

CHAPTER 20

COMPLIANCE WITH THE HIGH COURT PRECEPTS

All precepts issuing from the High Court are in English.

Language of precept.

The process or order enclosed within the precept for service or compliance is, in cases in which the parties are Indians, issued in the Vernacular.

2. If in any case it is found inconvenient to make the endorsement of return of a precept in English, there is no objection to its being made in the Vernacular. In most cases, however, no difficulty should be found in making the return to the precept in English. The endorsement on the process or order of service or compliance (as the case may be) may be made in Vernacular.

Language of endorsement of return

3. Extreme inconvenience is caused by the failure on the part of lower courts to attend promptly to High Court precepts, and orders should be issued to prevent such precepts from being lost sight of or treated in a leisurely or routine fashion. In criminal cases precepts are invariably urgent matters.

Precept to be treated urgent.

4. A Despatch Register should be maintained in each subordinate court, showing records and other papers despatched (on requisition) to the High Court. The number and year of the case noted in the precept of the Court should be entered in the Register, and the number in the Register should be noted on the reverse of the precept, with the date of despatch of the records.

Papers sent to be entered in Despatch Register.

5. It occasionally happens that in transmitting records all connected records are not submitted. In order to ensure the despatch of all the necessary records and papers, the Reader of every original Court should be required to attach a list of connected records to each original record, this list being initialled by the Reader. When a case is called for, the Record-keeper will then be able to decide at once what

Despatch of connected records.

records it is necessary to despatch. The Record-keeper should be held responsible that no record of a decided case is received in his office without the list of connected records being attached, and that when a case is called for by an appellate Court all such records are despatched.

Checking of records received from High Court.

6. Intimation should be given direct to the Registrar, within one month of the receipt of records returned from the High Court, if, in any record, any papers, stamps or Court-fees are found to be missing, damaged or incomplete, otherwise than as noted on the "State of Record Sheet" transmitted with the record. Unless such intimation is given in due time the office of the High Court will not be held responsible.

Transmission of records to High Court.

7. In transmitting records to the High Court, the instructions regarding the preparation of an index and the transmission of records should be carefully complied with, and the list of the records should be submitted in duplicate. An indication must be given in the list of the No. and date of the requisition and of the class and No. of the case in the High Court for which the records are transmitted. On receipt of the records in the High Court the Superintendent of the Judicial Branch will fill in columns 10 and 11, and return the duplicate copy to the office of the despatch. When the records are returned by the High Court, the receiving office will fill in columns 15 and 14 in the original list, and will return it for record as an acknowledgment.

Packing of records sent.

8. Records despatched to the High Court should be packed in an inner cover of paper tied across with tape and secured in an outer cover of coarse cloth. During the rainy season wax-cloth should, if possible, be used for the outer covering. All parcels should be securely closed and sealed.

Despatch of connected records.

9. Before records are despatched in civil or criminal cases they should be carefully examined with the chalan, and all the records of connected cases to which reference is made in the judgment of the Original Appellate Courts should also be sent up, as well as any special records and papers called

for. In criminal cases care should be taken to see that the Police reports (first and intermediate) accompany the records.

10. Where an extract from the settlement records is not with the records it should be prepared and put up before despatch.

Extract from Settlement records to be sent.

11. Requisition for records must be complied with within a week of the receipt of the precept or docket calling for them, except where compliance is desired by return of post. If there is likely to be delay in forwarding a record, or a record is still required by a lower court, the fact should be intimated at once and the probable date of despatch of the record given.

Requisition for records should be promptly complied with.

12. Notices issued by the High Court in civil and criminal cases should be served and returned with promptitude.

High Court notices to be promptly served.