, issue the certified copy.
- (2) Where the certified copy of a judgment or order, stored in the server of the copying section in the portable document file format through the process of scanning has been applied for, the Head Copyist shall take out a print thereof and after completion of formalities, issue the certified copy.
- (3) Where certified copy of a document, which is not available in electronic form, forming part of a record in the custody of the Dealing Assistant or the record keeper, has been applied for, a requisition shall immediately be sent to such Dealing Assistant or the record keeper, as the case may be, and the latter shall transmit the record on priority basis to the copying section.

The Head Copyist shall, as far as possible, prepare photo copies of such documents and after completion of formalities, issue certified copies.

**12.** Certified copy of a document, applied for, shall be prepared only where the whole amount, chargeable under the rules, has been deposited.

**13.** No certified copy shall contain the signature of the Judge. Care shall be specially taken to mask the signature of the Judge while scanning or preparing a photocopy from the original document containing such signature.

**14.** The charges for preparing certified copy shall be –

- (1) Rs. 4.00 for every page or a fraction thereof by computer printing or by photo copy machine,
- (2) Rs. 20.00 for every page of colour copy of not larger than A4 size, and

- (3) Rs. 5.00 for every page or a fraction thereof by type/manual writing, where computer printing or preparation of photo copy is not possible, or
- such charges, as may, from time to time, be prescribed by the Chief Justice.
- 15.** (1) Copies of documents such as stamps, registers and statement may have to be prepared on paper other than the ordinary copy sheets. The head-copyist shall take such advance as he considers necessary for the preparation of the copies. However, after examining the completed copy he shall decide how much is to be charged. The Head Copyist shall affix Court-fee stamps to the copies so prepared, the value of the stamps being equal to the amount of the copying fees, as decided.
- (2) (a) A copy of judgment or order marked “A.F.R.” (Approved for reporting) by any Judge or Judges of this Court, applied for by an approved law reporter for purposes of reporting will be supplied at a fee to be notified by the Chief Justice from time to time.
- (b) A copy of the judgment or order, though not marked “A.F.R.” (Approved for reporting), applied by a Law Reporter, approved for reporting short notes, either weekly or fortnightly for purposes of reporting short notes, will also be supplied at a fee to be notified by the Chief Justice from time to time.
- (c) The Chief Justice may approve one or more Law Reporter on such terms and conditions as may be deemed fit, for purposes of reporting weekly or fortnightly short notes keeping in view the feasibility of issuing necessary copies in time, at the concessional rate.
- (3) Applications for the grant of copies free of cost of judgments or order/orders of the Court in criminal cases will be decided by the Judge or Judges concerned under the provisions of section 363(5) of the Code of Criminal Procedure, 1973.
- 16.** Following dates shall be entered on every certified copy-
- (1) Application received on .....
- (2) Applicant told to appear on .....
- (3) Applicant appeared on .....

- (4) Application (with or without further / correct particulars sent to the Record Keeper / Dealing Assistant on .....
- (5) Application (with or without record, and for further or correct particulars, if any required) received from the Dealing Assistant/ record keeper on .....
- (6) Applicant given notice for further or correct particulars on .....
- (7) Applicant given notice for further funds on .....
- (8) Notice in Sr. No. (6) or (7) complied with on .....
- (9) Copy ready on .....
- (10) Copy delivered on .....
- (11) Court fee realized .....

**Copyist****Head  
Copyist**

**17.** The certified copy, when ready, shall be delivered to the applicant or a person authorized by him on the reverse of the receipt.

In all cases the receipt, issued under rule 8 above, shall be surrendered at the time of delivery of a certified copy. Where the receipt is not so produced, the matter shall be placed before the Deputy Registrar for appropriate directions.

**18.** Notwithstanding anything contained in this chapter, where the Central or the State government is a party to any proceeding, it shall, on an application, be entitled to receive a certified copy of any judgment or order only for government purposes and not for production in the Courts of law, on unstamped paper, free of cost.

Such certified copy shall bear an endorsement to the effect that it has been issued for government purposes only, under rule 18 of these Rules.

**19.** The Copying Section shall maintain registers and accounts with necessary modifications, in accordance with the provisions contained in part 3, chapter XXIII of the Rules and Orders (Civil), made by the High Court under section 23 of the Madhya Pradesh Civil Courts Act, 1958.

**20.** Unless otherwise provided in this chapter, the procedure laid down in chapter XXIII of the Rules and Orders (Civil), made by the High Court under section 23 of the Madhya Pradesh Civil Courts Act, 1958, shall apply *mutatis mutandis* to the copying section of the High Court.

**CHAPTER XIX****RECORDS****Inspection of Records**

- 1.** Subject to the rules hereinafter contained -
  - (1) (a) an advocate may inspect record of any case of this Court, and
  - (b) any party to a case or his recognized agent may inspect the record of that case,
    - whether pending or disposed of, on submission of a requisition slip in Form No. 28.
  - (2) Any other person desiring to inspect the record of a case whether pending or disposed of, may be permitted to do so on his presenting a memorandum showing the nature of the interest, for the protection of which inspection is sought.
- 2.** The inspection of the record of a case may be made on the order of the Section Officer/Assistant (Record Room) in the Inspection Room under the supervision of the Inspection Clerk during office hours.
- 3.** A Book, called the Inspection Book, shall be kept by the Section Officer, Record Room. Every person seeking inspection shall, prior to making inspection, enter the necessary particulars therein.
- 4.** No pen or ink shall be used during inspection. Pencil and paper may be used and no marks shall be made on any record or papers inspected. Any person infringing this rule may be deprived of his right to inspect such record, on a report of the concerned Section Officer, by the Registrar, for such period as he may direct.
- 5.** Except as provided in Rule 9, an inspection fee of Rs.10.00 per hour or a fraction thereof, shall be charged for every record inspected. The record of an appeal, application or petition shall include the record of the original proceeding, requisitioned therein.
- 6.** Prescribed books and registers may be inspected by an advocate or any member of public in the same manner as the record of a case. The procedure prescribed in rules 2, 3 and 4 of this chapter, shall apply *mutatis mutandis* to the inspection of books and registers except that it shall not be necessary to state particulars showing the interest to inspect.

**7.** The fee, for inspecting books and registers, shall be Rs. 10.00 per hour or a fraction thereof, spent in the inspection, irrespective of the nature or number of the books or registers, inspected. The person, seeking inspection, must, prior to making inspection, make the necessary entries in the Inspection Book.

**8.** Inspection fees shall be levied by means of Court-fee stamps. No money shall be paid to any officer or official of the Registry for inspection. The inspection clerk or the Dealing Assistant shall affix Court fee stamps in the column provided for it in the Inspection Book and cancel them by punching out the figure-head so as to leave the amount designated on the stamp untouched, and by burning or otherwise destroying the part removed by punching. The Section Officer shall see that the stamps are duly affixed and cancelled. The fee shall be prepaid and non-refundable.

**9.** No inspection fee shall be charged for the inspection of records, books and registers by -

- (1) Government Law Officers or other persons, duly authorized in this behalf for Government purposes;
- (2) by an official of the Court of Wards for the purposes of that Court;
- (3) for inspection of a record, by any one when the inspection is made pursuant to the directions of the Court;
- (4) for the inspection of the record of a pending case by a party thereto or his recognized agent or counsel empowered to act on his behalf;
- (5) for the inspection of a record in which the judgment has been marked "Approved for reporting" when the inspection is made by a representative of a Law Reporting Agency, approved by the Chief Justice;
- (6) for the inspection of the record in any case disposed of by the Court when the inspection is made by the representatives of media – print or electronic, approved by the Chief Justice; or
- (7) for the inspection of the records in the matter of any bank in liquidation by an officer appointed by the Reserve Bank of India.

**10.** It shall be the duty of the Inspection Clerk to see that the record under inspection is not altered, defiled, tampered with or removed wholly or in part and that it is returned in its original condition when the inspection is over. He shall permit none but the applicant to inspect the record or to take notes or extracts. The inspection must be completed and the record returned within the office hours of the day on which the record was taken out for examination.

**11.** If the applicant fails to make inspection, within one week from the date, on which inspection was ordered, the order shall lapse and no inspection shall be allowed without a fresh application.

**12.** When the record of a criminal case is made available for inspection to an advocate or party, the Police case-diary and the translation thereof shall be removed from the file. Parties and the advocates shall not be allowed to have access to these documents.

**13.** The record of every disposed of case shall remain open for inspection free of charge by the party or counsel for 6 days after the date of delivery of the judgment or order in that case.

### **MAINTAINANCE AND DESTRUCTION OF RECORDS**

**14.** The colour of the file cover of the record of a civil case shall be yellow, of a criminal case shall be red and that of a writ case shall be green.

**15.** The paper used for writing judgments and orders shall not be less than 70 G.S.M.

**16.** Each record shall be divided into three files, which shall be called Order Sheet (OS) File, A File and B File.

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

### **I. CIVIL RECORDS**

**18.** Order sheet file shall consist of order-sheets including interlocutory orders.

**19.** File A in records of civil cases other than writs shall consist of the following papers :

- (1) Memorandum of appeal.
- (2) Petition for revision.
- (3) Reference under section 113 read with rule 1 of order XLVI, Civil Procedure Code, 1908 or other law with final order.
- (4) Notice, with report of service in ex-parte cases.
- (5) Memorandum of objection under Rule 22 or 26 of Order XLI of the Code of Civil Procedure.
- (6) Security bond for costs filed by an appellant.

- (7) Petition for substitution, addition or striking out of name of parties or for substitution of names of legal representatives of a deceased party to the proceeding including petition for appointment of a next friend or guardian.
- (8) Affidavits except affidavits presented with petitions.
- (9) Depositions of parties or witnesses taken in this Court by the lower Court on remand.
- (10) Commissioners' proceedings held thereunder and reports and examination of commissions.
- (11) Documents admitted in evidence in the Court.
- (12) Orders impounding a document.
- (13) Order imposing a fine on a witness.
- (14) Application to refer to arbitration, references to arbitration, the award or other final return of the arbitrators with the proceedings, depositions and documents submitted therewith and the Court's order thereon.
- (15) Petitions of withdrawal, instruments of compromise or admissions on which judgment is based.
- (16) Service Report.
- (17) The Court's judgment or final orders.
- (18) The decree and all documents relating to the preparation or amendments thereof.
- (19) Copy of the lower Court's judgment.
- (20) Power of attorney or memorandum of appearance.
- (21) Petition for the re-admission of any civil proceeding, dismissed for default or for rehearing of any civil proceeding, decreed ex-parte, with any affidavit or other document, filed therewith.
- (22) Petition for review of judgment with any affidavit or other document filed therewith.
- (23) Petition for amendment of decree with any affidavit or document filed therewith.
- (24) Judgment or final order on a petition referred to in rule 22 and 23.
- (25) Petition for leave to the Supreme Court.

- (26) Certificate of fitness of case for appeal to the Supreme Court.
  - (27) Record of enquiry as to value of subject-matter of the suit or appeal and the Court's order granting certificate to appeal to the Supreme Court.
  - (28) Judgment of the Supreme Court.
  - (29) Note-sheets relating to the preparation and printing of the Supreme Court appeal record.
  - (30) Certified copy of order granting special leave to appeal to the Supreme Court.
  - (31) Certified copy of judgment and order of the Supreme Court.
  - (32) Certified copy of stay order of the Supreme Court.
  - (33) Lists A and B of the Record.
  - (34) Correspondence with the Registrar of Supreme Court.
  - (35) Certificate regarding security deposit by the appellant.
  - (36) Certified copy of order of the Supreme Court giving directions regarding preparation of paper-books, etc.
- 20.** The OS file in writ cases shall consist of order sheets including interlocutory orders.
- 21.** File A in records of writ cases shall consist of the following papers :-
- (1) Petition with annexure.
  - (2) Return with annexure.
  - (3) Rejoinder with annexure.
  - (4) Additional Return with annexure.
  - (5) Additional Rejoinder with annexure.
  - (6) Application for amendment.
  - (7) Application for taking additional document on record.
  - (8) Application for Intervention.
  - (9) Any other-application (S).
  - (10) Final Order.
  - (11) Vakalatnama filed by the parties.
  - (12) Copy of Writ (if any).

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

**Note-** The following papers are indicated for facility of reference as belonging to File B-

- (1) Certificate for Legal Practitioner's fee.
- (2) Copy of lower Court's decree.
- (3) Proceeding calling for the record or directing the issue of a notice.
- (4) Notices.
- (5) Lower Court's proceedings forwarding the record or notice served on respondent.
- (6) Petition for postponement of execution or of sale, or for the issue of an injunction.
- (7) Proceeding directing the issue of a notice to show cause.
- (8) Notice to show cause, with the report of service.
- (9) Respondent's application for security for costs being taken from the appellant.
- (10) Petition for adjournment.
- (11) Petition for records or account-books to be sent for.
- (12) Petition for return of documents.
- (13) Application for copies.
- (14) Other applications which have been disallowed.
- (15) Papers relating to preparation of estimates together with the lists of documents to be included in the Paper-book.
- (16) Translations of papers not in Hindi or English.
- (17) Paper-books.
- (18) Estimate of costs and depositing security.
- (19) Application for extension of time or condoning delay in depositing the security and paper-book costs.
- (20) Notices to the respondents of admission of appeal and to the parties regarding dispatch of paper-books to the Supreme Court.

- (21) Applications and affidavits for expediting the preparation of the paper-books.
- (22) Postal acknowledgments etc.
- (23) Correspondence with advocates.
- (24) Applications for copies of Paper-books.
- (25) Surplus copies of the paper-books.

**23.** The following papers in the OS File and File A shall be preserved permanently -

- (1) Index.
- (2) Order sheets including interlocutory orders
- (3) Judgments and final orders of this Court and that of the Supreme Court with compromise, if any, on which the decree is based.
- (4) Decrees.
- (5) Application for withdrawing a case.
- (6) Certified copy of order granting special leave to appeal to the Supreme Court.
- (7) Certified copy of judgment and order of the Supreme Court.
- (8) Any other documents ordered by the Court to be retained permanently.

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

**24.** Papers in A File other than those mentioned in preceding rule shall be preserved for a period of 12 years and shall thereafter be destroyed with the permission of the Registrar.

**25.** Papers in File B of the cases not appealed to the Supreme Court shall be destroyed after one year. In the cases appealed to the Supreme Court, the papers shall be retained until the final orders on the appeal are communicated to the Court and shall then be destroyed.

- 26.** (1) Documents which are produced in this Court, but are not admitted in evidence, shall be returned by the Court to the party or advocate, producing them immediately after rejection. If any of them unavoidably remain in the Court, they shall be placed in a closed cover labeled “Documents filed by ..... to be returned” before the record is sent for deposit in the Record Room. The cover should be kept with the File B and destroyed if the contents are not taken back prior to such destruction:

Provided that original documents relating to title, shall be kept in the file A and shall not be destroyed.

- (2) Documents which are admitted in evidence shall be returned by the Court-
- (a) where the case is one in which an appeal to the Supreme Court is not allowed, when the case has been disposed of; and
  - (b) where the case is one in which an appeal to the Supreme Court is allowed, when the time prescribed for such appeal has elapsed and no appeal has been preferred or if such appeal has been preferred, when the appeal has been disposed of.

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

- (c) A notice shall be issued on a service post card, intimating the party by which the documents were filed, that documents filed in appeal or other proceedings should be withdrawn within 90 days hereafter, as the decree or order, made therein, has become final and that if they are left with the Court, they shall be kept at the risk of the party and destroyed after 12 years from the date of judgment.

## II. CRIMINAL RECORDS

**27.** The OS file shall consist of order-sheets including interlocutory orders.

**28.** File A in criminal appeals, references and revisions shall consist of the following papers-

- (1) Index.
- (2) The memorandum of appeal or petition for revision or reference with a translation into English if the memorandum or petition is in a language other than Hindi.
- (3) Depositions of parties or witnesses taken in the Court or by the lower Court on remand.
- (4) Judgment or order of the High Court.
- (5) Warrant for execution of sentence and levy of fine.
- (6) vakalatnama and memo of appearance.

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

**30.** The periods for which Files OS and A of the records of Criminal Appeals and Revisions is to be preserved, shall be as follows-

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

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

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

**General Rules**

- 32.** No records shall be destroyed without the previous sanction of the Registrar, and the fact of the destruction of any record shall be noted in the "Register of Records Destroyed" maintained by the Record Keeper.
- 33.** (1) The destruction of all records and papers shall be in the presence of the Record Keeper supervised by the Deputy Registrar.
- (2) The record shall be destroyed by burning or shredding or by such other mode as may be directed by the Chief Justice.
- 34.** The Record Keeper shall, when putting papers aside for destruction, mutilate all Court fee stamps attached to them in such manner that it shall be impossible to use them again.
- 35.** Elimination of B files of records shall be carried out month by month by examining the records of the thirteenth month back. As far as possible, similar monthly examination of the A file, shall be made - work on these being brought up-to-date by the end of vacation.

**Reconstruction of Records**

- 36.** Due care shall be taken to ensure that no record of a case is lost or misplaced or mutilated by rodents, termites or otherwise.
- 37.** Where a record is lost, misplaced or mutilated fully or partially from the custody of any officer or official of the Registry, the matter shall immediately be reported to the Section Officer/Assistant (Record Room), who shall intimate the same to the Deputy Registrar.
- 38.** The Deputy Registrar shall cause the intimation to be circulated amongst all officers and officials of the judicial branch of the Registry. If such record is in the possession of any of such officers or officials of the Registry, he shall immediately intimate the Deputy Registrar. Where the record is not traced, all officers and officials of the judicial branch shall make every possible effort to trace the same.
- 39.** Where the record is not traceable after such efforts as are mentioned in preceding rule, the matter shall be placed before the Registrar, who shall record a finding that the record has been so lost, irretrievably misplaced or mutilated fully or partly, whereafter the matter shall be placed before the Chief Justice for appropriate order including order for part or full reconstruction of such record.

