

## CHAPTER-IX

### Preparation of Paper-books

#### <sup>1</sup>[A-] General

<sup>2</sup>[1. Preparation and printing of Paper-book.-(1) Paper-books shall be prepared and printed in the following manner:

- (a) the paper-books shall be printed in papers of at least 13 inches/33.02 cm in length and 8 inches/20.32 cm in width popularly known as A-3/legal size;
- (b) on each page of a paper-book the following space shall be maintained in printing the contents:
  - (i) a vacant space of at least 2 inches/5.08 cm on the left side and 1½ inches/3.81 cm on the right side;
  - (ii) a vacant space of 1 inch/2.54 cm on the top and 2 inches/5.08 cm at the bottom;
  - (iii) double space between two lines.
- (c) there shall be an Index of contents of the paper-book, and the Index shall be arranged with serial number with indication of the contents of documents and page number;
- (d) the contents of the paper-book shall be printed from the page immediately following the last page of the printed Index, and shall be divided into two parts: Part I containing the documents other than the exhibits, and Part II containing the exhibits;
- (e) card-board covers need not be used unless the paper-book exceeds 200 pages;

<sup>1</sup> The expression "A-" was substituted for the expression "Part I-" by Notification No. 181-G dt. 22-10-2012.

<sup>2</sup> Rule 1 was substituted for the original rule 1 by Notification *ibid*.

(2) Paper-book shall be required in all appeals from decrees and orders, unless the Court dispenses with the requirement of it.]

**2. Editing the Paper-book.**- 'Editing' the paper-book includes-

(a) collecting and arranging the papers required for inclusion in the paper-book;

(b) examining and comparing printed drafts, or when several copies of a printed paper-book are prepared, examining and comparing such copies with the originals, and also the authenticated copies of documents translated, where these Rules provide for translation;

(c) preparation of title page and index;

(d) general supervision necessary to ensure the accuracy of the record and compliance with the provisions of these Rules with regard to the preparation of paper-books.]

**3.** [Omitted by Notification No. 181-G dt. 22-10-2012.]

**4. Preparation of Paper-book by any party.**- In any appeal, the Court may upon good cause being shown, allow any party to put in as many <sup>2</sup>[typed/printed copies of paper-books] as it considers proper <sup>3</sup>[within the time specified by the Court].

4[\*\*\*]

<sup>1</sup> Rule 2 was substituted for the original rule 2 by Notification No. 181-G dt. 22-10-2012.

<sup>2</sup> The expression "typed/printed copies of paper-books" was substituted for the words "printed copies" by Notification *ibid*.

<sup>3</sup> The expression "within the time specified by the Court" was inserted by Notification *ibid*.

<sup>4</sup> Exception was omitted by Notification *ibid*.

**1[5. Cost of Paper-book.-**(1) Where the Court allows the paper-books to be prepared by a party under rule 4, that party shall submit an estimate of the cost of the paper-book, and if the Registrar is satisfied about the estimate he shall endorse his approval of the cost and the party shall thereupon prepare at least 12 copies of the paper-books and file the same in the concerned section.

(2) The Chief Justice may, by order issued from time to time, fix the rate of the cost of preparation of paper-book generally with reference to the cost of each page.

(3) At the end of one of the copy of the paper-book, there shall be a statement in Form No. 15 (Civil), Appendix 1, in which shall be specified each item of actual cost incurred in its preparation by the appellant, and the respondent, respectively. The party preparing the paper-book shall deliver a copy of the statement aforesaid to the other party by registered post with acknowledgment due or personally if available.]

**6. [Omitted by Notification No. 181-G dt. 22-10-2012.]**

**7. Cost of Paper-book forms part of cost of appeal.-**

The costs incurred in the preparation of the paper-books shall form part of the costs in the appeal, unless <sup>2</sup>[the Court] otherwise directs.

**3[8. Application for exemption.-**(1) No order shall be passed exempting any appellant or respondent from the operation of the whole or any part of the rules of this Chapter, or no special order shall be made as to any matter specified by these Rules, except upon a stamped application setting forth sufficient grounds.

<sup>1</sup> Rule 5 was substituted for the original rule 5 by Notification No. 181-G dt. 22-10-2012.

<sup>2</sup> The words "the Court" were substituted for the words "as to the whole or any portion thereof of the Court which hears the appeal shall" by Notification *ibid*.

<sup>3</sup> Rule 8 was substituted for the original rule 8 by Notification *ibid*.

(2) An application for extension of time for any act required to be done under these Rules shall ordinarily be made before the expiry of the prescribed time.

(3) Where compliance with the concerned provision of these Rules or with any order passed in connection therewith takes place by the end of the day on which the case appears on the Lawazima List of the Registrar, the application as contemplated in this rule may, in the discretion of the Registrar, be dispensed with.

(4) The relevant Bench may pass order directing an affidavit to be filed in support of the application for extension of time.]

### 9. Advocate may act/receive notice instead of party.-

When these Rules direct or allow any act to be done by, or any notice to be given to <sup>1</sup>[, a party] such act may be done by, or such notice given to, the Advocate.

### <sup>2</sup>[B- Appeals from Decrees]

<sup>3</sup>[\*\*\*]

### 10. Deputy Registrar's duty regarding Paper-book.-

On receipt of the record from the <sup>4</sup>[subordinate court] it shall be the duty of the <sup>5</sup>[concerned Deputy Registrar] to see that the paper-book in an appeal from <sup>6</sup>[a decree, for the use of the Court] at its hearing, is prepared in accordance with the directions given in the following rules:

Provided that the Registrar, or the <sup>7</sup>[Bench] having jurisdiction in the matter, for sufficient cause shown, may pass

<sup>1</sup> The expression ", a party" was substituted for the expression ", an Appellant or Respondent" by Notification No. 181-G dt. 22-10-2012.

<sup>2</sup> The expression "B- Appeals from Decrees" was substituted for the expression "Part II- Appeals from Original Decrees" by Notification *ibid*.

<sup>3</sup> The expression "A -General" was omitted by Notification *ibid*.

<sup>4</sup> The words "subordinate court" were substituted for the words "Lower Court" by Notification *ibid*.

<sup>5</sup> The words "concerned Deputy Registrar" were substituted for the word "Registrar" by Notification *ibid*.

<sup>6</sup> The expression "a decree, for the use of the Court" was substituted for the words "an original Decree for the use of the High Court" by Notification *ibid*.

<sup>7</sup> The word "Bench" was substituted for the words "Division Court" by Notification *ibid*.

any special order regarding the preparation of the paper-book of any particular Appeal.

**11. Contents of Paper-book.**-(1) Except in cases arising out of the Money Lenders Act, 1933(Act No. VII of 1933) and Money Lenders Act, 1940 (Act No. X of 1940), Part I of the paper-book shall contain the following papers which are commonly known as "compulsory papers"-

- (a) the plaint;
- (b) all written statements;
- (c) issues framed (if any);
- (d) the judgment and the decree from which the appeal is preferred, including schedule and annexure (unless the Court otherwise directs);
- (e) in case of a decree under section 48 of the Salish Ain, 2001( সালিশ আইন, ২০০১), the award on the basis of which the decree was passed;
- (f) memorandum of appeal; and
- (g) a chronological index.

(2) Apart from the papers mentioned in sub-rule (1), the following papers shall also be included in Part I of the paper-book, unless, the Registrar, on an application being made showing sufficient cause, dispenses with the requirement of any of the following papers fully or partly:

- (a) order sheet;
- (b) schedule and annexure (if any);
- (c) report of Commissioner (if any), any map prepared and deposition recorded by Commissioner etc.;

<sup>1</sup> Rule 11 was substituted for the original rules 11A and 11B by Notification No. 181-G dt. 22-10-2012.

(d) deposition of witnesses for the plaintiff and the defendant: and

(e) any other paper, other than an exhibit, on which the decision of the appeal depends.

(3) In cases arising out of the Money Lenders Act, 1933 and Money Lenders Act, 1940, Part I of the paper-book shall consist of the following papers:-

(a) The petition for re-opening the decree;

(b) Written objection to it (if any);

(c) Oral evidence in this proceeding started by the application for re-opening the decree;

(d) The judgment and decree or order from which the appeal is preferred exclusive of schedule;

(e) The Memorandum of appeal: and

(f) A chronological index.

(4) Part II of the paper-book shall consist of exhibits (maps which are exhibits shall ordinarily be bound in a separate volume).

(5) No finding or conclusion in the decision appealed from will be permitted to be challenged at the hearing of the appeal unless the material on which such challenge is based is included in the paper-book.

(6) Whenever a map prepared by a settlement or survey authority, issued in printed form, is necessary for inclusion in a paper-book, such map being an exhibit in the case, it shall not be necessary to reprint and reproduce such map, and the following procedure may be followed:-

(a) it will be sufficient if the requisite numbers of copies of the map are filed by the party concerned, if such copies can be purchased from the Government or other agents selling the same:

(b) legible and clear photostat copies of the map may also be filed: such copies when filed shall be taken as forming part of the paper-book:

(c) if in any case, any lines, symbols or marks have been drawn, inserted or made in the map by any Survey Commissioner appointed by the subordinate court, or by any witness or party or by the Court itself, such lines, symbols or marks being drawn, inserted or made under the authority of the presiding Judge, shall be reproduced on the copies of the map filed by the party or parties in the appeal.

(7) Complete deposition of all witnesses shall be included, if a deposition of any of them is considered necessary for the purpose of the Appeal.]

**12. Notice for filing Appellant's List of papers.-** Upon receipt of the records, the <sup>1</sup>[concerned Assistant Registrar] shall serve a notice on the Appellant requiring him to prepare and <sup>2</sup>[submit] a list of all papers <sup>3</sup>[\*\*\*] other than those mentioned in <sup>4</sup>[sub-rule (1) or (2) or (3) of the rule 11] above, upon which the decision of the Appeal depends and which the Appellant desires to be included in Part I or Part II of the paper-book at his expense. This list shall be called <sup>5</sup>["The Appellant's List"] and shall be divided into two parts. Part I shall contain papers other than exhibits and Part II shall contain the exhibits.

<sup>1</sup> The words "concerned Assistant Registrar" were substituted for the words "Officer-in-Charge of the Judicial Department" by Notification No. 181-G dt. 22-10-2012.

<sup>2</sup> The word "submit" was substituted for the words "deliver to such officer" by Notification *ibid*.

<sup>3</sup> Bracket was deleted by Notification *ibid*.

<sup>4</sup> The expression "sub-rule (1) or (2) or (3) of the rule 11" was substituted for the expression "rule 11A (first paragraph) or 11B" by Notification *ibid*.

<sup>5</sup> The expression "The Appellant's List" was substituted for the expression "The Appellants List" by Notification *ibid*.

**13. Form of Appellant's List.**-<sup>1</sup>[The Appellant's List] shall be in Form No. 16 (Civil), Appendix I. Printed copies of the forms of this list will be supplied <sup>2</sup>[by the concerned Section] to the parties or their Advocates entitled to act for them, free of costs <sup>3</sup>[\*\*\*].

**14. Contents of Appellant's List (Part-1).**- <sup>4</sup>[The Appellant's List shall include all documents on which the appellant intends to rely but not required to be included under rule 11 above]:

Provided that if it is necessary only to print a portion of any particular document for the decision of the Appeal, the relevant portion shall be specified by <sup>5</sup>[underlining]:

Provided <sup>6</sup>[further] that ordinarily a long series of documents, such as accounts, rent-rolls, etc., shall not be printed in full but the parties, or their <sup>7</sup>[authorized] agents, shall agree to short extracts being printed, if necessary, in tabular form.

**15. Contents of Appellant's List (Part II).**-In Part II of <sup>8</sup>[the Appellant's List] the exhibits should retain their original numbers with the proper page numbers attached, the documents should be arranged, as far as possible in chronological order, mixing plaintiff's and defendant's documents together, when necessary, but in all cases documents relating to the same series, or to the same subject (e. g., a series of correspondence, or proceedings in a suit other than the one under appeal) should be

<sup>1</sup> The words "The Appellant's list" were substituted for the words "Such list" by Notification No. 181-G dt 22-10-2012.

<sup>2</sup> The words "by the concerned Section" were inserted by Notification *ibid*.

<sup>3</sup> The expression ", on application to the Forms Clerk" was omitted by Notification *ibid*.

<sup>4</sup> The expression "The Appellant's List shall include all documents on which the appellant intends to rely but not required to be included under rule 11 above" was substituted for the words "There shall be entered in such list all documents on which the decision of the Appeal depends" by Notification *ibid*.

<sup>5</sup> The word "underlining" was substituted for the words "surrounding the Portion in pencil" by Notification *ibid*.

<sup>6</sup> The word "further" was substituted for the word "also" by Notification *ibid*.

<sup>7</sup> The word "authorized" was substituted for the word "legal" by Notification *ibid*.

<sup>8</sup> The words "the Appellant's List" were substituted for the words "this list" by Notification *ibid*.



kept together. A correct and full description of such documents must be given.

**16. Filing of Appellant's List.**-(1) The Appellant shall, within three weeks after service of the notice required by rule 12 above, deliver to the concerned Assistant Registrar his complete list prepared in accordance with the above rules. In no case time shall be extended by the Registrar by more than 4 weeks.

(2) The estimate for the preparation of the paper-book in appeals shall state separately the cost of translating, editing, printing, etc. at the following rates-

- (a) estimating per 10,000 words or part thereof, at Taka 100/-;
- (b) estimating charge for maps-12 1/2 percent of the cost of tracing the same;
- (c) estimating charge for photographs;
- (d) translating per 150 words or part thereof, at Tk.20/-, three figures being counted as one word;
- (e) examining translations, per 300 words or part thereof, at Tk.20/-, three figures being counted as one word;
- (f) copying, at the rates specified in Chapter-XIII;
- (g) editing the paper-book, at Tk.3/- per page;
- (h) photocopy or scanning copy of maps or tracing maps (where necessary), at Tk.2/- per foolscap;
- (i) printing fee for 12 copies, at Tk.5/- per page.

(3) The above rates may be altered from time to time by the Full Court.

(4) The charge for editing includes the charge for indexing.

(5) Each item of cost in the preparation of the paper-book at the rates specified in sub-rule (1) should be calculated to the nearest Taka.]

**17. Estimate of Paper-book cost.**-On receipt of the list of the papers to be included in Parts I and II of the paper-book at the expense of the Appellant, <sup>1</sup>[the concerned Assistant Registrar] shall cause to be prepared the estimates of the cost of the preparation of Parts I and II of the paper-book.

<sup>2</sup>[**18. Delivery of Appellant's List to Respondents.**-As soon as the Appellant's List is delivered, the concerned Assistant Registrar shall, if the respondent has entered appearance, give notice of such delivery to such respondent. If the respondent has not entered appearance, he may, after appearance and on filing an application and on explaining delay in appearance, obtain the copy of 'The Appellant's List'.]

**19. Respondent's inspection of Appellant's List.**-Every Respondent, who has entered appearance, shall be entitled to inspect the Appellant's List and, at his own expense, to obtain a copy of the whole or of any portion thereof.

**20. Respondent's List.**-Every such Respondent shall, <sup>3</sup>[\*\*\*] deliver to the <sup>4</sup>[concerned Assistant Registrar], a list in duplicate in Form No. 17 (Civil) of the Appendix I of the papers other than those inserted in the Appellant's list, and relevant to the subject matter of the Appeal, to which such Respondent desires that reference shall be made by the Court at the hearing of the Appeal and which shall be inserted in the paper-book at such

<sup>1</sup> The words "the concerned Assistant Registrar" were substituted for the words "the Officer -in- Charge of the Judicial Department" by Notification No. 181-G dt. 22-10-2012.

<sup>2</sup> Rule 18 was substituted for the original rule 18 by Notification *ibid*.

<sup>3</sup> The expression "within three weeks after service upon him of the notice required by rule 18 above" was omitted by Notification *ibid*.

<sup>4</sup> The words "the concerned Assistant Registrar" were substituted for the words "the Officer -in- Charge of the Judicial Department" by Notification *ibid*.

Respondent's expense. Such list shall be termed "The Respondent's List" and shall be divided into two parts like the Appellant's List <sup>1</sup>[\*\*\*]. In no case time shall be extended by the Registrar by more than 4 weeks.

**21. Address of party in the list.**-The Advocates for the Appellant and the Respondent shall at the time of filing their respective lists, enter in such lists the names and correct addresses (with post-office) of the parties on whose behalf the lists are filed by them.

**22. Respondent's application about omission in Appellant's List.**- If the Respondent considers that any paper or portion of a paper which ought to have been inserted in the Appellant's List under the provisions of rule 14 above, has been omitted therefrom in violation of these provisions, he may, at the time of filing the Respondent's List as prescribed in rule 20 above, and after giving notice to the Appellant of his intended application, apply to the Registrar for an order that such paper or portion of a paper be inserted in the paper-book of the case at the cost of the Appellant:

Provided that if any such application by a Respondent is disallowed by the Registrar, such Respondent shall be at liberty, at that time, to pray for the inclusion of the papers mentioned in his application, in his list (that is, the Respondent's List) at his own cost:

Provided <sup>2</sup>[further] that if the Respondent has entered appearance out of time he shall not be permitted to pray for the inclusion in, or exclusion from, the Appellant's list of any papers whatsoever, if such application be not made before the actual preparation of the paper-book has commenced.

**23. Objection about Paper-book's contents.**-If one party objects to the inclusion of a document on the ground that it is unnecessary or irrelevant, and the other party nevertheless insists upon its being included and the Registrar allows the

<sup>1</sup> The expression "(rule 12 above)" was omitted by Notification No. 181-G dt. 22-10-2012.

<sup>2</sup> The word "further" was substituted for the word "also" by Notification *ibid*.

document to be included, the Order Book, Paper-book and List shall clearly indicate that fact and also the party by whom the inclusion of the document was objected to.

**<sup>1</sup>[24. Exclusion of irrelevant/lengthy documents.-** (1)

The Registrar as well as the parties and their legal agents shall endeavour to exclude from the paper-book all documents (more particularly such as are merely formal) that are not relevant to the subject-matter of the appeal, and generally, to reduce the bulk of the paper-book, as far as practicable, taking special care to avoid the duplication of documents and the unnecessary repetition of headings and other merely formal parts of documents.

(2) Ordinarily, a long series of documents, such as accounts, inventories, etc., should not be printed in full; but the parties or their legal agents should agree to short extracts being printed as specimens.

(3) Documents produced before the Court of first instance but not admitted in evidence, shall not be included in the paper-book except under the orders of the Registrar obtained upon an application (unstamped) with notice to the opposite party.

(4) An Advocate desiring to refer to any such document at the hearing of the appeal before the High Court Division shall, at any time before the hearing, serve on the Advocate for the opposite party a typed or computer printed copy, or a typed or computer printed copy of the translation, as the case may be, of any such document to which he desires that reference should be made, and shall also provide two such copies for the use of the Court. If he fails to do so he shall not refer to such document at the hearing and no adjournment of the appeal will be granted on this account unless the Court otherwise directs.

(5) It shall be in the discretion of the Court not to allow any cost of the preparation of the paper-book to any party, who has unnecessarily increased the bulk of the paper-book.]

<sup>1</sup> Rule 24 was substituted for the original rule 24 by Notification No. 181-G dt. 22-10-2012.

**25. Certificate about list.**-The Appellant's and the Respondent's Lists shall each bear a certificate under the hand of the Advocate for such Appellant or Respondent in the following form:-

I.....<sup>1</sup>[(name)], Advocate for.....do hereby certify that I have carefully examined this List with reference to the provisions of rule 24 of Chapter IX of the <sup>2</sup>[High Court Division] Rules, and declare that in my judgment it is necessary to include in the paper-book of the Appeal every document, or portion of a document, included in the list in order to arrive at proper decision of the Appeal.

**25A. Notice from office to amend List.**- In cases in which any paper or papers which are to be included in the paper-book under <sup>3</sup>[ rule 11(1) or 11(2) or 62(1)] of this Chapter have been omitted from the list, the office shall give notice to the Advocate concerned to the effect that unless the list is amended within seven days from the receipt of such notice or an order for the exclusion of such paper or papers is obtained upon an application before the expiry of that period, the paper or papers will be included in the list under the <sup>4</sup>[said rules], and the office shall proceed to include them on the expiry of the said period, if no action is taken by the Advocate.

**<sup>5</sup>[26. Supply of estimate to party and objection etc.-**  
(1)The concerned Assistant Registrar shall, within thirty days after the delivery by the Appellant and the Respondent of their Lists, respectively, make, and deliver to the relevant Advocate for such Appellant or to the Advocate for such Respondent or to such party

<sup>1</sup> The expression "(name)" was substituted for the expression "A.B" by Notification No. 181-G dt. 22-10-2012.

<sup>2</sup> The words "High Court Division" were substituted for the words "High Court" by Notification *ibid*.

<sup>3</sup> The expression "rule 11(1) or 11(2) or 62(1)" was substituted for the expression "rule 11A (first paragraph) or 11B or 62A (first paragraph)" by Notification *ibid*.

<sup>4</sup> The words "said rules" were substituted for the words "aforesaid Rules" by Notification *ibid*.

<sup>5</sup> Rule 26 was substituted for the original rule 26 by Notification *ibid*.

if he has appeared in person or to his authorized agent, the separate estimates of the cost of preparing their portions of the paper-book in Forms Nos. 18. (Civil) and 19 (Civil) respectively of Appendix-I.

(2) The estimate made under sub-rule (1) is only for the purpose of assessment of cost in a situation where the appeal is decreed or dismissed with cost.

(3) The Appellant or as the case may be respondent may, by filing application, raise objection to the estimate made and delivered under sub-rule (1), and the Registrar will decide the objection and may review the estimate.

(4) Every estimate for the cost of the preparation of the paper-book shall include the cost of transcribing, translating and printing, etc., the documents mentioned in rule 11(1) or 11(2) above. No revision of the lists filed by the Advocates of either party shall be allowed after the estimates have been prepared and delivered to the respective Advocates, except under the orders of the Registrar to be obtained on an application with notice to the other side. The application for revision shall be made and verified by the Advocate concerned, but if the revision is agreed to by the opposite party such application for revision need not be verified.]

**27.** [Omitted by Notification No. 181-G dt. 22-10-2012.]

**28. Paper-book when Respondent absent.**-If the Respondent does not enter <sup>1</sup>[\*\*\*] appearance or does not deliver the list directed by, and within the time prescribed by, rule 20 above and if no order be made under rule 22 above, the paper-book shall be prepared in accordance with the Appellant's list.

**29. Single and separate list.**-When two or more Appellants or Respondents have the same interest in the Appeal, one set of list only shall be required from all such Appellants, or

<sup>1</sup> The word "an" was omitted by Notification No. 181-G dt. 22-10-2012.

Respondents. Appellants or Respondents having separate interests shall deliver separate sets of lists. In such cases the [provision of rule] 33 shall apply.

**2[30. Reference to document of previous Paper-book.-**

(1) If any of the papers, required to be inserted in the Appellant's List or in the Respondent's List, was previously printed in a former paper-book, the fact of its having been so printed must be stated in the remark column of the list in which such paper is inserted. Such papers shall not be printed unless the Registrar otherwise directs.

(2) If any of the papers included in Appellant's List or Respondent's List was previously printed in a former paper-book and if sufficient number of copies of the paper-book are available, the Appellant or the Respondent may, on deposit of the cost estimated by the concerned Assistant Registrar, obtain the copy of the paper-book; but if sufficient number of copies are not available, the appellant or the respondent shall be entitled to reprint the same from a copy of the former paper-book at his own cost.]

**31. Document not included in paper-book not to be referred.-**No paper in the record of the case, which is not inserted in the Appellant's list or Respondent's list, or ordered to be included in the paper-book under rule 22 above, and printed in the paper-book of the case or in a former paper-book, shall be referred to at the hearing of the Appeal without the special leave of the Court. But this rule shall not preclude the Court from referring to any paper to which it considers a reference necessary for the ends of justice.

**3[32. List of documents for supplementary Paper-book.-**(1) Where an supplementary paper-book is required to be prepared by the appellant or, as the case may be, by the respondent, he shall supply the list of papers to the concerned

<sup>1</sup> The words "provision of rule" were substituted for the words "principle of Rule" by Notification No. 181-G dt. 22-10-2012.

<sup>2</sup> Rule 30 was substituted for the original rule 30 by Notification *ibid*.

<sup>3</sup> Rule 32 was substituted for the original rule 32 by Notification *ibid*.

Assistant Registrar for preparation of supplementary paper-book, and shall also supply a copy of the list to the Advocate of the other side, if appeared.

(2) On receipt of the list under sub-rule (1) the concerned Assistant Registrar shall prepare an estimate for the cost of the supplementary paper-book and shall deliver it to the party or his Advocate who submitted the list. The other side shall also be entitled to a copy of the estimate.

(3) The Party who submitted the list of papers may raise objection to the estimate by filing an application and the Registrar shall record his decision on the objection raised.

(4) The cost estimated under this rule shall be in addition to and for the same purpose as mentioned in rule 26(2).]

**1[33. Paper-book for several appeal from same decree.**-When separate appeals have been preferred by different persons against the same decree, complete lists of the documents as required by rule 16 and additional documents, which the parties intend to include in the paper-book shall be delivered by the parties to each appeal. This rule shall also apply when two or more separate appeals are preferred against one judgment by which two or more cases are disposed of.]

**34. Failure of Appellant etc. to file List/Paper-book.**- If the Appellant fails to deliver his list of papers in accordance with rule 16 above, or the Appellant <sup>2</sup>[\*\*\*] fails to submit translations or fails to file paper-book under <sup>3</sup>[Rule 39 or 67(12)] of this Chapter, the <sup>4</sup>[concerned Assistant Registrar], shall

<sup>1</sup> Rule 33 was substituted for the original rule 33 by Notification No. 181 G dt. 22-10-2012.

<sup>2</sup> The expression "or Respondent fails to make the deposit or additional deposit, required by rules 27 and 32 above, respectively, or the Appellant fails to file a declaration form under rule 35, or his Advocate fails to make a declaration under rule 37 or the Appellant" was omitted by Notification *ibid*.

<sup>3</sup> The expression "Rule 39 or 67(12)" was substituted for the expression "Rule 39 or 67(v)" by Notification *ibid*.

<sup>4</sup> The words "concerned Assistant Registrar" were substituted for the words "Officer-in-Charge of the Judicial Department" by Notification *ibid*.



lay the matter before the Registrar who may, in case of default by the Appellant, or the Cross- Objector, as the case may be, cause the Appeal or Cross-Objection, as the case may be, to be set down for hearing; and the Court may, unless satisfied that there was reasonable ground for the default, direct the Appeal or the Cross-objection to be dismissed for want of prosecution or may pass such other order as may seem proper in the circumstances of the case.

**35.** [Omitted by Notification No.181-G dt. 22-10-2012.]

<sup>1</sup>**36. Negligence etc. of Advocate.**-A Division Bench, on being satisfied, either on the report of the Registrar or otherwise, that any Advocate has been negligent, incompetent, or careless in the preparation of a paper-book, may disqualify such Advocate from preparing paper-books for such period as it considers proper.]

**37.** [Omitted by Notification No.181-G dt. 22-10-2012.]

<sup>2</sup>**38. Advocate's privilege and duty.**-(1) An Advocate appointed by the concerned party shall be afforded all reasonable access to the original record in order to enable him to make transcript of the papers and to do other acts necessary for the preparation of the paper-book, but he shall not be entitled to remove such original record from the Court's office. Certified transcript of the papers shall be furnished to him, if he so desires, upon payment of the usual rates.

(2) Such Advocate shall personally deal with the original records made over to him, and is prohibited from entrusting them to the care of any other person. For the purpose of translating and copying documents, in any case, he alone will be permitted to have access to the original records of such case, and he will not be permitted to take away the records or any part thereof outside the table on which it is placed by the concerned officer of the Court.

<sup>1</sup> Rule 36 was substituted for the original rule 36 by Notification No. 181-G dt. 22-10-2012.

<sup>2</sup> Rule 38 was substituted for the original rule 38 by Notification *ibid*.

(3) Such Advocate shall be permitted to utilize the services of one reader or clerk to assist him in such work. He must however himself be present and continuously in possession of the records, and on his leaving the office, the records must be returned to the Superintendent of the concerned Section, and the work of preparing the paper-book must at once cease, the reader or clerk leaving with the Advocate.

(4) If a map has to be inserted in a paper-book, the responsible Advocate shall be allowed to utilize also the services of a draftsman, who will be allowed access to the records on the same terms as the reader or clerk.

(5) If the Advocate of a party preparing the paper-book thinks that he requires the assistance of another Advocate or Advocates, the firstly mentioned Advocate shall present a formal application to the Registrar stating the grounds upon which the application is made, and the Registrar may pass a special order after an examination of the actual requirements of the case.

(6) The provisions of sub-rule (1) to (4) of this rule shall apply to all the Advocates thus employed in the preparation of a paper-book, and they shall be jointly responsible under the rules of this Chapter for the proper and timely preparation of the same.

(7) The provisions of sub-rule (5) will not apply to the case of assistance of another Advocate for the purpose of inspecting records or preparing lists. In such a case an unstamped application will be accepted.]

**1[39. Time limit for translation.-**(1) Translation of the papers shall be submitted for examination within the following limit of time from the date of delivery of the estimate under rule 26-

- (a) in case of not more than 5,000 words, four weeks, and for every thousand additional words or part thereof, two weeks after the said four weeks;

<sup>1</sup> Rule 39 was substituted for the original rule 39 by Notification No. 181-G dt. 22-10-2012.

(b) paper-books in appeal from decree must be made ready and filed with the concerned Assistant Registrar within the following limit of time from the date when the examination of translation is completed, whichever is later-

- (i) where the paper-books are estimated by the concerned Assistant Registrar to consist of not more than 100 pages-three months;
- (ii) for every additional 100 pages or part thereof, three weeks after the above-three months.

(2) In no case the time prescribed by this rule shall be extended by the Registrar.

(3) On the paper-books being filed, they shall be examined and it will be the duty of the concerned Assistant Registrar to see that they have been prepared in accordance with these Rules.

(4) When the concerned Assistant Registrar is satisfied that the paper-book has been properly prepared, he shall accordingly record a certificate in each copy of the paper-book and sign it with date and name and designation.

(5) For the purpose of examination of translation of a document, the Registrar may take the assistance of one or more person(s) having knowledge of the language used in document and the concerned party shall deposit the cost of such examination, as directed by the Registrar before examination.

(6) The examination of translation shall be completed within half the time prescribed in this rule.]

**40.** [Omitted by Notification No. 181-G dt. 22-10-2012.]

**41. Action on negligent/imperfect translation.-** It shall be the duty of the Examiner of Translation to report through the concerned Assistant Registrar to the Registrar any case in which the translation has been carelessly, negligently, or

<sup>1</sup> Rule 41 was substituted for the original rule 41 by Notification No. 181-G dt. 22-10-2012.

imperfectly done, and it shall be the duty of the concerned Assistant Registrar to report to the Registrar any case in which the preparation of any other portion of the paper-books have been carelessly, negligently or imperfectly done. The Registrar may report any such matter to the concerned Division Bench which may take action under rule 36 above.]

<sup>1</sup>**[42. Issue of Paper-book to Advocates.-** When a case is ready for hearing, the concerned Assistant Registrar shall furnish the Advocate(s) engaged on either side with copies to which they are entitled under Rule 47. The supply of the copies of paper-books to the Advocate(s) shall constitute a notice to them that the case is ready for hearing.]

**43. Supplementary Paper-book after Subordinate Court finding.-**The supplementary paper-books after the receipt of finding of a <sup>2</sup>[Subordinate Court] in a case referred under Order XLI, rules 25 and 27, Civil Procedure Code, shall be governed by the Rules of this Chapter.

<sup>3</sup>[\*\*\*]

<sup>4</sup>**[44. Preparation of Paper-book in Advocate's Chamber etc.-**(1)(a) Paper-books in the appeals and miscellaneous appeals irrespective of value shall be prepared entirely out of Court in the office of the Advocate for the appellant according to the convenience of the appellant and the respondent, as the case may be. An intending respondent may also be permitted by the Court to prepare such paper-book.

(b) Photostat copies of a document may be used, if the document is printed or typed, and in such case the photostat copy must be distinct and legible. The Advocate shall be responsible for preparing the paper-books with due care and diligence.

<sup>1</sup> