

RULES & ORDERS OF PUNJAB AND HARYANA HIGH COURT

VOLUME V CHAPTER 1

JUDICIAL BUSINESS

PART A-(a) THE PRESENTATION AND RECEPTION OF APPEALS, PETITIONS AND APPLICATIONS FOR REVIEW AND REVISION ¹[AND SUPPLY OF ADVANCE COPY].

1. All ordinary appeals, petitions and applications for review or revision, written statements, affidavits or other documents, sought to be presented shall be presented by litigants or their Advocates by depositing them in the petition box of the Court outside the room of the Deputy Registrar between the hours of 10 a.m. to 4 p.m. on every day which is not a court holiday. Petitions sent by litigants through post for taking some judicial action shall not be entertained by this court but returned per bearing post:

To be deposited in petition box during court hours.

Provided that appeals, petitions, applications for review or revision, written statements, affidavits or other documents of prisoners or detenus, received through the officer incharge of the prison shall be entertained by this Court.

2. ²[Appeals, applications, etc., accompanied by petition to be treated as urgent, as well as transfer applications, memo of appeal in First Appeals against orders in Matrimonial causes, petitions for Writs and for Habeas Corpus which are *ipso facto* treated as urgent may be presented personally to the Reader to the Deputy Registrar on any working day during court hours. Civil writs, transfer applications in civil cases and First Appeals against orders are not, however, treated as urgent during the period the High Court is closed for the long vacation unless accompanied by a petition to be treated as urgent.]

Urgent and transfer applications to be presented personally.

No appeal, petition or application shall be received unless presented during the court hours from 10 a.m. to 4 p.m.

Provided that during the summer vacation the time for presentation of all ordinary appeals/petitions/applications by litigants or Advocates shall be 7.30 A.M. to 12.00 Noon or such other timings as the Senior Vacation Judge may fix and notify for any such vacation.

^{2&3} **[2. (a)** Every pleading(s) including application(s), annexure(s) etc. in the High Court shall be in English language duly typed on both side of superior quality legal size paper of 80 GSM and above. The font shall be Thorndale or Times New Roman in size 14 with double space. Margins on the top and bottom of the page shall be 1.25 inches and 0.75 inch, respectively. The left side and right side margins shall be 1.25 inches. The numbering shall be on the top middle of each page and will run through both sides of the page.

1. amended vide Correction Slip No. 176 Rules/II.D4 dated 16.11.2018

2. Rule 2 substituted vide Correction Slip No. 80 dated 06.04.1984.

3. Rule 2 (a) substituted vide Correction Slip No. 163 Rules/II.D4 dated 04.07.2015 and amended vide Correction Slip No. 175 dated 16.10.2018.

Every pleading(s) including application(s), annexure(s) etc. shall have the heading "In the High Court of Punjab and Haryana at Chandigarh". The same shall be duly signed by the petitioner, appellant or applicant etc. or by an Advocate entitled as of right to practice in the High Court on his/her behalf, as the case may be. The original typed copy shall be filed with such number of copies, as required. Only legible memorandum of appeal or petition or application etc. or copy thereof shall be entertained.

However, legible photo copies of annexures to Writ petitions or other cases may be filed if these are in conformity with the specifications, as above, and are duly attested to be true copy by the Advocate.

Provided that memorandum of appeal, petition, application, affidavit, annexures to writ petitions and other documents, written on a plain paper, sent by a prisoner or a detainee, through the officer incharge of the prison, shall be entertained and the Registry shall place before the Court typed copy of the same in accordance with the specifications as above.

Note:- In order to avoid immediate inconvenience to the stakeholders, the Registry shall accept the filing as per existing unamended rule for two months from the date of coming into force of this amendment or for such period thereafter as may be extended by Hon'ble the Chief Justice.]

^[1]**2 (aa)** [The judgments/orders of more than one page shall be duly typed on both side of legal size paper of 80 GSM. The font shall be Thorndale or Times New Roman in size '14' with double space. Margins on the top and bottom of the page shall be 1.25 inches and 0.75 inch, respectively. The left side and right side margins shall be 1.25 inches. The numbering shall be on the top middle of each page and will run through both sides of the page.

Note:- In order to avoid immediate inconvenience, the judgments/orders shall be typed as per existing unamended rule for two months from the date of coming into force of this amendment or for such period thereafter as may be extended by Hon'ble the Chief Justice."]

(b) Every memorandum of appeal shall be accompanied by copies of the decree and judgment as prescribed by Order XLI, Rule 1 of the Civil Procedure Code. In the case of Second Appeals, in addition to the documents prescribed by Order XLI, Rule 1 of the Code, memorandum shall be accompanied by a copy of the judgment of the Court of first instance unless the appellate court dispenses therewith. In all cases which are within the competence of Division Bench motion, duplicate type written copies of memo of appeal or revision and other essential documents shall be furnished by the appellant or applicant, as the case may be, both in Civil and Criminal cases.

^[2]**(c)** Every Caveat filed under sub-section (1) of Section 148-A of the Code of Civil Procedure be given a distinct number by the Registry."]

3. Every memorandum of appeal or application shall specify the section of the enactment under which the appeal or application lies. The Deputy Registrar is authorised to refuse to receive any memorandum of appeal or application which does not comply with this rule.

Section and
enactment
to be
specified

1. Rule 2 (aa) inserted vide Correction Slip No. 163 Rules/II.D4 dated 04.07.2015 and amended vide Correction Slip No. 175 dated 16.10.2018.

2. Inserted vide Correction Slip No. 149 Rules/II.D4 dated 19.08.2011.

^[1]3-A. “All Civil Appeals/Civil Revisions/Main Miscellaneous applications shall be page-marked and indexed in the following serial:-]

1. Miscellaneous Application along with affidavit.
2. ^[2]Grounds of Appeal/Revision on prescribed opening sheet ^[3]{(available on the website of this Court under the heading ‘Downloads’)} mentioning therein that the party has not filed any similar case in this Court or in Hon’ble the Supreme Court of India, duly supported by an affidavit of the concerned party.]
3. Memo of parties ^[4]{including age of the litigant(s)}.
4. Trial Court’s Judgement and decree where necessary.
5. Copy of Lower Appellate Court Judgement.
6. Decree of Lower Appellate Court and Grounds of Appeal before Lower Appellate Court
- ^[1]7. [Additional Documents, if any.”

The certified or photostat copies/copies attested to be true copies of the originals either by the applicant/appellant/petitioner’s counsel or where such documents happen to be a language other than English, their translations certified by counsel to be correct if such document are part of the record of the Courts/Tribunal.]

^[5]**Note:** The Counsel be permitted to annex true copies/translation of only of those documents which form part of the records in the lower Courts. The Counsel of the petitioner/appellants will also give a certificate below the grounds of revision/appeal that the documents annexed are part of the lower Court records.]

^[6]**3-B.** Tax Appeals (Income Tax, Wealth Tax and Gift Tax) would be in the following format :-

1. List of Events
2. Memorandum of Appeal containing full party names ^[4]{ & Age }, provision of law under which appeal has been filed, statement of facts, grounds of challenge, substantial question of law and the tax-affected.
3. Affidavit regarding limitation purpose
4. Annexures :
 - (i) Orders of Assessing Officer
 - (ii) Orders of Commissioner (Appeals)
 - (iii) Order of Tax Tribunal
 - (iv) Copy of other documents/orders relied upon by the Tribunal
 - (v) Any other order to be relied upon by the appellant.]

1. Substituted vide Correction Slip No. 144 Rules/II.D4 dated 29.04.2011.
 2. Amended vide Correction Slip No. 158 Rules/II.D4 dated 12.09.2013.
 3. Amended vide Correction Slip No. 167 Rules/II.D4 dated 17.03.2017.
 4. Inserted vide Correction Slip No. 165 Rules/II.D4 dated 18.11.2016.
 5. Inserted vide Correction Slip No. 106 Rules/XXII.D.4 dated 08.10.1999.
 6. Inserted vide Correction Slip No. 133 Rules/II.D4 dated 10.12.2009.

4. No memorandum of appeal preferred under clause 10 of the Letters Patent shall be entertained if presented after the expiration of 30 days from the date of the judgment appealed from, unless the Bench in its discretion, for good cause shown, grants further time for the presentation. Such memorandum of appeal need not be accompanied by a copy of the judgment appealed from, but a memorandum of appeal for which a certificate is required under clause 10, must contain a declaration to the effect that the Judge, who passed the judgment has certified that the case is a fit one for appeal. The time spent in obtaining the certificate from the Judge (including the date of application and the date on which the Judge passed the order) shall be excluded in computing the period of limitation. Section 12- of the Indian Limitation Act governs an appeal under the Letters Patent and the appellant in such a case is entitled to exclude the "time requisite" for obtaining a copy of the judgment appealed against (whether such copy is filed or not) even though under the Rules of the Court no copy of the judgment is required to be filed with the memorandum of appeal [*Vide* I.L.R. 1941, Lahore 191 (F.B.).]

Letters patent appeals- time within which to be filed and documents to be accompany.

5. (1) The Deputy Registrar may return for amendment and re-filing within a time not exceeding 10 days at a time, and 40 days in the aggregate, to be fixed by him any memorandum of appeal for the reason specified in Order XLI, Rule 3, Civil Procedure Code.

Amendment.

(2) If the memorandum of appeal is not amended within the time allowed by the Deputy Registrar under sub-rule (1) it shall be listed for orders before the Court.

6. A petition to the High Court to exercise the powers conferred by section 44 of the Punjab Courts Act shall specify the particular ground on which the aid of the High Court is invoked

Particular ground to be specified in petition for revision.

(a) If the ground be that the Court which decided the case exercised a jurisdiction not vested in it by law, the petition shall set out clearly the particular exercise of jurisdiction complained of;

(b) if it be that the Court which decided the case failed to exercise a jurisdiction so vested, the jurisdiction which ought, in the petitioner's opinion, to have, and has not, been exercised shall be clearly set out;

(c) if it be that the Court acted in the exercise of its jurisdiction with material irregularity, the particular irregularity or irregularities complained of shall be similarly set out.

7. Every such petition shall be stamped as required by law and shall be accompanied by a copy of the decree or order in respect of which such application is made and by a copy of the judgment upon which such decree is founded.

Documents to accompany such petition.

In the case of petitions for revision of the decree or order of an appellate court, a copy of the judgment or order of the court of the first instance shall also be filed.

Documents to accompany petitions for decree or order of appellate court.

8. A petition to exercise the powers conferred by section 25 of the Provincial Small Cause Courts Act, 1887, shall specify in what particular the decree or order of the Small Cause Court is not according to law.

Petition for revision of Small Cause Court decrees to specify the error in law.

9. ¹“(1)The Deputy Registrar is authorised to return for amendment, within time to be specified in an order to be recorded by him on the petition, not exceeding 10 days at a time, and 40 days in the aggregate, any petition not drawn up in conformity with the foregoing direction or in accordance with any other rules.

Power to return petition for amendment.

(2) If the petition is not amended within the time allowed by the Deputy Registrar under sub-rule (1), it shall be listed for orders before the Court.”]

10. Every application for review of a judgment Application or order of a Division Bench, or of a Single Bench of the High Court presented by an Advocate shall be signed by him and he shall certify that the grounds contained therein are good and sufficient grounds for the review sought. No advocate shall be heard in support of an application for review of any such judgment or order unless and until he has certified in the manner above prescribed the grounds already taken or any amended grounds of application.

Application for review to contain certificate that there are sufficient grounds.

1. Substituted vide Correction Slip No. 121 Rules/II.D4 dated 30.03.1983.

11. No petition, memorandum of appeal or other document, which ought to bear a stamp under the Court Fees Act, 1870, shall be received in the Court until it is properly stamped.

2. Court fees.

12. The Chief Justice has been pleased to declare that the Registrar of the High Court shall be the Taxing Officer within the meaning of section 5 of the Court Fees Act.

Taxing Officer.

13. Attention is drawn to the provisions of sections 4 and 28 of the Court Fees Act, and it must be understood in connection with section 5 of the Indian Limitation Act that an improperly stamped document even though received, filed or used in the Court remains invalid, unless it is proved to the satisfaction of the Court that it was so filed or used through mistake or inadvertence, and time is extended for making up the deficiency in the Court fees.

Improperly stamped document remains invalid unless filed through mistake and time extended for making up deficiency.

14. The Deputy Registrar is authorised to examine and impound under section 33(2)(b) of the Indian Stamp Act, 1899, any instrument not duly stamped.

Power to impound documents not duly stamped.

15. The records in Civil Revisions, First Appeals from Orders, Second Appeals from Orders, Executive First Appeals and Execution Second Appeals shall on admission be sent for immediately, unless the Court orders otherwise:

Records in appeals against orders to be sent for only on courts directions.

Provided that where proceedings in the case are pending before the lower Court, the records shall be sent for only where the Court so directs.

16. 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 annexures 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. The advocate who has been so served shall acknowledge receipt of the same by endorsement on the original petition, writing his full name and enrolment number below the signature. Such acknowledgment together with a declaration in following format shall be filed with the petition.

Supply of Advance Copy.

DECLARATION

The Copies, as required by rule 16 of Chapter 1 Part A(a) of the Rules and Orders of Punjab and Haryana High Court, Volume-V, have been served upon(the person upon whom the copies have been served) at(time) on(date) in(place).

Advocate for the Petitioner

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

No petition shall be accepted in the Filing Centre without such acknowledgement and declaration except where the counsel for a party certifies under his signature that the counsel for the opposite party has refused to sign the acknowledgement.]

1. Rule 16 inserted vide Correction Slip No. 176 Rules/II.D4 dated 16.11.2018.