**40.** Where the record to be reconstructed belonged to the High Court, it shall be reconstructed by the Registrar and where it belonged to lower Court, it shall be reconstructed by the Presiding Officer of the lower Court under the supervision of the District Judge.

### **THE PRESERVATION AND DESTRUCTION OF REGISTERS**

**41.** A Register of Registers deposited in the Record Room shall be maintained.

**42.** (1) The Register of Registers shall consist of two parts, viz. part I and part II-

- (a) List of Registers to be preserved permanently.
- (b) List of Registers to be eliminated after the expiry of prescribed period.

(2) Part I and each Section of Part II shall be divided into division. a separate division being opened for each different kind of register. A separate series of numbers shall be given to the registers entered in each division. Care shall be taken to ensure that the space allotted to each division is such that the pages belonging to each division will be completely filled in approximately the same length of time.

(3) Part II shall be divided into sections as follows:-

- (a) Section A- Registers to be preserved for 35 years.
- (b) Section B- Registers to be preserved for 14 years.
- (c) Section C- Registers to be preserved for 12 years.
- (d) Section D- Registers to be preserved for 6 years.
- (e) Section E- Registers to be preserved for 3 years.
- (f) Section F- Registers to be preserved for 1 years.

(4) Part I and Part II shall be separately paginated through-out and a table of contents shall be made at the beginning of the Part showing allotment of pages to each Section and to each kind of register.

**43.** On receipt in the Record Room, a register shall at once be entered in the appropriate division of Part I or Part II, as the case may be.

**PART I**

**List of Registers to be preserved permanently.**

- (1) Register of -
- (a) Arbitration Appeal.
  - (b) Arbitration Case.
  - (c) Arbitration Revision.
  - (d) Civil Revision.
  - (e) Contempt Appeal.
  - (f) Contempt Petition Civil.
  - (g) First Appeal.
  - (h) Miscellaneous Appeal.
  - (i) Miscellaneous Civil Case.
  - (j) Review Petition.
  - (k) Second Appeal.
  - (l) Company Appeal.
  - (m) Company Petition.
  - (n) Miscellaneous Company Appeal.
  - (o) Criminal Appeal.
  - (p) Criminal Reference.
  - (q) Criminal Reference (Capital Punishment).
  - (r) Criminal Revision.
  - (s) Contempt Petition (Criminal).
  - (t) Miscellaneous Criminal Case.
  - (u) Election Petition.
  - (v) Central Excise Appeal.
  - (w) Customs Appeal.
  - (x) Foreign Exchange Management Appeal.
  - (y) Income Tax Appeal.
  - (z) Tax Reference.
  - (aa) Value Added Tax Appeal.
  - (ab) Wealth Tax Appeal.
  - (ac) Writ Appeal.
  - (ad) Writ Petition.

- (ae) Records destroyed.
- (af) Recognized clerks of Advocates.
- (ag) Office Order Book,
  - and those required to be preserved under the old / repealed rules.

## **PART II**

### **List of Registers to be Eliminated after the Expiry of the Prescribed Period**

#### **Description of Registers**

##### **Section A (35 Years)**

- (1) Register of Civil Court Deposit Receipts.
- (2) Register of Repayment of Civil Court Deposits.

##### **Section B (14 Years)**

- (1) Cashier's General Cash Account.

##### **Section C (12 Years)**

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

##### **Section D (6 Years)**

- (1) Head Copyist's Register of Application for Copies.
- (2) Head Copyist's Detailed Account Book.
- (3) Head Copyist's Account Book.
- (4) Head Copyist's Duplicate Receipt Book.
- (5) Challan-Book of Money sent into the Treasury.
- (6) Remittance List.
- (7) Register of Monthly Business Statements.
- (8) Register of Records Received from the Lower Courts.
- (9) Register of Records Dispatched.
- (10) Cashier's Book of Receipt for Money.
- (11) Register of Progress of Cases in the Pending and Paper-book Branches (Civil).
- (12) Head Copyist's Pass Book A and B.

- (13) Head Copyist's List of unexpended advances.
- (14) Estimator's Register of Estimates prepared.

**Section E (3 Years)**

- (1) Register of Inspection of Records.
- (2) Copying Branch Register of Daily Disposals.
- (3) Book of Requisition for Records (Civil and Criminal).
- (4) Register of Work Done Daily in the Copying Section.
- (5) Book of Intimation to Lower Court of Admission of Appeal.
- (6) Book of Acknowledgment of Records returned.
- (7) Register of Applications Received by Post.
- (8) Register of Process Issued.
- (9) Register of Progress of Cases in the Pending and Paper-book Branches (Criminal).
- (10) Consolidated Register of Bills of Costs for Paper Books.
- (11) Register of records Deposited in Record Room.

**Section F (1 Year)**

- (1) Attendance Roll.
- (2) Disposal Ledgers.
- (3) Register showing Work Done Daily by each clerk in Supreme Court Section.
- (4) Cause List.
- (5) Register of Receipts and Issues of Forms.
- (6) Register of Work Done Daily in the Copying Section.
- (7) Register showing preparation of Records of cases for transmission to the Supreme Court.
- (8) Register of Distribution of Work in the Translation Section.
- (9) Register of Work Done by Translators.
- (10) Register of Work Done by Dealing Assistants.
- (11) Register of Work Done by Estimators.
- (12) Register of Daily out-turn of Typist in the Paper-Book Branch.
- (13) Consolidated Register of Work Done daily by each Translator.

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

**CHAPTER XX****DEPOSIT AND WITHDRAWAL OF MONEY**

- 1.** The Cashier (Judicial) is the official appointed to receive all payments or deposits, made in the High Court, unless such payment or deposit is by any order of the Registrar, required to be made to any other official. All other officials of the Court are, except with the specific permission of Registrar, forbidden to receive money.
- 2.** Persons, desiring to deposit fees or security in connection with appeals to the Supreme Court, shall present a memorandum to Deputy Registrar Judicial, giving particulars of the sum to be deposited, the purpose of deposit and the case in connection with which the deposit is made. The Deputy Registrar Judicial shall, where the deposit is proper, endorse on the memorandum an order to the Cashier (Judicial), directing him to receive the amount and return the memorandum to the depositor. The latter shall take the memorandum and the deposit the same with the cashier.
- 3.** Paper-book costs may be deposited by a party or his agent or by his counsel or that counsel's recognized Clerk and by none else. The depositor shall present to the estimator a memorandum, giving particulars of the sum to be deposited, the date by which deposit is due and particulars of the case in connection with which the deposit is made. The Estimator shall endorse on the memorandum whether the amount is in time and whether the deposit, tendered, is the full amount, required, and shall return the memorandum to the depositor. The depositor shall thereupon take the memorandum to the Section Officer/ Assistant who shall verify the Estimator's report and direct the Cashier (Judicial) to receive the amount of deposit. The Cashier (Judicial) shall receive deposits daily upto 3.30 p.m.
- 4.** Part payment of paper-book costs will not be accepted. If therefore, the Estimator's endorsement certifies that the sum to be deposited is not the full amount, required, the Cashier (Judicial) shall decline to accept it and shall endorse the fact on the memorandum and return it to the depositor.
- 5.** If the date of tender is beyond the time allowed, the Cashier shall accept the money subject to any orders of the Court on the matter and shall make the necessary entries in his register with an endorsement of the factum of deposit on the memorandum.
- 6.** If the amount tendered is the full amount and is within time, the Cashier (Judicial) shall accept it, make the necessary entries in his register and endorse the fact of deposit on the memorandum.

**7.** When the deposit has been accepted the Cashier (Judicial) shall forward the memorandum to the Estimator who shall file the memorandum in the record of the case and in cases falling under rule 5, take the steps necessary to obtain the requisite orders.

**8.** The Cashier (Judicial) shall give a receipt from the receipt book for all sums of the money paid to him. Members of the public, depositing money, should see that a proper receipt is issued to him.

**9.** A person, desiring the refund of an unexpended balance of paper-book, shall present a written memorandum giving particulars of the deposit and the balance to be withdrawn to the Section Officer/Assistant, paper-book branch. The latter shall obtain the report of the Cashier whether the amount is in deposit and whether the applicant is entitled to refund. If the applicant is not personally known to the Section Officer/Assistant, he shall be identified by two respectable persons known to the Section Officer/Assistant, who shall after verifying the report of the Cashier, endorse on the memorandum his certificate that the refund is proper and that the applicant is either personally known to him or is identified by two responsible persons, whose names are stated in the endorsement, who are personally known to him and shall obtain the orders of the Registrar for the refund of the amount. On receipt of the Registrar's order the memorandum will be presented to the Cashier (Judicial) who will prepare the necessary vouchers, make the refund and endorse on the memorandum the factum of refund. If the amount to be refunded has lapsed to Government, the Cashier shall prepare a refund application in the prescribed form and deliver it to the applicant for presentation at the Treasury. The prior sanction of the Accountant General shall be obtained in all cases where the amount of the lapsed deposit exceeds Rs.5/-. The memorandum will then be returned to the Section Officer/Assistant and will be filed with the record of the case.

**10.** No refund of a deposit made by or on behalf of a party will be made to advocate unless it is accompanied by a power of attorney empowering the advocate to withdraw the deposit or by a declaration to the effect that the advocate is empowered to receive the deposit on behalf of his client by virtue of the power filed by him in the case.

**11.** A person desiring the withdrawal of a sum deposited in connection with a Supreme Court case, may do so by a properly stamped application addressed to the Court.

**CHAPTER XXI****APPEALS TO THE SUPREME COURT****(A) Civil Appeals on Certificate by the High Court.**

**1.** (1) Whoever desires to obtain a certificate for appeal to the Supreme Court shall apply by petition to the Court for such certificate. Such petition shall comply with the provisions of Rules 1 and 2 of Chapter X of these Rules.

(2) A petition for a certificate of fitness to appeal to the Supreme Court shall be registered as a "Miscellaneous Civil Case".

(3) A petition for such certificate shall be heard by the bench, from whose judgment, decree or order, it is intended to prefer an appeal to the Supreme Court:

Provided, however, that if the Judge or Judges, constituting such bench be not immediately available, such petition shall be heard by a bench to be constituted by the Chief Justice, which shall ordinarily be a division bench.

(4) Notwithstanding anything contained in sub-rule (1) a party desiring to appeal to the Supreme Court may apply orally for such a certificate immediately after the pronouncement of the judgment by the Court and the Court may after hearing the parties or their counsel grant or refuse the same to the party on such oral application or direct the party to file a petition as required by sub-rule (1):

Provided, however, that if an oral application for certificate for leave to appeal under sub-rule (4) is made and rejected, no written petition under sub-rule (1) shall lie.

**2.** If the Court grants rule upon the petition, the Deputy Registrar shall issue a notice on payment of prescribed fee in Form No. 29 calling upon the opposite party to show cause, within a period of time after the service of notice, to be prescribed by the Deputy Registrar, why the certificate as prayed for should not be granted.

**3.** Upon the Court making the rule absolute, a certificate for fitness to appeal, shall be issued in Form Nos. 30 or 31.

**4.** In view of rule 5 of order XLVII of the Supreme Court Rules, 1966 no application for consolidation of appeals will be entertained by this Court.

**5.** An application for amendment of the record of the appeal by adding or

substituting parties will not be entertained by this Court after the date of the order granting the certificate. The parties desiring such amendment shall be required to move the Supreme Court in that behalf.

**6.** When a party has been represented at hearing of the appeal by an advocate, unless the vakalatnama of such advocate has been cancelled with the sanction of the Court, or the Court otherwise directs such advocate shall accept service of the notice in the following cases, and the service of notice in such cases on the advocate shall be deemed sufficient notice:-

- (1) of rule issued under rule 2 of the Rules;
- (2) of lodgment of petition of appeal under rule 7;
- (3) for inspecting the record and filing the list of documents under rule 9;
- (4) for making deposit for the costs of transmission of the original record, or the preparation of transcript of the record in English and of its transmission or for the preparation and transmission of the printed or photocopied transcript of the record.

**7.** On receipt of the copy of the petition of appeal from the Supreme Court, the Deputy Registrar shall:-

- (1) cause notice of the lodgment of the petition of appeal to be served on the respondent personally or in the manner provided under rule 6 above, in Form No. 32.
- (2) unless otherwise ordered by the Supreme Court, transmit or cause to be transmitted to that Court at the expense of the appellant the original record of the case, including the record of the Courts below; and
- (3) as soon as notice as aforesaid is served, send a certificate to the Supreme Court as to the date or dates on which the said notice was served on the respondent or respondents in Form No. 33.

**8.** (1) (a) Where proceedings from which the appeal arises were conducted in Courts below in English, the Deputy Registrar shall, as soon as a copy of the petition of appeal is received from the Supreme Court, call upon the appellant vide Form No. 34 to deposit in this Court the necessary amount to cover the costs of transmission of the original record of the case including the record of Courts below to the Supreme Court.

- (b) If the record of the Courts below is in the High Court, upon the appellant's depositing the amount, the Deputy Registrar shall forward the same along with the record of the High Court, to the Supreme Court.
  - (c) Where the record of the Courts below is not in the High Court, the Deputy Registrar shall direct the Courts below to transmit the records directly to the Supreme Court under intimation to this Court.
  - (d) The Deputy Registrar shall also forward to the Supreme Court the record of the case so far as it pertains to the appeals in the High Court.
- (2) After meeting the costs of the transmission of the record, the balance of the deposit shall be refunded to the appellant.
- (3) Any default on the part of the appellant to deposit the amount to cover the costs of the transmission of the record as above, shall be reported to the Supreme Court for orders.
- 9.** (1) Where the proceedings from which the appeal, arises were conducted in Courts below in a language other than English, the Deputy Registrar shall, as soon as a copy of the petition of appeal is received from the Supreme Court, secure the record of the case from the Courts below, if the same is not available in the High Court, and as soon as it is received in the High Court, shall issue notices to the parties calling upon them to inspect the record of the case, if they so desire.
- (2) The notice to the appellant under sub-rule (1) shall also call upon him to file, within four weeks of the service, a list of documents which he proposes to include in the paper-book, after serving a copy thereof on each of the respondents. The appellant shall produce an acknowledgment in writing from each of the respondents that a copy of the list has been served upon him.
- (3) The notice to the respondent under sub-rule (1) shall also intimate the fact that a notice has already been issued to the appellant for filing the list of documents, and requiring him (the respondent) to file within three weeks from the service of a copy of the list on him by the appellant, a list of such additional documents as he desires to be included in the paper-book.
- (4) Any default by the appellant to file the list as required and within the time prescribed, shall be reported by the Deputy Registrar to

the Registrar of the Supreme Court.

- (5) Notice to the appellant and the respondent to be issued under this rule shall be in Form Nos. 35 or 36.

**10.** After the expiry of the time fixed for the filing of the list of additional documents by the respondent, the Deputy Registrar shall fix a day for the settlement of the list (hereinafter referred to as the Index) of documents to be included in the transcript of the record of the appeal. In settling the index, the Deputy Registrar as well as the parties concerned shall endeavour to exclude from the record all documents that are not relevant to the subject matter of the appeal and generally to reduce the bulk of the record as far as practicable.

**11.** Where the respondent objects to the inclusion of a document on the ground that it is not necessary or is irrelevant and the appellant insists upon its inclusion nevertheless, the transcript of the record as finally prepared shall, with a view to subsequent adjustment of costs of the printing of the said document or costs incidental to, indicate in the index of the paper-book the fact that the respondent had objected to the inclusion of the document and that it has been included at the instance of the appellant.

**12.** Where the appellant objects to the inclusion of a document on the ground that it is unnecessary or irrelevant and the respondent nevertheless insists upon its inclusion, the Registrar, if he is of the opinion that the document is not relevant may direct that the said document be included separately at the expense of the respondent and require the respondent to deposit within such time as he may prescribe, the necessary charges therefor. If the amount so deposited is found insufficient, the Registrar may call upon the respondent (vide Form No. 34) to deposit additional amount within such further time as he may deem necessary. The cost whereof shall follow the order of the Supreme Court.

**13.** As soon as the index of the record is settled, the Deputy Registrar shall cause an estimate of the costs of the preparation of the transcript of the record (and of printing or photocopying thereof, where it is required to be printed or photocopied) to be prepared and served on the appellant and shall require him (vide Form No. 34) to deposit within thirty days of such service, the said amount. Such costs shall include the costs of translation also.

**14.** If at any time during the preparation of the transcript of the record (or of printing or photocopying thereof, where it is required to be printed or photocopied) the amount deposited is found insufficient, the Deputy Registrar shall call upon the appellant (vide Form No. 34) to deposit such further sum as may be necessary within such further time as may be deemed fit, but not exceeding 28 days in the aggregate.

**15.** Where appellant fails to make required deposit, the preparation of the transcript of the record (and the printing or photocopying thereof, where the same is required to be printed or photocopied) shall be suspended and the Deputy Registrar shall not proceed therewith without an order in this behalf of this Court; the Court may give such accommodation in the matter of time for making the deposit as it deems proper and if the appellant continues the default inspite of the order of this Court, the Deputy Registrar shall obtain an order from the Court for reporting the default to the Registrar of the Supreme Court.

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

(2) The Deputy Registrar shall forward with the record to Supreme Court a certificate showing the amount of expenses incurred by the parties concerned, for the preparation and transmission of the record.

**17.** The Deputy Registrar shall give notice to the parties of the certification and transmission of the printed or photocopied record (when it is required to be printed or photocopied) in Form No. 37 and thereafter send a certificate to the Supreme Court as to the date or dates on which the notice has been served on the parties in Form No. 38.

**18.** (1) Unless the Supreme Court so directs, the record shall not be printed or photocopied in this Court.

(2) Where the Supreme Court directs that the record be printed or photocopied, the same shall be printed or photocopied in accordance with the rules contained in the First Schedule of the Supreme Court Rules.

(3) Where the appeal paper-book is not likely to consist of more than 200 pages, the Deputy Registrar may, instead of having the record printed, have it photocopied.

(4) Where the record is printed or photocopied in this Court, the provisions contained in rule nos. from 6 to 17 above (both inclusive)

shall apply *mutatis mutandis* to the printing and photocopying of the record.

- (5) Unless otherwise directed by the Supreme Court, at least 30 copies of the record shall be prepared for the use of the Supreme Court.
- (6) Unless a party informs its requirements before the printing or photocopying is undertaken, each party shall be entitled to three copies of the record for its use.

**19.** For preparing the transcript of record (and for printing and photocopying the same, where it is required to be printed and photocopied) fees shall be charged on following rates –

- (1) An estimating fee of Rs.16 in Court fee labels shall be paid by the appellant along with the list of documents filed under rule 9 (2).
- (2) Translating Hindi, Urdu or Marathi portions or record Rs. 4 for every page or part thereof.
- (3) Examining Hindi, Urdu or Marathi Portions of record already translated. — Rs. 2 for every page or part thereof.
- (4) Translation of portions of record in other languages — Rs.6 for every page or part thereof.
- (5) Examining portion of record of other languages already translated. — Rs. 3 for every page or part thereof.
- (6) Copying of documents for preparation of the transcript of the record.— Re. 1 for every page or part thereof. (for four copies)
- (7) Comparing copies of documents for the preparation of transcript of the record. — Re. 1 for every page or part thereof.
- (8) Writing Head-Notes to documents in the transcript of the record. — Re. 1 for each head note.
- (9) Preparation of Index. — Re. 1 per item.
- (10) Examination of proofs where the record is required to be printed or photocopied. — Re. 1 for every printed or cyclostyled page.
- (11) Certifying of transcript of the record or of printed or cyclostyled record by the Deputy Registrar. — Re.1 for every 10 pages or part thereof.

- (12) Printing charges.
  - Actual cost not less than Rs.7 per page.
- (13) photocopying charges
  - Rs.2 per page or part thereof.

**20.** Nothing in this chapter requiring any notice to be served on or given to an opposite party or respondent shall be deemed to require any notice to be served on or given to the legal representative of any deceased opposite party or deceased respondent in a case, where such opposite party or respondent did not appear either at the hearing in the Court whose decree is complained of or at any proceedings subsequent to the decree of that Court.

**(B) Civil Appeals by Special Leave to Supreme Court**

**21.** The provisions of rules 4 to 19 (both inclusive) shall apply *mutatis mutandis* to Civil Appeals by Special Leave to the Supreme Court.

**(C) Criminal Appeals on the Certificate of the High Court**

- 22.** (1) Whosoever desires to appeal to the Supreme Court shall apply by petition to the Court for a certificate granting leave to appeal to the Supreme Court. The petition praying for a certificate for leave to appeal to the Supreme Court shall comply with the provisions of rules 1 and 2 of chapter X of the Rules.
- (2) A petition for leave to appeal to the Supreme Court shall be registered as “Miscellaneous Criminal Case”.
- (3) The petition for a certificate shall be heard by the bench from whose judgment or order, an appeal to the Supreme Court is intended to be preferred:
- Provided that if a Judge or Judges constituting such bench be not immediately available, such petition shall be heard by a bench to be constituted by the Chief Justice, which shall ordinarily be a division bench.
- (4) Notwithstanding anything contained in sub-rule (1) a party desiring to appeal to the Supreme Court may apply orally for such certificate immediately after the pronouncement of the judgment by the Court and the Court may, after hearing the parties or their Counsel grant or refuse the same or direct the party to file a petition as required by sub-rule (1):

Provided that if any oral application for leave to appeal under

sub- rule (4) is made and rejected, no written petition under sub- rule (1) shall lie.

**23.** If the Court grants Rule upon petition, the Deputy Registrar shall issue a notice in Form No. 29.

(1) if the petition is by the accused person, to -

(a) the District Magistrate concerned, and

(b) the Advocate General through the Law Secretary, Government of Madhya Pradesh, and

(2) if the petition is by the State, to the accused person (s)

- to show cause, within the time stipulated in the notice as to why the certificate prayed for, be not granted.

**24.** Upon the Court making the Rule absolute a certificate of fitness to appeal shall be issued in Form No. 30.

**25.** Except as otherwise ordered by the Supreme Court, the preparation of the transcript of the record (and of the printed or photocopied record, where the same is required to be printed or photocopied) and the transmission thereof shall be at the expense of the appellant. In appeals involving sentence of death and in other cases in which the Supreme Court thinks fit so to direct, the record shall be printed at the expense of the State.

**26.** Two copies of the High Court paper book, if available for dispatch to the Supreme Court, shall be treated as the transcript of the record. In that event only such of the additional documents as the parties choose to include for the hearing of the appeal in the Supreme Court shall be prepared in duplicate and transmitted to the Supreme Court along with the High Court paper-book, one of which shall be duly authenticated.

**27.** For the purposes of the transcript of the record, such of the documents in a language other than English, as have already been translated for the High Court Appeal Paper-Book, need not be translated again.

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

**29.** In the event of the Supreme Court directing this Court to print or photocopy the record under the supervision of the Deputy Registrar of this Court, he shall dispatch to the Registrar of the Supreme Court, unless otherwise

directed by the Supreme Court, not less than 15 copies where the appeal raises a question as to the interpretation of the Constitution and not less than 10 copies in other cases.

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

(2) In cases where such record can not be dispatched within 60 days as stated in sub-rule (1), the Registrar shall explain the circumstances under which it can not be so dispatched and obtain extension of time from the Supreme Court.

**31.** Except as otherwise provided in rules 21 to 29 above (both inclusive) the provisions of rules 4 to 19 shall apply *mutatis mutandis* to criminal appeals on certificate issued by the High Court.

**(D) Criminal Appeal by Special Leave of the Supreme Court**

**32.** A certified copy of the Judgment or order passed in Criminal proceedings and appeals shall, on an application made by him, be supplied free of cost to the petitioner intending to apply for special leave of the Supreme Court against such judgment or order.

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

**34.** Except as otherwise provided in rules 31 and 32 above the provisions of rules 21 to 30 above (both inclusive) shall apply *mutatis mutandis* to criminal appeal by special leave of the Supreme Court.

**(E) Miscellaneous**

**35.** Every judgment or order made by the Supreme Court in a case arising out of a judgment or order passed by this Court shall be entered in the computer

in such a manner as to ensure that the bench hearing contempt petitions may be made aware of any order made by the Supreme Court in the matter.

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## CHAPTER XXII

### REPEAL, SAVINGS AND REMOVAL OF DIFFICULTIES

#### Repeal and Savings

1. (1) (a) Chapters I to XV of Section 1 and chapters I to III of Section 3 of the High Court Rules and Orders;  
(b) Rules for Proceedings under Article 226, Constitution of India, Part I and Part II and Rules for Applications under Article 227(1) of the Constitution of India; and  
(c) Any corresponding rule, now in force on the subject, in respect whereof provision has been made in these Rules;  
- shall stand repealed.
- (2) Notwithstanding that these Rules have come into force and repeal under sub-rule (1) has taken effect -
  - (a) any thing duly done or suffered;
  - (b) any right, obligation or liability accrued, imposed or incurred; or any proceeding taken or to be taken in respect of such right, obligation or liability;
  - (c) any classification and registration of a main case / interlocutory application made;
  - (d) any affidavit, memorandum of appeal, cross-objection, petition, application filed; or
  - (e) any notice or process issued;  
- under the repealed rules before such enforcement, shall not be affected.
- (3) All the forms and formats prescribed and approved under the repealed Rules and the Revised Madhya Pradesh Forms Rules, 1961, except those substituted and prescribed by these Rules, shall be deemed to be prescribed under these Rules unless hereinafter amended.

#### Removal of difficulties

2. If any difficulty arises in giving effect to the provisions of these Rules, the Chief Justice may, by notification, make such provisions, as may appear necessary and expedient for removing such difficulty.

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**ANNEXURE**  
**(Chapter X, rule 1(9))**

**SUBJECT CATEGORY CODE**

10100	ADMINISTRATIVE TRIBUNAL
10101	Administrative Tribunal Act, 1985 (Matters Relating to CAT)
10102	Administrative Tribunal Act, 1985 (Matters Relating to SAT)
10200	ADVOCATE
10201	Advocates Act,1961
10300	ARBITRATION
10301	Arbitration Act,1940
10302	Arbitration & Conciliation Act, 1996
	1. Section 11
	2. Others
10320	Madhya Pradesh Madhyastham Adhikaran Adhiniyam 1983
10400	ARMS & EXPLOSIVES
10401	Arms Act,1959
	1. Conviction with Jail - Imprisonment upto 3 years.
	2. Conviction with Jail - Imprisonment for more than 3 & upto 5 years
	3. Conviction with Jail - Imprisonment for more than 5 years
	4. Conviction with Jail - Imprisonment for life
	5. Conviction with Bail - Imprisonment upto 3 years.
	6. Conviction with Bail - Imprisonment for more than 3 & upto 5 years
	7. Conviction with Bail - Imprisonment for more than 5 years
	8. Conviction with Bail - Imprisonment for life
	9. Acquittal but Jail
	10. Acquittal with Bail
	11. Enhancement Jail
	12. Enhancement Bail
	13. Conviction and fine or probation (Where applicable)

## 10402 Explosives Act,1884

1. Conviction with Jail - Imprisonment upto 3 years.
2. Conviction with Jail - Imprisonment for more than 3 & upto 5 years
3. Conviction with Jail - Imprisonment for more than 5 years
4. Conviction with Jail - Imprisonment for life
5. Conviction with Bail - Imprisonment upto 3 years.
6. Conviction with Bail - Imprisonment for more than 3 & upto 5 years
7. Conviction with Bail - Imprisonment for more than 5 years
8. Conviction with Bail - Imprisonment for life
9. Acquittal but Jail
10. Acquittal with Bail
11. Enhancement Jail
12. Enhancement Bail
13. Conviction and fine or probation (Where applicable)

## 10403 Explosives Substances Act,1908

1. Conviction with Jail - Imprisonment upto 3 years.
2. Conviction with Jail - Imprisonment for more than 3 & upto 5 years
3. Conviction with Jail - Imprisonment for more than 5 years
4. Conviction with Jail - Imprisonment for life
5. Conviction with Bail - Imprisonment upto 3 years.
6. Conviction with Bail - Imprisonment for more than 3 & upto 5 years
7. Conviction with Bail - Imprisonment for more than 5 years
8. Conviction with Bail - Imprisonment for life
9. Acquittal but Jail
10. Acquittal with Bail
11. Enhancement Jail
12. Enhancement Bail
13. Conviction and fine or probation (Where applicable)

## 10500 BANKING

- 10501 Bankers' Books Evidence Act, 1891
- 10502 Banking Companies (Acquisition and transfer of undertaking) Act, 1980
- 10503 Reserve Bank of India Act 1934
- 10504 Banking Regulation Act 1949
- 10505 State Bank of India Act 1955
- 10506 State Bank of India (Subsidiary Banks) Act 1959
- 10507 Recovery of Debts due to Banks & Financial Institution Act, 1993
- 10520 M.P. Lok Dhan (Shodhya Rashiyon ke Vasuli) Adhiniyam 1987
- 10600 BEEDI
- 10601 Beedi & Cigar Workers (Conditions of Employment) Act, 1966
- 10602 Beedi Workers Welfare Cess Act, 1976
- 10603 Beedi Workers Welfare Fund Act, 1976
- 10700 BENAMI TRANSACTION
- 10720 Benami Transactions (Prohibition) Act, 1988
- 10800 BONDED LABOUR
- 10801 Bonded Labour (Abolition) Act 1976
- 10900 CEILING
- 10901 Urban Land (Ceiling and regulations )Act, 1976
- 10920 M.P. Ceiling on Agricultural Holdings Act 1960
- 11000 CHARTERED ACCOUNTANCY
- 11001 Chartered Accounts Act, 1949
- 11100 CINEMA
- 11101 Cable Television Networks (Regulation) Act, 1995
- 11102 Cinematograph Act 1952
- 11103 Cine Workers and Cinema Theatre Workers (Reg. of Employment) Act, 1981
- 11104 Cine Workers Welfare Cess Act, 1981
- 11105 Cine Workers Welfare Fund Act, 1981
- 11120 M.P. Cinema (Regulation) Act, 1952
- 11121 M.P. Entertainment, Duty & Advertisements Tax Act, 1936
- 11122 M.P. Cinema (Exhibition of Films by Video Cassette Recorder) Licencing Rules 1983
- 11200 CITIZENSHIP

- 11201 Citizenship Act, 1955
- 11300 CIVIL PROCEDURE & LIMITATION
- 11301 Code of Civil Procedure, 1908
1. Declaration, Injunction
  2. Declaration, Injunction & Possession
  3. Declaration & Partition
  4. Specific performance of contract
  5. Money matters involving Banks
  6. Other Money Matters
  7. Suit for compensatory damages
  8. Cases not decided on merit (Order 7 Rule 11, on preliminary issues etc)
  9. Redemption & Mortgage
  10. Cases under Order 43 Rule 1
  11. Review (order 47 rule 1 CPC)
  12. Restoration
  13. Indigent Person (order 44 rule 1 CPC)
  14. Extension of time
  15. Transfer of cases U/s 24 CPC
  16. Writ against order of Subordinate Court U/Article 227
  17. Execution (under order 21 CPC)
  18. Breach of Injunction under order 39 rule 2-a CPC
- 11302 Limitation Act, 1963
- 11400 CIVIL RIGHTS
- 11401 Protection of Civil Rights Act, 1955
- 11402 Protection of Human Rights Act, 1993
- 11403 Scheduled Casts and Scheduled Tribes (Preven. of Atrocities) Act, 1989
1. Conviction with Jail - Imprisonment upto 3 years.
  2. Conviction with Jail - Imprisonment for more than 3 & upto 5 years
  3. Conviction with Jail - Imprisonment for more than 5 years
  4. Conviction with Jail - Imprisonment for life
  5. Conviction with Bail - Imprisonment upto 3 years.

6. Conviction with Bail - Imprisonment for more than 3 & upto 5 years
  7. Conviction with Bail - Imprisonment for more than 5 years
  8. Conviction with Bail - Imprisonment for life
  9. Acquittal but Jail
  10. Acquittal with Bail
  11. Enhancement Jail
  12. Enhancement Bail
  13. Only fine or probation
  14. Conviction and fine or probation (Where applicable)
- 11500 COMMISSION
- 11501 Commissions of Inquiry Act, 1952
- 11600 COMPANY
- 11601 Companies Act, 1956
1. Company Petition
  2. Company Appeal
- 11602 Companies (Profits) Surtax Act, 1964
- 11603 Companies (Surcharge on Income-tax) Act, 1971
- 11604 Companies (Temporary Restrictions on Divident) Act, 1974
- 11605 Sick Industrial Companies (Special Provisions) Act 1985
- 11700 CONSUMER PROTECTION
- 11701 Consumer Protection Act, 1986
- 11702 Consumer Protection Rules 1987
- 11703 Monopolies and Restrictive Trade Practices Act, 1969
- 11720 M.P. Consumer Protection Rules, 1987
- 11800 CONTEMPT
- 11801 Contempt of Courts Act 1971
- 11802 Civil Contempt
- 11803 Criminal Contempt
- 11820 High Court of M.P. (Contempt of Court Proceedings) Rules, 1980
- 11900 COPYRIGHT
- 11901 Copyright Act, 1957
- 12000 CORRUPTION

## 12001 Prevention of Corruption Act 1947

1. Conviction with Jail - Imprisonment upto 3 years.
2. Conviction with Jail - Imprisonment for more than 3 & upto 5 years
3. Conviction with Jail - Imprisonment for more than 5 years
4. Conviction with Jail - Imprisonment for life
5. Conviction with Bail - Imprisonment upto 3 years.
6. Conviction with Bail - Imprisonment for more than 3 & upto 5 years
7. Conviction with Bail - Imprisonment for more than 5 years
8. Conviction with Bail - Imprisonment for life
9. Acquittal but Jail
10. Acquittal with Bail
11. Enhancement Jail
12. Enhancement Bail
13. Conviction and fine or probation (Where applicable)

## 12002 Prevention of Corruption Act 1988

1. Conviction with Jail - Imprisonment upto 3 years.
2. Conviction with Jail - Imprisonment for more than 3 & upto 5 years
3. Conviction with Jail - Imprisonment for more than 5 years
4. Conviction with Jail - Imprisonment for life
5. Conviction with Bail - Imprisonment upto 3 years.
6. Conviction with Bail - Imprisonment for more than 3 & upto 5 years
7. Conviction with Bail - Imprisonment for more than 5 years
8. Conviction with Bail - Imprisonment for life
9. Acquittal but Jail
10. Acquittal with Bail
11. Enhancement Jail
12. Enhancement Bail
13. Conviction and fine or probation (Where applicable)

## 12020 M.P. Lokayukt Evam Up-Lokayukt Adhiniyam, 1981

- 12021 M.P. Special Police Establishment Act, 1947
- 12022 M.P. Vinirdishta Bhrashta Acharan Nivaran Adhiniyam, 1982
1. Conviction with Jail - Imprisonment upto 3 years.
  2. Conviction with Jail - Imprisonment for more than 3 & upto 5 years
  3. Conviction with Jail - Imprisonment for more than 5 years
  4. Conviction with Jail - Imprisonment for life
  5. Conviction with Bail - Imprisonment upto 3 years.
  6. Conviction with Bail - Imprisonment for more than 3 & upto 5 years
  7. Conviction with Bail - Imprisonment for more than 5 years
  8. Conviction with Bail - Imprisonment for life
  9. Acquittal but Jail
  10. Acquittal with Bail
  11. Enhancement Jail
  12. Enhancement Bail
  13. Conviction and fine or probation (Where applicable)
- 12100 CRIMINAL LAW & PROCEDURE
- 12101 Indian Penal Code, 1860
1. Conviction with Jail - Imprisonment upto 3 years.
  2. Conviction with Jail - Imprisonment for more than 3 & upto 5 years
  3. Conviction with Jail - Imprisonment for more than 5 years
  4. Conviction with Jail - Imprisonment for life
  5. Conviction with Bail - Imprisonment upto 3 years.
  6. Conviction with Bail - Imprisonment for more than 3 & upto 5 years
  7. Conviction with Bail - Imprisonment for more than 5 years
  8. Conviction with Bail - Imprisonment for life
  9. Acquittal but Jail
  10. Acquittal with Bail
  11. Enhancement Jail
  12. Enhancement Bail
  13. Conviction and fine or probation

- 12102 Code of Criminal Procedure, 1973
1. Section 125
  2. Section 378
  3. Section 407
  4. Section 438
  5. Section 439
  6. Section 446
  7. Section 482
  8. Revision against Charge / discharge
  9. Revision against Other Interlocutory Orders
  10. Registration of Offence and Investigation
  11. Section u/s 454 CRPC
  12. Section u/s 341 CRPC
  13. Section U/s 145 CRPC
  14. Revision against order of Remand
- 12103 Criminal Law Amendment Act, 1952
- 12104 Indian Evidence Act, 1872
- 12105 Probation of Offenders Act,1955
- 12200 CUSTOM & EXCISE
- 12201 Central Excise & Salt Act 1944
- 12202 Central Excise Tariff Act 1985
- 12203 Central Excise Rules 1944
- 12204 Central Excise (Valuation) Rules 1975
- 12205 Customs Act,1962
- 12206 Customs and Excise Revenues Appellate Tribunal Act,1986
- 12207 Customs Tariff Act,1975
- 12208 Excise (malt Liquors) Act,1890
- 12209 Excise (Spirits) Act 1863
- 12220 M.P. Excise Act, 1915
1. Conviction with Jail - Imprisonment upto 3 years.
  2. Conviction with Jail - Imprisonment for more than 3 & upto 5 years

3. Conviction with Jail - Imprisonment for more than 5 years
  4. Conviction with Jail - Imprisonment for life
  5. Conviction with Bail - Imprisonment upto 3 years.
  6. Conviction with Bail - Imprisonment for more than 3 & upto 5 years
  7. Conviction with Bail - Imprisonment for more than 5 years
  8. Conviction with Bail - Imprisonment for life
  9. Acquittal but Jail
  10. Acquittal with Bail
  11. Enhancement Jail
  12. Enhancement Bail
  13. Conviction and fine or probation (Where applicable)
- 12300 DEBT RELIEF
- 12320 Interest Act, 1978
- 12321 M.B. Agricultural Debtor's Relife Act, 1956
- 12322 M.P. Anusuchit Jati Tatha A.Janjati Rini Sahayata Adhinyam, 1967
- 12323 M.P. Gramin Rin Vimukti Adhinyam, 1983
- 12324 M.P. Gramin Rin Vimukti Tatha Rin Sthagana Adhinyam, 1975
- 12325 M.P. Gramin Rin Vimukti Tatha Rin Sthagana Adhinyam, 1982
- 12326 M.P. Money Lenders Act, 1934
- 12327 M.P. Samaj Ke Kamjor Vargon—Paritran T.Mukti Adhinyam, 1976
- 12328 Usurious Loans Act, 1918
- 12400 DEFENCE
- 12401 Army Act 1959
- 12402 Army Rules 1954
- 12403 Air Force Act. 1950
- 12404 Air Force Rules 1969
- 12405 Army & Air Force (disposal of private property) Act 1950
- 12406 Navy Act, 1957
- 12500 DRUGS & MEDICINES
- 12501 Drugs and Cosmetics Act, 1940
1. Conviction with Jail - Imprisonment upto 3 years.

2. Conviction with Jail - Imprisonment for more than 3 & upto 5 years
  3. Conviction with Jail - Imprisonment for more than 5 years
  4. Conviction with Jail - Imprisonment for life
  5. Conviction with Bail - Imprisonment upto 3 years.
  6. Conviction with Bail - Imprisonment for more than 3 & upto 5 years
  7. Conviction with Bail - Imprisonment for more than 5 years
  8. Conviction with Bail - Imprisonment for life
  9. Acquittal but Jail
  10. Acquittal with Bail
  11. Enhancement Jail
  12. Enhancement Bail
  13. Conviction and fine or probation (Where applicable)
- 12502 Drugs (Control) Act,1950
1. Conviction with Jail - Imprisonment upto 3 years.
  2. Conviction with Jail - Imprisonment for more than 3 & upto 5 years
  3. Conviction with Jail - Imprisonment for more than 5 years
  4. Conviction with Jail - Imprisonment for life
  5. Conviction with Bail - Imprisonment upto 3 years.
  6. Conviction with Bail - Imprisonment for more than 3 & upto 5 years
  7. Conviction with Bail - Imprisonment for more than 5 years
  8. Conviction with Bail - Imprisonment for life
  9. Acquittal but Jail
  10. Acquittal with Bail
  11. Enhancement Jail
  12. Enhancement Bail
  13. Conviction and fine or probation (Where applicable)
- 12503 Drugs and Magic Remedies (Objectionable Advertisement) Act,1954
- 12504 Medicinal & Toilet Preparations (Excise Duties) Act 1955
- 12505 Norcotics Drugs & Psychotropic Substances Act 1985

1. Conviction with Jail - Imprisonment upto 3 years.
  2. Conviction with Jail - Imprisonment for more than 3 & upto 5 years
  3. Conviction with Jail - Imprisonment for more than 5 years
  4. Conviction with Jail - Imprisonment for life
  5. Conviction with Bail - Imprisonment upto 3 years.
  6. Conviction with Bail - Imprisonment for more than 3 & upto 5 years
  7. Conviction with Bail - Imprisonment for more than 5 years
  8. Conviction with Bail - Imprisonment for life
  9. Acquittal but Jail
  10. Acquittal with Bail
  11. Enhancement Jail
  12. Enhancement Bail
  13. Conviction and fine or probation (Where applicable)
- 12506 Poisons Act 1919
- 12507 Pharmacy Act 1948
- 12508 Medical Termination of Pregnancy Act. 1971
- 12509 Indian Medicine Central Council Act 1970
- 12510 The Dentists Act 1948
- 12511 The Homoeopathy Central Council Act 1973
- 12512 Indian Medical Council Act 1956
- 12513 Indian Medical Degrees Act 1916
- 12514 Indian Nursing Council Act 1947
- 12520 Ayurvedic, Unani Tatha Prakritic Chikitsa Vyavasayi Adhiniyam, MP, 1970
- 12521 M.P. Drugs (Control) Act 1949
1. Conviction with Jail - Imprisonment upto 3 years.
  2. Conviction with Jail - Imprisonment for more than 3 & upto 5 years
  3. Conviction with Jail - Imprisonment for more than 5 years
  4. Conviction with Jail - Imprisonment for life
  5. Conviction with Bail - Imprisonment upto 3 years.

6. Conviction with Bail - Imprisonment for more than 3 & upto 5 years
  7. Conviction with Bail - Imprisonment for more than 5 years
  8. Conviction with Bail - Imprisonment for life
  9. Acquittal but Jail
  10. Acquittal with Bail
  11. Enhancement Jail
  12. Enhancement Bail
  13. Conviction and fine or probation (Where applicable)
- 12522 Homoeopathy Parishad Act, M.P. 1976
- 12600 EASEMENT
- 12601 Indian Easements Act, 1882
- 12700 EDUCATION
- 12720 M.P. Ashaskiya School Viniyaman Adhinyam, 1975
- 12721 MP Ashaskiya Sikshan Sanstha (Adhyapakon T.Anya Karm.Ke Vatano...)A.,1978
- 12722 M.P. Primary Education Act,1961
- 12723 M.P. Madhyamik Shiksha Adhinyam ,1965
- 12724 M.P. Recognised Examination Act 1937
- 12725 M.P. Regulation of Board of Secondary Education, 1965
- 12726 M.P. Vishwavidhyalaya Adhinyam, 1973
- 12727 M.P. Vishwavidhyalaya Statute Adhinyam, 1964
- 12728 Revaluation of answer sheets.
- 12729 Admission to Professional Colleges.
- 12730 Admission to Other Educational Institutions.
- 12800 ELECTION
- 12801 Representation of the People Act, 1950
- 12802 Representation of the People Act, 1951
- 12820 Autonomous Bodies
- 12821 Bar Council
- 12822 Co-operative Societies
- 12823 Govt. Employees Associations
- 12824 Mandi

12825	Municipal
12826	Panchayat
12827	Trade Unions
12828	Other Societies
12900	ELECTRICITY
12901	Electricity Act,1910
	1. Conviction with Jail - Imprisonment upto 3 years.
	2. Conviction with Jail - Imprisonment for more than 3 & upto 5 years
	3. Conviction with Jail - Imprisonment for more than 5 years
	4. Conviction with Jail - Imprisonment for life
	5. Conviction with Bail - Imprisonment upto 3 years.
	6. Conviction with Bail - Imprisonment for more than 3 & upto 5 years
	7. Conviction with Bail - Imprisonment for more than 5 years
	8. Conviction with Bail - Imprisonment for life
	9. Acquittal but Jail
	10. Acquittal with Bail
	11. Enhancement Jail
	12. Enhancement Bail
	13. Conviction and fine or probation (Where applicable)
12902	Electricity Supply Act, 1948
12903	Electricity Regulatory Commission Act, 1998
12920	M.P. Electricity Duty Act, 1949
12921	M.P. Electrical Undertaking (Dues Recovery) Act 1961
12922	M.P. Vidyut Sudhar Adhiniyam, 2000
13000	ENVIRONMENTAL POLLUTION
13001	Air (Prevention & Control of Pollution) Act 1981
13002	Atomic Energy Act,1962
13003	Environment (Protection) Act, 1986
13004	Forest (Conservation) Act 1980
13005	Insecticides Act, 1968
13006	Water (Prevention & Control of Pollution) Act 1974

13007 Water (Prevention & Control of Pollution) Cess Act 1977

13008 Wild Life Protection Act 1972

1. Conviction with Jail - Imprisonment upto 3 years.
2. Conviction with Jail - Imprisonment for more than 3 & upto 5 years
3. Conviction with Jail - Imprisonment for more than 5 years
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5. Conviction with Bail - Imprisonment upto 3 years.
6. Conviction with Bail - Imprisonment for more than 3 & upto 5 years
7. Conviction with Bail - Imprisonment for more than 5 years
8. Conviction with Bail - Imprisonment for life
9. Acquittal but Jail
10. Acquittal with Bail
11. Enhancement Jail
12. Enhancement Bail
13. Conviction and fine or probation (Where applicable)

13020 M.P. Kolahal Niyantran Adhiniyam 1985

13100 ESSENTIAL COMMODITIES

13101 Essential Commodities Act, 1955

1. Conviction with Jail - Imprisonment upto 3 years.
2. Conviction with Jail - Imprisonment for more than 3 & upto 5 years
3. Conviction with Jail - Imprisonment for more than 5 years
4. Conviction with Jail - Imprisonment for life
5. Conviction with Bail - Imprisonment upto 3 years.
6. Conviction with Bail - Imprisonment for more than 3 & upto 5 years
7. Conviction with Bail - Imprisonment for more than 5 years
8. Conviction with Bail - Imprisonment for life
9. Acquittal but Jail
10. Acquittal with Bail
11. Enhancement Jail

12. Enhancement Bail
  13. Conviction and fine or probation (Where applicable)
- 13102 Essential Commodities (Special Provision) Act,1981
- 13120 Cement Control Order, 1967
- 13121 Cement (Quality Control) Order, 1962
- 13122 Imported Cement (Control) Order, 1978
- 13123 Cement Control (Regulation of Production)Order, 1981
- 13124 The Madhya Pradesh Guest Control,Order 1968
- 13125 The M.P. Food (Restrictions on Service of Meals by Cate.Estab.) Order,1973
- 13126 The M.P. Rice Procurement (Levy) Order,1970
- 13127 The M.P. Poha (Restriction Manufacture) Order,1966
- 13128 The M.P. Rice Bran (Distribution and Price Control Order,1973
- 13129 The Rice Milling Industry (Regulation) Act, 1958
- 13130 Rice-Milling Industry Regulation and Licensing Rules,1959
- 13131 Low Cost Modernisation for Single Huller Rice-Mills
- 13132 Sugar Control Order,1966
- 13133 Sugar (packing and marking) Order, 1970
- 13134 Sugar (Restriction on Movement) Order,1979
- 13135 Levy Sugar Supply (Control) Order,1970
- 13136 Sugar (Detention and Sale by Recognised Dealer) Order,1979
- 13137 Pulses,Edible Oil seeds and Edible Oils (Storage Cont.)Order,1977
- 13138 The Vegetable Oils Products Control Order,1947
- 13139 Vegetable Oil Products (Standards of Quality Order,1975
- 13140 Vegetable Oil Product Producer (Reg.of Refined Oil Manuf.)Order,1973
- 13141 Solvent Extracted Oil,De-oiled Meal and Edible Flour (Control)Order,1967
- 13142 M.P. Essential Commodities (Exhibition of Prices and Control)Order,1977
- 13143 Food Grains (Prohibition of use in Manufacturing of Starch) Order,1966
- 13144 Wheat Roller Flour Mills (Licensing and Control) Order,1957
- 13145 M.P.Roller Mills Wheat Products (Ex-Mill) Price Control Order, 1979

- 13146 MP Roller Mills Wheat Products (Whole-sale and Retail Price) C.Order1981
- 13147 Petroleum Products (Supply and Distribution) Order 1972
- 13148 Kerosene (Restriction on use and Fixation of Price) Order,1966
- 13149 The Kerosene (Fixation of Ceiling Prices) Order,1970
- 13150 The Kerosene Dealers Licensing Order ,1979
- 13151 Furnace Oil (Fixation of Ceiling Prices and Distribution Order,1974
- 13152 MP Motor spirit & high speed diesel oil(Licenc. and control)Order,1980
- 13153 Light diesel Oil (Fixation of Ceiling Prices) Order,1973
- 13154 The High Speed Deisel Oil and Light Deisel Oil (Restr. on use) Order,1974
- 13155 The Liquefied Petroleum Gas (Restriction on use)Order,1974
- 13156 Liquefied Petroleum Gas (Restriction of Supply and Distrib.)Order,1988
- 13157 Cotton Control Order, 1986
- 13158 The Textiles (Development and Regulation) Order,1992
- 13159 The Liquefied Petroleum Gas(Regul.of Supply and Distrib.)Order
- 13160 The Kerosene (Restr.on use and Fixation of Seeling Price)Order,1993
- 13161 Colliery Control Order, 2000.
- 13200 FAMILY MATTERS
- 13201 Dissolution of Muslim Marriages Act 1939
- 13202 Dowry Prohibition Act, 1961
1. Conviction with Jail - Imprisonment upto 3 years.
  2. Conviction with Jail - Imprisonment for more than 3 & upto 5 years
  3. Conviction with Jail - Imprisonment for more than 5 years
  4. Conviction with Jail - Imprisonment for life
  5. Conviction with Bail - Imprisonment upto 3 years.
  6. Conviction with Bail - Imprisonment for more than 3 & upto 5 years
  7. Conviction with Bail - Imprisonment for more than 5 years
  8. Conviction with Bail - Imprisonment for life
  9. Acquittal but Jail

10. Acquittal with Bail
  11. Enhancement Jail
  12. Enhancement Bail
  13. Conviction and fine or probation (Where applicable)
- 13203 Family Courts Act, 1984
- 13204 Foreign Marriage Act 1969
- 13205 Guardians and Wards Act, 1890
- 13206 Hindu Adoptions and Maintenance Act, 1956
- 13207 Hindu Marriage Act, 1955
1. Section 9 (Restitution of conjugal rights)
  2. Section 10 (Judicial separation)
  3. Section 11 & 12 (Void and voidable marriage)
  4. Section 13 (Divorce)
  5. Section 24, 25 & 28 (Pendentelite maintenance & expenses / permanent Alimony & maintenance / Appeal from decree & order)
- 13208 Hindu Minority and Guardianship Act, 1956
- 13209 Hindu Succession Act, 1956
- 13210 Indian Divorce Act, 1869
- 13211 Indian Succession Act, 1925
1. Probate.
  2. Succession Certificate
- 13212 Muslim Women (Protection of Rights on Divorce) Act, 1986
- 13213 Parsi Marriage & Divorce Act 1936
- 13214 Special Marriage Act 1954
- 13220 Mohammedan Marriage
- 13221 Mohammedan Divorce
- 13222 Mohammedan Maintenance
- 13223 Mohammedan Guardian
- 13224 Mohammedan Succession
- 13225 Mohammedan Gift
- 13226 Mohammedan Will
- 13300 FINANCIAL CORPORATION

- 13301 Industrial Finance Corporation Act, 1948
- 13320 State Financial Corporation Act, 1951
- 13400 FISCAL LAWS
- 13401 Court Fees Act, 1870
- 13402 Indian Stamp Act, 1899
- 13403 Registration Act, 1908
- 13404 Suit Valuation Act 1887
- 13500 FISHERIES
- 13501 Indian Fisheries Act 1897
- 13520 M.P. Fisheries Act 1948
- 13600 FOREIGNERS
- 13601 Foreigners Act 1946
- 13602 Passport Act 1967
- 13603 Passport (Entry into India) Act 1920
- 13604 Foreign Contribution (Regulation) Act, 1976
- 13700 FOREST
- 13701 Indian Forest Act ,1927
1. Conviction with Jail - Imprisonment upto 3 years.
  2. Conviction with Jail - Imprisonment for more than 3 & upto 5 years
  3. Conviction with Jail - Imprisonment for more than 5 years
  4. Conviction with Jail - Imprisonment for life
  5. Conviction with Bail - Imprisonment upto 3 years.
  6. Conviction with Bail - Imprisonment for more than 3 & upto 5 years
  7. Conviction with Bail - Imprisonment for more than 5 years
  8. Conviction with Bail - Imprisonment for life
  9. Acquittal but Jail
  10. Acquittal with Bail
  11. Enhancement Jail
  12. Enhancement Bail
  13. Conviction and fine or probation (Where applicable)
- 13720 Forest Contrct Rules 1927

- 13721 Indian Forest (M.P. Amendment) Act ,1983  
13722 M.P. Grazing Rules 1986  
13723 M.P. Kastha Chiran (Viniyaman) Adhinyam 1984  
13724 M.P. Transit (Forest Produce) Rule, 1961  
13725 M.P. Van Bhumi Shashwat Patta Prati Sanharan Adhinyam,1973  
13726 Tendu Patta (Vyapar Viniyaman ) Adhinyam M.P. 1984  
13727 Van Upaj (Vyapar Viniyaman) Adhinyam M.P. 1969  
13800 FUNDAMENTAL RULES  
13820 Fundamental Rules  
13821 M.P. Fundamental Rules  
13822 M.P. Civil Services (Conduct) Rules 1965  
13900 HABEAS CORPUS  
14000 HIGHWAY  
14001 National Highways Act, 1956  
14002 Tolls Act, 1888  
14020 M.P. Highways Act, 1936  
14021 M.P. Highways Rules  
14100 INSURANCE MATTERS  
14101 General Insurance Business (Nationalisation) Act, 1972  
14102 Insurance Act, 1938  
14103 Life Insurance Corporation Act, 1956  
14104 Life Insurance Corporation (Modification of settlement)Act,1976  
14105 Public liability Insurance Act 1991  
14120 M.P. Group Insurance Rules  
14200 IRRIGATION  
14220 Irrigation Act, 1931  
14300 JOURNALISTS  
14301 Work.Journalists & Other Newspaper Emp. (Cond.of Serv.)  
&Misc.Prov.Act 1955  
14302 Working Journlists (Fixation of Rates of Wages) Act, 1958  
14400 LABOUR / INDUSTRY  
14401 Apprentices Act, 1961  
14402 Boilers Act, 1923

- 14403 Contract Labour (Regulations and Abolition) Act, 1970
- 14404 Dangerous Machines (Regulation) Act, 1933
- 14405 Emigration Act 1983
- 14406 Employee's State Insurance Act 1948
- 14407 Employment Exchanges (Compulsory Notification of Vacancies) Act, 1976
- 14408 Equal Remuneration Act, 1976
- 14409 Factories Act 1948
- 14410 Fatal Accidents Act, 1855
- 14411 Industries (Development & Regulation) Act 1951
- 14412 Industrial Disputes Act 1947
- 14413 Industrial Employment (Standing Orders) Act 1946
- 14414 Minimum Wages Act 1948 / Payment of Wages Act
- 14415 Motor Transport Workers Act, 1961
- 14416 Payment of Bonus Act 1965
- 14417 Payment of Gratuity Act 1972
- 14418 Trade Union Act 1926
- 14419 Workmen's Compensation Act, 1923
1. Matters where Insurance Company is not a party
  2. No fault liability claims
  3. Death claims (Enhancement)
  4. Death claims (Reduction)
  5. Permanent disability claims (Enhancement)
  6. Permanent disability claims (Reduction)
  7. Injury (other than permanent disability) claims (Enhancement)
  8. Injury (other than permanent disability) claims (Reduction)
  9. Other claims
- 14420 M.P. Industrial Relation Act 1960
- 14421 M.P. Industrial Relations (Standard Standing Order) Act, 1960
- 14422 M.P. Shops and Establishment Act, 1958
- 14500 LAND ACQUISITION
- 14501 Land Acquisition Act 1894

- 14600 LAND REVENUE , TENANCY & NAZUL
- 14620 M.P. Land Revenue Code 1959
- 14621 Nagariya Kshetran Ke Bhumihin Vyakti (P.A.Ke Pradan K.Jana) Adhi.1984
- 14622 MP.Krishi Prayojan K.L.Upayog Ki Ja Rahi D.R.B.P. B.A.K.P. K.J.(V.U) A.1984
- 14623 M.P. Gramo Me Ki Dakhulrahit Bhumi (Vishesh Upabhandh) Adhinyam,1970
- 14624 MP.Vas-sthan Dakhalkar(BhumiswamiAdhikaron Ka Pradan Kiya Jana)Adhi.1988
- 14625 NAZUL
- 14700 LEGAL AID
- 14720 MP.Samaj Ke Kamjor Vargon Ke Liye Vidhik Sahayata Tatha V.Salah Adh.1976
- 14800 LOTTERY
- 14820 M.P. Lottery Pratibhandh Adhinyam, 1993
- 14900 MANDI
- 14920 M.P.Krishi Upaj Mandi Adhinyam,1972
- 15000 MERCHANTILE LAW
- 15001 Carriers Act, 1865
- 15002 Contract Act, 1872
- 15003 Hire-Purchase Act, 1972
- 15004 Indian Partnership Act 1932
- 15005 Negotiable Instruments Act, 1881
- 15006 Provincial Insolvency Act, 1920
- 15007 Sales of Goods Act 1930
- 15008 Specific Relief Act, 1963
- 15100 MINES AND MINERALS
- 15101 Mines Act 1952
- 15102 Mines and Minerals (Regulation and Development)Act 1957
- 15103 Mines and Minerals Concession Rules 1960
- 15104 Mineral Products (Additional Duties of Excise and Customs)Act,1958
- 15120 M.P. Mines and Minerals Concession Rules 1960

## 15200 MOTOR VEHICLE

## 15201 Motor Vehicles Act 1939/1988

1. Matters where Insurance Company is not a party
2. No fault liability claims
3. Death claims (Enhancement)
4. Death claims (Reduction)
5. Permanent disability claims (Enhancement)
6. Permanent disability claims (Reduction)
7. Injury (other than permanent disability) claims (Enhancement)
8. Injury (other than permanent disability) claims (Reduction)
9. Other claims (Damage, Property loss)

## 15203 Motor Vehicles Rules, 1989

## 15204 National Permit Rules 1975

## 15220 M.P. Motoryan Karadhan Adhinyam, 1991

## 15221 M.P. Motoryan Karadhan Rules, 1991

## 15222 Motor Parivahan Yano Par Pathkar Ka Udgrahan Adhinyam, 1985

## 15223 M.P. Motor Vehicles Rules 1974

## 15224 Motor Vehicles Taxation Act 1947

## 15225 Motor Vehicles (Taxation of Goods ) Act 1962

## 15300 MUNICIPALITIES

## 15320 M.P. Municipalities Act 1961

## 15321 M.P. Municipal Corporation Act 1956

## 15322 M.P. Municipalities Rules 1961

## 15400 NOTARY

## 15401 Notaries Act 1952

## 15402 Notaries Rules 1956

## 15420 Commissioner of Oath's Rules M.P., 1976

## 15500 PANCHAYAT

## 15520 M.P. Panchayat Act, 1962

## 15521 M.P. Panchayat Act 1981

## 15522 M.P. Panchayat Raj Adhinyam 1990

## 15523 M.P. Panchayat Raj Adhinyam 1993

15600	<b>PETROLEUM</b>
15601	Petroleum Act, 1934
15602	Petroleum Rules, 1976
15603	Gas Cylinders Rules 1981
15700	<b>PREVENTION OF FOOD ADULTERATION</b>
15701	Prevention of Food Adulteration Act 1954
	1. Conviction with Jail - Imprisonment upto 3 years.
	2. Conviction with Jail - Imprisonment for more than 3 & upto 5 years
	3. Conviction with Jail - Imprisonment for more than 5 years
	4. Conviction with Jail - Imprisonment for life
	5. Conviction with Bail - Imprisonment upto 3 years.
	6. Conviction with Bail - Imprisonment for more than 3 & upto 5 years
	7. Conviction with Bail - Imprisonment for more than 5 years
	8. Conviction with Bail - Imprisonment for life
	9. Acquittal but Jail
	10. Acquittal with Bail
	11. Enhancement Jail
	12. Enhancement Bail
	13. Conviction and fine or probation (Where applicable)
15721	M.P. Prevention of Food Adulteration Rules, 1955
15800	<b>PROBATION &amp; PRISONERS</b>
15801	Identification of Prisoners Act, 1920
15802	Prisons Act, 1894
15803	Prisoners Act, 1900
15820	M.P. Jail Manual
15821	M.P. Prisoners Release on Probation Act, 1954
15822	M.P. Prisoners Release on Probation Rules 1964
15900	<b>PROPERTY</b>
15901	Transfer of Property Act, 1882
15902	The Requisition and Acquisition of Immovable Property Act, 1952
16000	<b>PROVIDENT FUND</b>

- 16001 Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948
- 16002 Employees' Providents Funds and Miscellaneous Provisions Act, 1952
- 16003 Provident Fund Act 1925
- 16004 Public Provident Fund Act 1968
- 16020 M.P. General Provident Fund Rules
- 16021 M.P. Contributory Provident Fund Rules, 1955
- 16100 PUBLIC INTEREST LITIGATION
- 16200 PUBLIC PREMISES
- 16201 Public Premises (Eviction of Unauthorised Occupants) Act, 1971
- 16220 M.P. Government Premises (Eviction) Act, 1952
- 16221 Lok Parisar (Bedakhali) Adhinyam 1974
- 16300 PUBLIC SAFETY & ORDER
- 16301 Conservation of Foreign Exchange and Prev. of Smuggling Act, 1974
- 16302 Essential Services Maintenance Act, 1981
- 16303 Foreign Exchange Regulation Act, 1973
- 16304 National Security Act 1980
1. Conviction with Jail - Imprisonment upto 3 years.
  2. Conviction with Jail - Imprisonment for more than 3 & upto 5 years
  3. Conviction with Jail - Imprisonment for more than 5 years
  4. Conviction with Jail - Imprisonment for life
  5. Conviction with Bail - Imprisonment upto 3 years.
  6. Conviction with Bail - Imprisonment for more than 3 & upto 5 years
  7. Conviction with Bail - Imprisonment for more than 5 years
  8. Conviction with Bail - Imprisonment for life
  9. Acquittal but Jail
  10. Acquittal with Bail
  11. Enhancement Jail
  12. Enhancement Bail
  13. Conviction and fine or probation (Where applicable)
- 16305 Police Act, 1949

- 16306 Preventive Detention Act 1950
- 16307 Prevention of Black Marketing and Maintenance of Suppl.of E.C.Act,1980
- 16308 Unlawful Activities (Prevention) Act, 1967
- 16320 The Prevention of Illicit Traffic Norcotics Drugs & Psycho.Subs.Act 1988
- 16321 M.P. Police (Regulation) Act
- 16322 Rajya Suraksha Tatha Lok Vayavastha Adhiniyam 1980
- 16323 Madhya Pradesh Rajya Suraksha Adhiniyam 1990
- 16400 PUBLIC SERVICE COMMISSION
- 16420 Public Service Commission (Limitation of Functions) Regulation 1957
- 16421 MPPSC Conduct of Service (Regulation) Act, 1973
- 16500 QUO WARRANTO
- 16600 RAILWAY
- 16601 Indian Railways Act, 1890
- 16602 Railway Claims Tribunal Act, 1987
- 16603 Railway Property (Unlawful Possession) Act, 1966
- 16700 RENT CONTROL
- 16720 M.P. Accommodation Control Act, 1961
1. Section 12 (1)(a) (Rent not paid)
  2. Section 12 (1)(b) (Sub let)
  3. Section 12 (1)(c) (Nuisance / inconsistent use)
  4. Section 12 (1)(d) (Not used without reasonable cause)
  5. Section 12 (1)(e) (Bonafide requirement for Residential purpose)
  6. Section 12 (1)(f) (Bonafide requirement for Non Residential purpose)
  7. Section 12 (1)(g) (Unsafe / unfit for human use / for repairs)
  8. Section 12 (1)(h) (Building / Rebuilding)
  9. Section 12 (1)(i) (Tenant built or acquired residence / accommodation)
  10. Section 12 (1)(j) (Termination of service or employment)
  11. Section 12 (1)(k) (Substantial damage caused by tenant)

12. Section 12 (1)(l) (Tenant has given written notice to quit)
  13. Section 12 (1)(m) (Tenant made construction without permission of landlord)
  14. Section 23 (J) (Special provision for Retd., widow, handicapped etc.)
  15. Others
- 16721 M.P. Accommodation Control Rules, 1966
- 16800 ROAD TRANSPORT CORPORATION
- 16801 Road Transport Corporation Act 1950
- 16900 RULES OF THE COURT
- 16920 High Court Rules & Order
- 16921 M.P. Civil Court Act, 1958
- 16922 M.P. Civil Court Rules 1961
- 16923 Rules & Orders (Criminal)
- 17000 SERVICE RELATING TO CENTRAL GOVERNMENT
- 17020 Abolition of Post
- 17021 Absorption
- 17022 Allowances
- 17023 Appointment
- 17024 Compulsory Retirement
- 17025 Confidential Report
- 17026 Date of Birth
- 17027 Deputation/Repatriation
- 17028 Disciplinary Proceedings
- 17029 Dismissal/Removal/Termination
- 17030 Increment
- 17031 Leave
- 17032 Promotion
- 17033 Punishment
- 17034 Recruitment
- 17035 Reduction in Rank
- 17036 Regularisation
- 17037 Reservation

17038	Resignation
17039	Retirement Benefit Cum Pension
17040	Salary Matter
17041	Selection
17042	Seniority
17043	Service Residuary
17044	Service Reversion
17045	Superannuation
17046	Suspension
17047	Transfer Matter
17048	Voluntary Retirement
17049	Allocations
17050	Compassionate Appointment
17051	Recoveries
17052	Reinstatement
17100	SERVICE RELATING TO STATE GOVERNMENT
17120	Abolition of Post
17121	Absorption
17122	Allowances
17123	Appointment
17124	Compulsory Retirement
17125	Confidential Report
17126	Date of Birth
17127	Deputation/Repatriation
17128	Disciplinary Proceedings
17129	Dismissal/Removal/Termination
17130	Increment
17131	Leave
17132	Promotion
17133	Punishment
17134	Recruitment
17135	Reduction in Rank

17136	Regularisation
17137	Reservation
17138	Resignation
17139	Retirement Benefit Cum Pension
17140	Salary Matter
17141	Selection
17142	Seniority
17143	Service Residuary
17144	Service Reversion
17145	Superannuation
17146	Suspension
17147	Transfer Matter
17148	Voluntary Retirement
17149	Allocations
17150	Compassionate Appointment
17151	Recoveries
17152	Reinstatement
17200	SERVICE RELATING TO OTHER AUTHORITIES, BODIES, INSTITUTIONS, CORPORATION, BOARDS, SOCIETIES, BANKS, COURTS, COMMISSIONS, ETC. WHICH MAY BE TERMED STATE U/Art. 12.
17220	Abolition of Post
17221	Absorption
17222	Allowances
17223	Appointment
17224	Compulsory Retirement
17225	Confidential Report
17226	Date of Birth
17227	Deputation/Repatriation
17228	Disciplinary Proceedings
17229	Dismissal/Removal/Termination
17230	Increment
17231	Leave

17232	Promotion
17233	Punishment
17234	Recruitment
17235	Reduction in Rank
17236	Regularization
17237	Reservation
17238	Resignation
17239	Retirement Benefit Cum Pension
17240	Salary Matter
17241	Selection
17242	Seniority
17243	Service Residuary
17244	Service Reversion
17245	Superannuation
17246	Suspension
17247	Transfer Matter
17248	Voluntary Retirement
17249	Allocations
17250	Compassionate Appointment
17251	Recoveries
17252	Reinstatement
18200	SMALL CAUSE
18201	Provincial Small Cause Courts Act, 1887
18300	SOCIETIES
18301	Co-operative Societies Act, 1912
18302	Religious Societies Act 1880
18303	Societies Registration Act, 1860
18320	M.P. Co-operative Societies Act, 1960
18321	M.P. Societies Registrakaran Adhiniyam 1973
18400	SPECIAL COURT
18401	Special Court Act 1979
18500	STOCK EXCHANGE

18501	Securities Contracts (Regulation) Act, 1956
18600	TAXATION
18601	Central Sales Tax Act 1956
18602	Estate duty Act 1953
18603	Gift Tax Act 1958
18604	Gift Tax Rules 1958
18605	Income Tax Act 1961
	1. Appeal against order of taxation
	2. Reference
18606	Income Tax Rules 1962
18607	Wealth Tax Act 1957
18608	Wealth Tax Rules 1957
18620	M.P. Entry Tax Act 1976
18621	M.P. General Sales Tax Act 1958
18622	M.P. Karadhan Adhinyam 1982
18623	M.P. Tolls Tax Act 1851
18624	M.P. Upkar Adhinyam, 1982
18625	M.P. Vanijyik Kar Adhinyam 1994
18626	M.P. Vritti kar Adhinyam (Professional Tax) 1995
18627	Nagariya Sthawar Sampatti Kar Adhinyam 1964
18628	Advertisement Tax
18629	Conservency Tax
18630	Licencing Tax
18631	Lighting Tax
18632	Market Fees
18633	Property Tax
18634	Terminal Tax
18635	Theatre Or Show Tax
18636	Tolls Tax
18637	Water Tax
18638	Service Tax
18639	Value Added Tax (VAT)

18700	TELEPHONE
18701	Indian Telegraph Act 1885
18702	Indian Telegraph Rules 1951
18800	TORT
18800	Bhopal Gas Leak Disaster (Processing of claims) Act, 1985
18801	Compensation for atrocities committed by State Officials.
18900	TOWN PLANNING
18920	The Griha Nirman Mandal Adhinyam M.P. 1972
18921	M.P. Nagar Tatha Gram Nivesh Adhinyam 1973
18922	M.P. Nagar Tatha Gram Nivesh Niyam 1975
18923	M.P. Town Improvement Trust Act, 1960
18924	Bhopal Development Authority
18925	Raipur Development Authority
18926	Jabalpur Development Authority
18927	Cantonment Act.
19000	TRADE MARK & PATENTS
19001	Patents Act, 1970
19002	Trade Marks Act, 1940
19003	Trade & Merchandise Marks Act, 1958
19100	TRUST
19101	Indian Trust Act 1882
19102	Charitable and Religious Trusts Act, 1920
19103	Religious Endowments Act 1863
19120	M.P. Public Trusts Act 1951
19200	UNIVERSITY GRANTS COMMISSION
19201	University Grants Commission Act 1956
19202	Uchcha Shiksha Anudan Ayog Adhinyam 1973
19300	VIDHAN SABHA
19320	M.P. Vidhan Sabha Sadasya (Vetan Tatha Bhata Tatha Pension)Adhinyam,1972
19400	WAKF
19401	Wakf Act 1954
19500	WEIGHTS & MEASURES (ENFORCEMENT)

19501	Standards of Weights and Measures Act, 1976
19502	Weights and Measures (Enforcement) Act 1959
19600	WOMEN & CHILDREN
19601	Child Marriage Restraint Act, 1929
19602	Child Labour (Prohibition and Regulation) Act, 1986
19603	Children (Pledging of Labour) Act, 1933
19604	Juvenile Justice Act, 1986
19605	Immoral Traffic (Prevention) Act, 1956
19620	M.P. Child Labour (Prohibition & Regulation) Rules, 1933
19700	ZAMINDARI ABOLITION
19720	Zamindari Abolition Act 1951
19800	RESIDUARY MATTERS
19900	OTHER IMPORTANT CONSTITUTIONS
19921	Issuance/Cancellation of Caste Certificate
20000	FREEDOM FIGHTER
20001	Bharat Sarkar Swatantrata Sainik Samman Pension Yojana, 1980
20100	GAMBLING
20101	Public Gambling Act

**APPENDIX**

**Form No. 1  
(Chapter VIII, rule 8)**

**IN THE HIGH COURT OF MADHYA PRADESH  
PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE /  
BENCH AT GWALIOR**

**Memo of Appearance  
(Civil)**

Class of Case ..... No. .... of 20... fixed for / / 20...

**Appellant** :  
**Applicant** : .....  
**Petitioner** : ..... Versus  
**Respondent** :  
**Non-applicant** : .....

1. The undersigned has been authorized, instructed and engaged by Shri/Sushri ..... (Appellant/Petitioner/Respondent, Applicant/Non-Applicant) to plead on his/her behalf, in the above proceeding in terms of order III rule 4 (5) C.P.C.

or

The undersigned has been authorized, instructed and engaged by Shri/Sushri ..... (Appellant/Petitioner/Respondent, Applicant/Non-Applicant) to appear, act and plead on his/her behalf, in the above proceeding in terms of rule 7 of chapter VIII of the Rules.

**PLACE :**  
**DATE :** ..... **(Signature)**  
**Advocate for** .....

**Name & Address**  
.....

**Form No. 2  
(Chapter VIII, rule 9)**

**IN THE HIGH COURT OF MADHYA PRADESH  
PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE /  
BENCH AT GWALIOR**

**Memo of Appearance  
(Criminal)**

Class of Case ..... No. .... of 20... fixed for / / 20...

**Appellant** :  
**Applicant** : .....  
**Petitioner** : ..... Versus  
**Respondent** :  
**Non-applicant** : .....

1. The undersigned has been authorized, instructed and engaged by Shri/Sushri ..... (Appellant/Petitioner/Respondent, Applicant/Non-Applicant) to appear, act and plead on his/her behalf, in the above proceeding.

2. The said instruction / authorization is contained in the annexed letter / document issued by the said party, or by ..... son / daughter / wife of ..... resident of ..... who has stated that he / she has been authorized by the party to engage an Advocate on his / her behalf.

or

The undersigned undertakes to produce such letter / document authorizing him / her to appear in the proceeding, within three weeks.

**PLACE :**

**DATE :** (Signature)

**Advocate for** .....

**Name & Address**

.....

**NOTE :**

1. Where the party issuing instruction / authorization is in judicial custody, letter / document of authorization should be attested by the jail authority.
2. Where the person issuing the letter of authorization is someone other than the party, such letter / document should clearly disclose the relationship or nature of authority of the person issuing the letter with reference to the party on whose behalf the instruction to appear is issued and should contain a declaration that he / she has been authorized by the party to engage and instruct an Advocate to appear, act and plead on its behalf.

H H H H

**Form No. 3  
(Chapter X, rule 1)**

**IN THE HIGH COURT OF MADHYA PRADESH  
PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE /  
BENCH AT GWALIOR**

**Computer-Sheet**

Class of Case : ..... Number\* ..... of 20..... DB/SB\*

1. **Petitioner :**  
**Appellant :** .....  
**Applicant :** .....
2. **Respondent :** .....  
**Non-applicant :** .....
3. Date of Filing & Registration : .....
4. Subject Matter : .....  
.....  
.....
5. Provision of Law : .....  
.....
6. Subject Category Code Number:.....  
Sub-code Number: .....  
(As per Annexure to the Rules)
7. Name of the Main Advocate: .....  
(with State Bar Council Enrollment Number)
8. Name (s) of Associate Advocate (s): ..... (with  
State Bar Council Enrollment Number (s))
9. Particulars of the Lower Court, Authority or Tribunal, viz.-  
(a) Name, .....  
(b) Designation, ..... Place .....  
(c) Case, File / Order Number, .....  
(d) Date of Impugned Judgment / Order / Award. ....

10. Whether the petitioner / appellant / applicant is desirous of getting the matter settled through any of the alternative modes of dispute resolution prescribed under section 89 C.P.C.

(Yes / No)

If yes, by which mode? i.e arbitration/concialiation/Lok Adalat/mediation.

11. Caveat notice, whether received.

(Yes / No)

**Place** .....

**Date** .....

**Name and Signature  
of the Advocate filing the Case**

- \* Number and bench  
to be filled by the office.

**Form No. 4  
(Chapter X, rule 3(1))**

**IN THE HIGH COURT OF MADHYA PRADESH  
PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE /  
BENCH AT GWALIOR**

Class of Case ..... No. .... of 20 .....

Appellant :  
Applicant : .....  
Petitioner : Versus  
Respondent :  
Non-applicant : .....

**Index**

S.No.	Description of Documents	Annexure No (if any)	Page No. of the Document
1.	.....	.....	.....
2.	.....	.....	.....
3.	.....	.....	.....

**Place:** .....

**Date:** .....

**(Signature)**  
**Advocate for.....**

**Form No. 5**  
**(Chapter X, rule 8)**

**IN THE HIGH COURT OF MADHYA PRADESH**  
**PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE /**  
**BENCH AT GWALIOR**

Class of Case .....No. .... / 20.....

Petitioner (s)  
Appellant (s) : .....  
Applicant (s)

Vs.

Respondent (s) : .....  
Non-Applicant (s)

**List of Documents**

S.No.	Descriptions of document	Date of Document	Original/copy	Number of Pages
1.	.....	.....	.....	.....
2.	.....	.....	.....	.....
3.	.....	.....	.....	.....
4.	.....	.....	.....	.....
5.	.....	.....	.....	.....
6.	.....	.....	.....	.....
7.	.....	.....	.....	.....
8.	.....	.....	.....	.....
9.	.....	.....	.....	.....
10.	.....	.....	.....	.....

Sd-

.....

**Place:**

**Date:**

**Advocate for** .....

**Format No. 6**  
**(Chapter X, rule 15)**

**IN THE HIGH COURT OF MADHYA PRADESH**  
**PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE /**  
**BENCH AT GWALIOR**

Miscellaneous Appeal No. .... / 20.....

**Cause Title**

**Appellant**

..... \*

The name, age, father/husband's name,  
occupation and  
complete address of each appellant

Vs

**Respondant**

..... \*

The name, age, father/husband's name,  
occupation and  
complete address of each respondent

\* (give the status before the Tribunal)

**(Miscellaneous Appeal under Section 173(1) of the**  
**Motor Vehicles Act, 1988)**

Claim in appeal valued at Rs. ....

Court Fees paid Rs. ....

Claim before the Tribunal .....

Amount awarded .....

Being aggrieved by the award as detailed in paragraph (I) below, the appellant prefers this appeal on the following facts and grounds:

**(I) Particulars of the award:**

(a) Case number : .....

(b) Date of the award : .....

(c) Award passed under S. 163-A/166 of the Motor Vehicles Act, 1988

(d) The name of the Member : .....

(e) Designation and place of sitting of the Tribunal : .....

**(II) Particulars of the Accident:**

1. Time and date : .....

2. Place : .....

Near Village/Locality : .....

Tehsil and District : .....

**(III) Particulars of the offending vehicle:**

1. Registration No. ....
2. Kind of Vehicle .....
3. Owned by. .... (Appellant/Respondent No.)
4. Driven by ..... (Appellant/Respondent No.)
5. Insured with ..... (Appellant/Respondent No.)

**(IV) Name and description of the injured/deceased person:**

1. Name .....
2. Age .....
3. Father's / husband's name .....
4. Occupation .....
5. Address .....

**(V) (1) In fatal accident cases:**

- (a) Annual income of the deceased: Rs.....  
(As adjudged by the Tribunal)
- (b) Annual dependency of the claimant Rs.....  
(As assessed by the Tribunal)
- (c) Multiplier applied by the Tribunal .....
- (d) Number of dependants and their  
relationship with deceased .....
- (e) Amount of compensation Rs.....  
awarded by the Tribunal
- (f) Payable by .....

**(2) In non-fatal accident cases :**

- (a) Nature of injuries suffered  
with percentage of disability  
(As adjudged by the tribunal) .....
- (b) Amount of expenses on treatment Rs.....  
awarded by the Tribunal
- (c) Amount of damages as loss of Rs.....  
Income, awarded by the Tribunal
- (d) Amount of general damages Rs.....  
awarded by the Tribunal
- (e) Total compensation awarded Rs.....
- (f) Payable by .....

(3) In cases of damage to property:

- (a) Particulars of Property .....
- (b) Nature of damage to the Property .....
- (As adjudged by the tribunal)
- (c) Total compensation awarded .....
- (d) Payable by .....

**(VI) Details of Interest awarded by the Tribunal:**

- (1) Date from which interest is awarded .....
- (2) Rate at which interest has been awarded .....%

**(VII) Other relevant facts** .....

.....

**(VIII) Grounds of appeal** .....

.....

**(IX) Relief Claimed in appeal:**

- (1) Enhancement / Reduction of amount Rs.....  
of compensation by
- (2) Exoneration / liability of insurer
- (3) Award of interest at the rate of .....%
- (4) Any other relief .....

**(X) Caveat:**

That, no notice of lodging a caveat by the opposite party is received.

**Or**

Notice of caveat is received and the appellant has furnished the copies of the memo of appeal together with copies of the annexure (if any) to the caveator.

**Date :** .....

**Place:** .....

**(Signature)**  
**Advocate for Appellant**

**Note :** To be filed in duplicate.

**Format No. 7**  
**(Chapter X, rule 23)**

**IN THE HIGH COURT OF MADHYA PRADESH**  
**PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE /**  
**BENCH AT GWALIOR**

Writ Petition No. .... / 20.....

**Cause Title**

**Petitioner :** The name, age, father/husband's name, occupation and complete address and fax number with S.T.D. Code and e-mail address, if any;

Vs

**Respondent :** The name, age, father/husband's name, occupation, complete address and fax number with S.T.D. Code and e-mail address, if known;

**(Writ Petition under Article 226 of the Constitution of India)**

- 1. Particulars of the cause/order against which the petition is made:**
  - (1) Date of Order / Notification / Circular / Policy / Decision etc : .....
  - (2) Passed in (Case or File Number) : .....
  - (3) Passed by (Name and designation of the Court, Authority, Tribunal etc.) : .....
  - .....
  - (4) Subject-matter in brief : .....
- 2. A declaration that no proceeding on the same subject matter has been previously instituted in any Court, authority or tribunal. If instituted, the status or result thereof, along with copy of the order:**
- 3. Details of remedies exhausted :**  
The petitioner declares that he has availed all statutory and other remedies.
- 4. Delay, if any, in filing the petition and explanation therefor :**  
(State exact period within which the petition is filed after accrual of cause of action therefor)
- 5. Facts of the case:**  
(Give a concise statement of facts in chronological order in separate paragraphs)

**6. Grounds urged :**

(Give separately, the grounds on which the relief (s) is / are claimed in the petition and legal provision relied on.)

**7. Relief Prayed for :**

(Specify below the relief prayed for)

**8. Interim Order/writ, if prayed for :**

(Give the nature of interim order/writ prayed for with reasons).

**9. Documents relied on but not in possession of the petitioner:**

**10. Caveat:**

That, no notice of lodging a caveat by the opposite party is received.

**or**

Notice of caveat is received and the Petitioner has furnished the copies of the Writ Petition together with copies of the annexure (if any) to the caveator.

**Place:** .....

**Date:** .....

**(Signature)**

**Advocate for Petitioner (s)**

**Format No. 8**  
**(Chapter X, rule 27)**

**IN THE HIGH COURT OF MADHYA PRADESH**  
**PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE /**  
**BENCH AT GWALIOR**

Writ Petition No. .... / 20..... (P.I.L.)

**Cause Title**

**Petitioner :** The name, age, father/husband’s name, occupation and complete address and fax number with S.T.D. Code and e-mail address, if any;

Vs

**Respondent :** The name, age, father/husband’s name, occupation, complete address and fax number with S.T.D. Code and e-mail address, if known;

**Regular Public Interest Litigation Petition**

**1. Particulars of the cause/order against which the petition is made:**

- (1) Date of Order / Notification / Circular / Policy / Decision etc :  
.....
- (2) Passed in (Case or File Number) : .....
- (3) Passed by (Name and designation of the Court, Authority, Tribunal etc.) : .....
- (4) Subject-matter in brief : .....

**2. The antecedents of the Petitioners :**

- (1) That the petitioner is.....(give petitioner’s social public standing/professional status and public spirited antecedents; if the petitioner is a social group or organization, the names of the office-bearers must be furnished).
- (2) The present petition under article 226 of the Constitution of India is being filed by way of public interest litigation and the petitioner has no personal interest (if he has any personal interest, disclose the nature and extent of such interest). The petition is being filed in the interest of ..... (give nature of such interest and particulars of the class of persons for whose benefit the petition is filed).

(3) That the petitioner is filing the present petition on his own and not at the instance of someone else. The litigation cost, including the advocate's fee and the traveling expenses of the lawyers, if any, are being borne by the petitioner himself (if not, the petitioner must disclose the source of funds).

**3. Facts in brief, constituting the cause:**

**4. Source of information:**

Declare the source of information or the facts pleaded in the Public Interest Litigation; also whether the applicant has verified the facts personally, if yes, in what manner?

(If the petitioner does not wish to disclose the source of information, he may state so with reasons).

**5. Nature and extent of injury caused/apprehended :**

**6. Issue raised was neither dealt with nor decided :**

Make a statement/declaration that the issue raised was neither dealt with nor decided by a Court of law at the instance of the petitioner or to the best of his knowledge, at the instance of any other person and in case such an issue was raised or dealt with, the status or result thereof. (Also disclose whether in a P.I.L., any cost has been awarded to or imposed upon the petitioner; and whether any appreciation or stricture has been passed).

**7. Any representation etc. made :**

State whether the petitioner has made any representation in this regard to the concerned authority. (if yes, details of such representation and reply, if any, from the authority concerned, along with copies thereof. If not, reason for not making such representation).

**8. Grounds :**

**9. Details of remedies exhausted :**

The petitioner declares that he has availed all statutory and other remedies.

**10. Delay, if any, in filing the petition and explanation therefor :**

(State exact period within which the petition is filed after accrual of cause of action therefor)

**11. Relief(s) Prayed for :**

(Specify below the relief (s) prayed for)

In view of the facts mentioned above, the petitioner prays for the following relief (s):-

**12. Interim Order, if prayed for:**

(Give the nature of interim order prayed for, with reasons).

**13. Caveat:**

That, no notice of lodging a caveat by the opposite party is received.

**or**

Notice of caveat is received and the Petitioner has furnished the copies of the Writ Petition together with copies of the annexure (if any) to the caveator.

**Place:** .....

**Date:** .....

**(Signature)**

**Advocate for Petitioner (s)**

**Format No. 9**  
**(Chapter X, rule 30(1))**

**IN THE HIGH COURT OF MADHYA PRADESH**  
**PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE /**  
**BENCH AT GWALIOR**

Writ Petition No. .... / 20.....

**Cause Title**

**Petitioner :** The name, age, father/husband's name, occupation and complete address and fax number with S.T.D. Code and e-mail address, if any;

Vs

**Respondent :** The name, age, father/husband's name, occupation, complete address and fax number with S.T.D. Code and e-mail address, if known;

**(Writ Petition under Article 227 of the Constitution of India)**

**1 Particulars of the cause/order against which the petition is made:**

(1) Date of Order : .....

(2) Passed in Case Number : .....

(3) Passed by (Name and designation of the Court or Tribunal) : .....

.....

(4) Subject-matter in brief : .....

.....

**2. A declaration that no proceeding on the same subject matter has been previously instituted in any Court / tribunal. If instituted, the status or result thereof, along with copy of the order :**

**3. Details of remedies exhausted :**

The petitioner declares that he has availed all statutory and other remedies.

**4. Delay, if any, in filing the petition and explanation therefor :**

(State exact period within which the petition is filed after accrual of cause of action therefor)

**5. Facts of the case :**

(Give a concise statement of facts in chronological order in separate paragraphs)

**6. Grounds urged :**

(Give separately, the grounds on which the relief (s) is / are claimed in the petition and legal provision relied on.)

**7. Relief Prayed for :**

(Specify below the relief prayed for)

**8. Caveat:**

That, no notice of lodging a caveat by the opposite party is received.

**or**

Notice of caveat is received and the Petitioner has furnished the copies of the Writ Petition together with copies of the annexure (if any) to the caveator.

**Place:** .....

**Date:** .....

**(Signature)**

**Advocate for Petitioner (s)**

**Format No. 10**  
**(Chapter X, rule 37)**

**IN THE HIGH COURT OF MADHYA PRADESH**  
**PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE /**  
**BENCH AT GWALIOR**

Caveat Application No. .... / 20.....

**Caveator :** The name, age, father/husband's name, occupation and complete address, fax number with S.T.D. Code and e-mail address, if any,

Vs

**Caveatee :** The name, age, father/husband's name, occupation, complete address and fax number with S.T.D. Code and e-mail address, if known,

**Particulars of the Order in respect whereof Caveat is made**

1.	Name of the Court, Government/ designation of the authority	
2.	The date of judgment/order etc.	
3.	The cause title and case number	
4.	particulars of the order etc.,	

**Caveat**

The caveator named above respectfully begs to submit as under:-

1. Subject matter in brief: (In writ petitions)
2. That, it is expected that the caveatee may prefer an appeal (first / second / miscellaneous) / revision / writ petition to the High Court, praying for interim relief therein.
3. That, the caveator has dispatched a notice of caveat by registered post with acknowledgement due / by approved courier service, on the person by whom the appeal / petition / application has been, or is expected to be filed, furnishing particulars regarding the judgment / order etc. as detailed hereinabove, in respect whereof the caveat is filed.

A receipt evidencing dispatch of the caveat is annexed as annexure..... .

4. (Where the caveator is an outsider)  
Name and address of local Counsel with phone no. and e-mail address, if any:

**or**

The local address of the caveator or his authorized agent:  
.....

5. It is, therefore, prayed that, in the event of the caveatee preferring such an appeal / revision / writ petition (within a period of 90 days), with an application seeking any interim relief -

- (1) necessary notice may kindly be served on the caveator;
  - (2) an opportunity of hearing be granted to the caveator; and
  - (3) any other orders in the interest of justice may kindly be passed;
- before granting interim relief.

**Place :** .....

**Date :** .....

**(Signature)**

**Advocate for Caveator**

**Format No. 11  
(Chapter X, rule 48)**

**IN THE HIGH COURT OF MADHYA PRADESH  
PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE /  
BENCH AT GWALIOR**

**Cr. A. No. ....../20...**

**In the matter of:**

Name of the first Appellant **Appellant**

Vs

State of Madhya Pradesh through Police Station .....

And / or

Name of the first Respondent **Respondent**

**Applicant (s)**

Appellant No (s). .....

Name : .....

Age : .....

Father's / husband's Name: .....

Occupation: .....

Address (with Police Station) : .....

Permanent Resident of .....

Whether in jail, .....

If not, the date till the sentence has been suspended

by the Trial Court.....

Conviction		Sentence		
Section	Act	Imprisonment	Fine If deposited, details	Imprisonment in lieu of Fine

**(Application under Section 389 (1) of the Code of  
Criminal Procedure, 1973)**

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

- That, this is applicant's First application for suspension of sentence/ conviction and bail before the High Court of Madhya Pradesh.

**or**

That, this is applicant's ..... (mention the number of the application) application for suspension of sentence/conviction and bail before the High Court of Madhya Pradesh.

**Particulars of Earlier Application (s)**

Serial Number	Date of Application	Institution Number	Date of the Order	Name of the Judge (s)

2. Whether any proceeding for suspension of sentence / conviction and bail of the applicant is pending before or decided by the Supreme Court, if yes, particulars thereof.
3. (Where the number of accused persons is more than one)  
To the best of the knowledge of the applicant, no application for suspension of sentence/conviction has been moved by any of the co-accused persons.

or

To the best of the knowledge of the applicant, the co-accused person (s) have moved following application (s) for suspension of sentence/ conviction and bail.

Name of the Accused	Date of Application If known	Institution Number	Date of the Order	Name of the Judge (s)

4. Facts of the case in brief:
5. Grounds, numbered serially:
6. That the applicant is ready to furnish adequate surety and shall abide by all the directions and conditions which may be imposed by the Court.

**PRAYER**

It is therefore, prayed that Court may kindly be pleased to suspend the sentence / conviction and grant bail to the applicant (s) pending disposal of instant appeal.

**Place:** .....

**Date:** .....

**(Signature)**

**Advocate for Petitioner (s)**

**Form No. 12**  
**(Chapter X, rule 53)**  
**FORWARDING MEMO OF**  
**APPEAL / REVISION BY PRISONER**

**To,**  
**The Registrar,**  
**High Court of Madhya Pradesh .....**

Through : The District & Sessions Judge, .....  
 Prisoner No. .... Name ..... Age.....  
 Father's / Husband's name ..... Occupation .....  
 Address ..... Police Station .....

Conviction		Sentence		
Section	Act	Imprisonment	Fine If deposited, details	Imprisonment in lieu of Fine

Name of the Judge / Magistrate .....  
 Designation of the Court .....  
 Date of the Judgment / order .....  
 Whether the Appellant / Petitioner wishes an advocate to be engaged at the  
 expense of the State : .....  
 1. Date of Application for copy of Judgment/order .....  
 2. Date on which copy received .....  
 3. Date on which Appeal / Revision sent .....

Forwarded to the Sessions Judge..... together with a copy of  
 judgment or order passed in the case, for transmission to the High Court along  
 with the record of the case.

**(Signature)**  
**Officer in Charge**

**Place.....**  
**..... Jail**

**Date.....**  
**At .....**

Date of receipt in the office of the Sessions Judge .....

Date of receipt of record to accompany the Memo .....

No. .... dated ..... 20..... .....

Forwarded to the Registrar, High Court of Madhya Pradesh, .....

**Sessions Judge**

**District .....**

Date of receipt in the office the Registrar, High Court .....

**Registrar**

**Format No. 13**  
**(Chapter X, rule 54)**

**IN THE HIGH COURT OF MADHYA PRADESH**  
**PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE /**  
**BENCH AT GWALIOR**

**M.Cr.C. NO...../20...**

**Cause Title**

**Applicant :** Name, description and address with police station of each applicant.

Vs

**Respondent :** State of Madhya Pradesh through Police Station .....

and / or

Name, description and address with police station of each respondent .

**(Application under Section 438 of the Code of Criminal Procedure, 1973)**

**Particulars of Crime**

**Particulars of Impugned Order**

Crime No. .... Bail Application / case No. . ....

Police Station ..... Name of the Judge : .....

Offence u/s. .... Designation of the Court : .....

Place : .....

Date of the Order : .....

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

1. That, this is applicant's first application for bail before the High Court of Madhya Pradesh.

**or**

That, this is applicant's ..... (mention the number of the application) application for bail before the High Court of Madhya Pradesh.

**Particulars of Earlier Application (s)**

Serial Number	Date of Application If known	Institution Number	Date of the Order	Name of the Judge

2. If an application under section 439 of the Code of Criminal Procedure for bail of the applicant is pending before or decided by the Supreme Court, any High Court or any Court Subordinate to a High Court, the particulars thereof.
3. (Where the number of accused persons is more than one),  
To the best of the knowledge of the applicant, no bail application has been filed by any of the co-accused persons.

**or**

To the best of the knowledge of the applicant, the co-accused person (s) have filed following bail application (s).

Name of the Accused	Date of Application If known	Institution Number	Date of the Order	Name of the Judge

4. **(In first bail application)**  
A certified copy of the order of the lower Court is annexed as annexure-....  
**(In subsequent bail application)**
  - (a) A certified copy of the order passed by the High Court in earlier bail application is annexed as annexure - .....
  - (b) A certified copy of the order passed by the lower Court subsequent to the rejection of the earlier bail application by the High Court, if any, is annexed as annexure- .....
5. That, the applicant is apprehending his arrest in connection with Crime mentioned above.
6. Facts of the case in brief;
7. Grounds, numbered serially;
8. That the applicant is permanent resident of - .....
9. That the applicant is ready to furnish adequate surety and shall abide by all the directions and conditions which may be imposed by the Court.

**PRAYER**

It is therefore prayed that the Court may kindly be pleased to order that the applicant be enlarged on bail in the event of his arrest in this case.

**Place:** .....

**Date:** .....

**(Signature)**  
**Advocate for Applicant**

**Format No. 14**  
**(Chapter X, rule 54)**

**IN THE HIGH COURT OF MADHYA PRADESH**  
**PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE /**  
**BENCH AT GWALIOR**

**M.Cr.C. NO...../20...**

**Cause Title**

**Applicant :** Name, description and Postal address with police station, tehsil and district of each applicant.

Vs

**Respondent :** State of Madhya Pradesh through Police Station.....  
and / or  
Name, description and  
Postal address with police station, tehsil and district  
of each respondent.

**(Application under Section 439 of the Code of  
Criminal Procedure, 1973)**

<b>Particulars of Crime</b>	<b>Particulars of Impugned Order</b>
Crime No. ....	Bail Application / case No. ....
Police Station .....	Name of the Judge : .....
Offence u/s. ....	Designation of the Court : .....
	Place : .....
Date of Arrest .....	Date of the Order : .....

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

1. That, this is applicant's first application for bail before the High Court of Madhya Pradesh.

**or**

That, this is applicant's ..... (mention the number of the application) application for bail before the High Court of Madhya Pradesh.

**Particulars of Earlier Application (s)**

Serial Number	Date of Application If known	Institution Number	Date of the Order	Name of the Judge

2. If an application under section 439 of the Code of Criminal Procedure for bail of the applicant is pending before or decided by the Supreme Court, any High Court or any Court Subordinate to a High Court, the particulars thereof.
3. (Where the number of accused persons is more than one),  
To the best of the knowledge of the applicant, no bail application has been filed by any of the co-accused persons.

**Or**

To the best of the knowledge of the applicant, the co-accused person (s) have filed following bail application (s).

Name of the Accused	Date of Application If known	Institution Number	Date of the Order	Name of the Judge

4. **(In first bail application)**  
A certified copy of the order of the lower Court is annexed as annexure- .....
- (In subsequent bail application)**
- (a) A certified copy of the order passed by the High Court in earlier bail application is annexed as annexure - .....
- (b) A certified copy of the order passed by the lower Court subsequent to the rejection of the earlier bail application by the High Court, if any, is annexed as annexure- .....
5. Facts of the case in brief:
6. Grounds, numbered serially:
7. That the applicant is permanent resident of - .....
8. That the applicant is ready to furnish adequate surety and shall abide by all the directions and conditions which may be imposed by the Court.

**PRAYER**

It is therefore, prayed that Court may kindly be pleased to order that the accused be enlarged on bail.

**Place:** .....

**Date:** .....

**(Signature)**  
**Advocate for Applicant**

**Form No. 15  
(Chapter XII, rule 7)**

**IN THE HIGH COURT OF MADHYA PRADESH  
PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE /  
BENCH AT GWALIOR**

**Mention Memo**

**Appellant** :  
**Applicant** : .....  
**Petitioner** :

Versus

**Respondent** :  
**Non-applicant** : .....

**Special Request by..... for Listing a Case Urgently.  
(At 10.30 a.m.)**

1. Institution no. of main case: .....
2. Date and time of filing: .....
3. The date on which the defects,  
if any, were rectified: .....  
(Where the Office has pointed out  
defects)
4. Whether any fixed date has been .....  
given by the Court:
5. Purpose for which posting .....  
of the case is requested: .....  
.....  
.....  
.....
6. Reasons for urgency: .....  
.....  
.....  
.....  
.....

216  
15

THE HIGH COURT OF MADHYA PRADESH RULES, 2008

Form No.

7. Date for which the request .....  
is made:

**Place:** .....

**(Signature)**

**Date:** .....

**Advocate for** .....

**Note :** (i) Not to be presented to the Court before filing of main case in the presentation centre of the High Court.

(ii) Not to be presented for posting of a case in final hearing.

**To be printed overleaf**

(Chapter XII, rule 7(6))

The case is cognizable by the bench comprising Hon. Shri Justice  
.....

**Section Officer**

Reader to Hon'ble Shri Justice.....  
(For being placed before His Lordship)

**Form No. 16**  
**[Chapter XIII, rule 28 (1)]**  
**IN THE HIGH COURT OF MADHYA PRADESH**  
**PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE /**  
**BENCH AT GWALIOR**  
**(Writ of Mandamus/Prohibition/Certiorari /QuoWarranto)**

Writ Petition No. .... / 20.....

**Cause Title**

**Petitioner :** The name, age, father/husband’s name, occupation and complete address fax number with S.T.D. Code and e-mail address of each petitioner

Vs

**Respondent :** The name, age, father/husband’s name, occupation, complete address and fax number with S.T.D. Code and e-mail address of each respondent

To

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

Where as a petition has been made to this Court under article 226 of the Constitution of India on behalf of the petitioner, the division/single bench of the High Court, presided over by ..... in presence of .....and..... and ordered that -

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

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

Given under my hand and the seal of the High Court of Madhya Pradesh at Jabalpur/Indore/Gwalior, this ..... day of ..... 20.....

By Order of the High Court,

(Seal of the Court)

**Registrar**

**Form No. 17**  
**[Chapter XIII, rule 28(2)]**  
**IN THE HIGH COURT OF MADHYA PRADESH**  
**PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE /**  
**BENCH AT GWALIOR**  
**Certificate of Non-satisfaction of Costs**

Writ Petition No. .... of 20..... Decided on.....

In the matter of

.....

Vs

.....

Whereas the petitioner/respondent in the above case has applied to this Court for 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 this Court consisting of the Hon'ble Shri Justice ..... and the Hon'ble Shri Justice..... has ordered issue of a certificate by order dated .....

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 Madhya Pradesh at Jabalpur/Indore/Gwalior, this .....day of .....20.....

**By Order of the High Court**

**Registrar**

**(Seal of Court)**

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

**Registrar**

**Form No. 18  
(Chapter XIII, rule 36)**

**THE HIGH COURT OF MADHYA PRADESH  
PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE /  
BENCH AT GWALIOR**

**(Warrant to produce a person in custody)**

**Class of case ..... No. ....of 20.....**

**In the matter of .....**

**Vs**

.....

To,

The Superintendent / Officer In-charge

.....

.....

(Name of the jail or any other place, where the person is detained in custody)

You are hereby required to have the body of .....son / daughter / wife of ..... now a prisoner in your custody or now in your custody, produced under safe and sure conduct before the High Court of Madhya Pradesh at ..... on the ..... day of .....20... at ..... a.m. / p.m., to be dealt with according to law and you shall then and there abide by such order as shall, in that behalf, be made by the Court (if the prisoner is detained in public custody) and unless the said ..... shall, then and there, be ordered to be released, you shall, after the said Court shall have dispensed with his further attendance, cause him to be conveyed, under safe and sure conduct back to the said Jail or other place of custody.

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

**By Order of the High Court,**

.....

**(Seal of the Court)**

**Registrar**





**Form No. 21**  
**(Chapter XIV, rule 8(1)(c))**  
**THE HIGH COURT OF MADHYA PRADESH**  
**Register of Fixing of Cases**

Date .....

<b>Sr. No.</b>	<b>Case Number</b>	<b>SB/DB</b>	<b>MH/FH</b>	<b>Purpose of Listing</b>	<b>FD/FW/FM</b>	<b>Remarks</b>

Date .....

<b>Sr. No.</b>	<b>Case Number</b>	<b>SB/DB</b>	<b>MH/FH</b>	<b>Purpose of Listing</b>	<b>FD/FW/FM</b>	<b>Remarks</b>

**Form No. 22**  
**(Chapter XIV, rule 8(1)(e))**

**THE HIGH COURT OF MADHYA PRADESH**  
**PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE /**  
**BENCH AT GWALIOR**

**Register of Appearance of Accused Persons**  
(To be maintained by each Dealing Assistant in Criminal Branch)

Date .....

Sr.No.	Case No.	Name of First Party on either side	Name of Main Advocate	Whether Appeared

Date .....

Sr.No.	Case No.	Name of First Accused	Name of Main Advocate	Whether Appeared

**Form No. 23**  
**(Chapter XV, rule 8(5))**  
**THE HIGH COURT OF MADHYA PRADESH**  
**Proposal for Listing of Cases**

Date for which proposal is submitted:..... for **M.H./F.H.**

**Before -** (1) Hon'ble Shri Justice .....

and (2) Hon'ble Shri Justice .....

S. No.	Class and Number of Case	Subject Category Code	Number of First Parties on either side	Name of Main Advocates on either side	Purpose for which case to be listed	Fixed date/ Week/ Month	Remark
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
10.							

(a) Name & Designation of Dealing Assistant .....

(b) Branch / Section of Office .....

(c) Date on which proposal submitted .....at.....

(d) In case of FD/FW/FM, date of order .....

**CERTIFICATE**

It is to certify that the record of case/cases proposed is/are with me and I undertake to send the same to the Court, as per Cause List, one day prior to the date for which the case is fixed.

Signature of Dealing Assistant .....

Signature of Section Officer .....

**Cause List Section**

Proposal received on ..... at .....

.....

**Signature**  
**Cause List Clerk**

**Form No. 24**  
**(Chapter XIV, rule 8(11))**  
**THE HIGH COURT OF MADHYA PRADESH**  
**Service Report**

Class & Number of the Case \_\_\_\_\_/20....

SB / DB

Petitioner/Applicant/Appellant	Represented by
.....	.....
.....	.....
.....	.....
.....	.....

Respondents	Served on / Dispensed with / Proceeded <i>ex parte</i>	Represented by
1. ....	.....	.....
2. ....	.....	.....
3. ....	.....	.....
4. ....	.....	.....
5. ....	.....	.....
6. ....	.....	.....
7. ....	.....	.....
8. ....	.....	.....
9. ....	.....	.....
10. ....	.....	.....

Subject Matter :  
.....  
.....  
.....

	Applications – I.A.	Reply (Received on)	Decided on
1.	.....	.....	.....
2.	.....	.....	.....
3.	.....	.....	.....
4.	.....	.....	.....
5.	.....	.....	.....
6.	.....	.....	.....
7.	.....	.....	.....
8.	.....	.....	.....

**Signature**  
**Dealing Assistant No. ....**

**Branch .....**

**Form No. 25**  
**(Chapter XIV, rule 8(13))**

**THE HIGH COURT OF MADHYA PRADESH**  
**PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE /**  
**BENCH AT GWALIOR**

**Certificate Declaring a Case as Ripe for Final Hearing**

(To be issued by the Section Assistant)

Case No. ....

SB / DB

Names of First Parties ..... Main Advocate .....  
on either side

Vs

..... Main Advocate .....

The Case is certified as ripe for final hearing on .....

**(Signature)**

**Section Assistant**

Court's special Order about  
Hearing, if any .....

**(Signature)**

**Dealing Assistant**

**Section Officer**

Certificate received on .....

**In Charge**  
**Cause List Section**

As per special orders of the Court

List the case On\_\_\_\_\_

2. Since there are no special orders the case will take its place in queue. Include in the list of ripe cases accordingly.

**Deputy Registrar (Judl.)**

Complied

H.A. (Listing)

3. Include in the monthly/fortnightly List of .....

**Deputy Registrar (Judl.)**

Complied

H.A. (Listing)

4. Include in the weekly list of .....

**Deputy Registrar (Judl.)**

Complied

H.A. (Listing)

**Form No. 26**  
**[Chapter XIV, rule 12 (14)]**  
**THE HIGH COURT OF MADHYA PRADESH**  
**PRINCIPAL SEAT AT JABALPUR/BENCH AT INDORE/ BENCH AT GWALIOR**

Court of Hon'ble Shri Justice .....

**Disposal Register**

S.No.	Date of Disposal	Case No.	Names of First Parties on either side	Result	Motion/ Final Hearing	Advocate for Appellant/ Applicant/ Petitioner	Advocate for Opposite Party

**Reader**

**Form No. 27**  
**[Chapter XV, rule 4(1)]**

**IN THE HIGH COURT OF MADHYA PRADESH**  
**PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE /**  
**BENCH AT GWALIOR**

Class of Case ..... No. .... of 20... fixed for / / 20...

**Appellant** :  
**Applicant** : .....  
**Petitioner** :

Versus

**Respondent** :  
**Non-applicant** : .....

**Memorandum of Process**

The above named Appellant/Applicant/Petitioner has affixed hereon Court fee stamps, worth Rs..... for issuing notice to the following Respondent/Non-Applicant.

No.	Name & Addresses	Process fee Paid

Date of order	Claim valued at Rs.	Particulars

**Place:** .....

**(Signature)**

**Date:** .....

**Advocate for.....**

**Form No. 28**  
**(Chapter XIX, rule 1)**

**IN THE HIGH COURT OF MADHYA PRADESH**  
**PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE /**  
**BENCH AT GWALIOR**

Class of Case ..... No. .... of 20... fixed for .....

**Appellant** :  
**Applicant** : .....  
**Petitioner** :

Versus

**Respondent** :  
**Non-applicant** : .....

**Requisition Slip for Inspection of Record / Book / Register**

To,

The Record Keeper,

Please make available following record / book / register for inspection.

<b>Particulars of Record / Book / Register of which Inspection is requested</b>	<b>Capacity in which Inspection is sought.</b>

**Place:** .....

**Date:** .....

**Signature**

**Applicant**

**Form No. 29  
(Chapter XXI, rule 2 or 23)**

**THE HIGH COURT OF MADHYA PRADESH,  
PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE /  
BENCH AT GWALIOR.**

Miscellaneous Civil Case no..... of 20.....

In First/Second/Misc. Appeal /Writ Appeal/ /Revision/ Writ Petition

No..... of Year .....

.....Petitioner

(Original status in the High Court)

Versus

.....Opposite Party

(Original Status in the High Court)

**Notice to show Cause why a Certificate of Appeal to the Supreme  
Court should not be granted.**

To

.....  
.....

TAKE notice that ..... has applied to this Court for a certificate:-

- (i) that the case involves a substantial question of law of general importance, and
- (ii) that in the opinion of this Court, the said question needs to be decided by the Supreme Court.

The ..... day of ..... 20....., is fixed for you to show cause why the Court should not grant the certificate asked for.

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

**Deputy Registrar**

(SEAL)

**Form No. 30**  
**(Chapter XXI, rule 3 or 24)**

**THE HIGH COURT OF MADHYA PRADESH,**  
**PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE /**  
**BENCH AT GWALIOR.**

Miscellaneous Civil/Criminal Case No..... of 20... .. for leave to appeal to the Supreme Court of India against the Judgment and Decree/ Order, dated the ..... of this High Court ..... in ..... No. ....

..... Petitioner

(Original Status in the High Court)

Versus

..... Opposite Party

(Original status in the High Court)

**Certificate of fitness for Appeal to the Supreme Court**

Upon reading the petition of the petitioner presented on the ..... day of..... 20.... praying for leave to appeal to the Supreme Court against the Judgment and Decree/Order, dated the ..... Day of ..... of 20... .. of this Court in the said Case No. .... of .....

AND UPON hearing Shri / Sushree ..... Advocate for the petitioner and Shri / Sushree ..... Advocate for Opposite Party, there being no appearance for the Opposite Party No. .... though served.

THIS COURT DOTH CERTIFY under Article 132 (1) / 133(1) (a) and (b) of the Constitution of India that –

- (1) this case involves a substantial question of law as to the interpretation of the Constitution and
- (2) in the opinion of this Court, the said question needs to be decided by the Supreme Court.

And this Court further directs that the costs of this Miscellaneous application shall be the cost in the appeal to the Supreme Court.

Witness Hon'ble Shri ..... the Chief Justice of the High Court of Madhya Pradesh.

This day ..... of ..... 20....

(SEAL)

Judge

Judge

**Registrar**

Advocate for the Applicant.

**Form No. 31**  
**(Chapter XXI, rule 3)**

**THE HIGH COURT OF MADHYA PRADESH,**  
**PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE /**  
**BENCH AT GWALIOR.**

Miscellaneous Civil Case No. .... Of 20 ..... for leave to  
Appeal to the Supreme Court of India against the Judgment and Decree/Order,  
dated the ..... Of this High Court in ..... No. ....

..... Petitioner

(Original Status in the High Court)

Versus

..... Opposite Party

(Original Status in the High Court)

**(Certificate of fitness for Appeal to the Supreme Court)**

Upon reading the petition of ..... the petitioner above named presented  
on the ..... day of 20 ..... praying for leave to appeal to the Supreme  
Court against the Judgment and Decree/Order dated the ..... day of .....  
of 20 .... Of this Court in the said Appeal No. .... of .....

AND UPON Hearing Shri ..... Advocate for the  
petitioner and Shri ..... Advocate for the Opposite Party, there  
being no appearance for the Opposite Party No. .... though served.

THIS COURT DOTH CERTIFY under Article 133 (1) (a) and (b) of  
the Constitution of India that –

- (1) this case involves a substantial question of law of general importance,  
and
- (2) in the opinion of this Court, the said question needs to be decided by the  
Supreme Court.

And this Court further directs that the costs of this Miscellaneous  
application shall be the cost in the appeal to the Supreme Court.

Witness ..... Chief Justice of the High Court of Madhya  
Pradesh.

This ..... day ..... of 20.....

(SEAL)

Judge

Judge

**Registrar**

This day .....

Received the above certificate on behalf of the applicant.

Advocate for the Applicant.

**Form No. 32**  
**(Chapter XXI, rule 3)**

**THE HIGH COURT OF MADHYA PRADESH,**  
**PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE /**  
**BENCH AT GWALIOR.**

Supreme Court Civil/Criminal Appeal No. .... of ....  
(From the Judgment and Decree/Order of this High Court, dated ..... in .....  
of .....)

..... Petitioner

(Original Status in the High Court)

Versus

..... Opposite Party

(Original Status in the High Court)

**(Notice of the order granting Special Leave and/the Lodgment of the  
Petition of Appeal).**

To,

TAKE NOTICE THAT Special Leave to Appeal has been granted to the applicant above-named by the Supreme Court and/the applicant has lodged the petition of appeal in the Registry of the Supreme Court/and that as required by rule 6 of Order XV of the Supreme Court Rules, 1966 the appellant has deposited with the Registrar of the Supreme Court, the requisite security for the costs of the respondent,

TAKE FURTHER NOTICE that if you desire to contest the appeal you may within Thirty days of the receipt of this Notice enter appearance before the Supreme Court, New Delhi, either in person or by an Advocate on record of that Court duly appointed by you in that behalf and take such part in the proceedings as you may advise.

TAKE FURTHER NOTICE ALSO THAT in default of your appearance within the time prescribed the appeal will be proceeded with and determined in your absence and no further notice in relation thereto shall be given to you.

Dated this the ..... day of ..... 20 .....

(SEAL)

**Deputy Registrar**

**Form No. 33**  
**(Chapter XXI, rule 7(3))**

**THE HIGH COURT OF MADHYA PRADESH,**  
**PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE /**  
**BENCH AT GWALIOR.**

Supreme Court Civil/Criminal Appeal No. .... Of .....

(From the Judgment and Decree/Order of this High Court, dated ..... In  
..... of ..... 20 .....

..... Petitioner(s)

(Original Status in the High Court)

Versus

.....

Respondent(s)

(Original Status in the High Court)

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

I DO HEREBY CERTIFY THAT the notice under Rule 11/15, Order  
XV/XVI/XXI of Supreme Court Rules, 1966, the above case under appeal to  
the Supreme Court of India, has been served on.....(the date of service).

Dated this the ..... day of ..... 20 .....

(SEAL)

**Deputy Registrar**

**Form No. 34**  
**(Chapter XXI, rule 8(1 (a), 12, 13 or 14)**  
**THE HIGH COURT OF MADHYA PRADESH,**  
**PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE /**  
**BENCH AT GWALIOR.**

Supreme Court Civil/Criminal Appeal No. .... Of .....

(From the Judgment and /Decree/Order of this High Court, dated ..... in  
..... of ..... 20 ....)

..... Applicant.

(Original Status in the High Court)

Versus

..... Respondent

(Original Status in the High Court)

**(Notice to appellant for depositing the costs of the preparation,  
transmission, etc., of the transcript of the record)**

To

TAKE NOTICE THAT you are required to make a/an deposit/ additional deposit of Rs..... within thirty/eight days from the service hereof on you to meet the costs of the transmission/the preparation of the English Transcript of the original/record/paper of the case in question/ and the printing/cyclostyling/ and the transmission thereof to the Supreme Court.

TAKE FURTHER NOTICE that if you fail to make the said additional deposit within the time mentioned above the default will be reported to the Supreme Court.

Dated this the ..... day of ..... 20 .....

(SEAL)

**Deputy Registrar**

**Form No. 35**  
**(Chapter XXI, rule 9(5))**

**THE HIGH COURT OF MADHYA PRADESH,**  
**PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE /**  
**BENCH AT GWALIOR.**

Supreme Court Civil/Criminal Appeal No..... of .....  
(From the Judgment and Decree/Order of this High Court, dated ..... in  
..... of ..... 20 .....)

..... Applicant.  
(Original Status in the High Court)

Versus

..... Respondent  
(Original Status in the High Court)

**(Notice to the Appellant for inspection of the Record and for filling  
the list of documents to be included in the Transcript of the Record).**

To

NOTICE IS HEREBY given to you, that the Record and proceedings of the case from which the said Supreme Court Appeal arises are available in this Court and that you may take inspection of the same, if you so desire.

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

TAKE FURTHER NOTICE ALSO that you are required to take all necessary steps with due diligence to arrange to transmit in triplicate with all convenient despatch a Transcript in English of the Record proper of the case/ the printed/cyclostyled record of the case so far as is material to the questions in dispute in the said appeal for being placed before the Supreme Court for the hearing of the said appeal.

Dated this the ..... day of ..... 20....

(SEAL)  
Counsel for Appellant  
Counsel for Respondent.

**Deputy Registrar**

**Form No. 36**  
**(Chapter XXI, rule 9(5))**

**THE HIGH COURT OF MADHYA PRADESH,**  
**PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE /**  
**BENCH AT GWALIOR.**

Supreme Court Civil/Criminal Appeal No. .... of .....

(From the Judgment and Decree/Order of this High Court, dated ..... in .....  
of ..... 20..... )

..... Applicant.  
(Original Status in the High Court)

Versus

..... Respondent  
(Original Status in the High Court)

**(Notice to the Respondent for inspection of Record,  
and for filling the list of additional documents to be included in the  
Transcript of the Record)**

To

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

TAKE FURTHER NOTICE that you are required, upon the Appellant's serving on you a copy of the list of documents which the Appellant intends to include in the paper book, to file within three weeks of the service on you of the said list by the Appellant a list of such additional documents as you consider necessary for the determination of the appeal.

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

Dated this the ..... day of ..... 20 .....

(SEAL)  
Counsel for Appellant.  
Counsel for Respondent.

**Deputy Registrar.**

**Form No. 37**  
**(Chapter XXI, rule 17)**

**THE HIGH COURT OF MADHYA PRADESH,**  
**PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE /**  
**BENCH AT GWALIOR.**

Supreme Court Civil/Criminal Appeal No. .... Of 20 .....  
(From the Judgment and Decree/Order of this High Court, dated ..... in .....  
of .....)

..... Applicant.

(Original Status in the High Court)

Versus

..... Respondent

(Original Status in the High Court)

**(Notice of the certification and transmission of the printed or**  
**Cyclostyled record**

To,

TAKE NOTICE that/the printed/ photocopied record of the above  
mentioned appeal has been authenticated and transmitted to the Supreme Court  
on the .....

TAKE NOTICE ALSO that you are requested to take necessary steps  
in the prosecution of the appeal in accordance with the provisions of Supreme  
Court Rule, 1966.

Dated this the ..... Day of ..... 20 .....

(SEAL)

**Deputy Registrar.**

**Form No. 38**  
**(Chapter XXI, rule 17)**

**THE HIGH COURT OF MADHYA PRADESH,**  
**PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE /**  
**BENCH AT GWALIOR.**

Supreme Court Civil/Criminal Appeal No. .... Of 197.....  
(From the Judgment and Decree/Order of this High Court, dated ..... In .....  
of .....)

.....Applicant (s).  
(Original Status in the High Court)

Versus

.....Respondent(s)  
(Original Status in the High Court)

**(Certificate of the Registrar under Rules 11/15, Order XV/XX of the  
Supreme Court Rules, 1966).**

I DO HEREBY CERTIFY that the notice regarding the authentication  
and the despatch of the printed/photocopied record in the above case to the  
Supreme Court have been duly served on the Appellant and the Respondents as  
follows :-

Dated this the ..... Day of ..... 20 .....

(SEAL)

**Deputy Registrar**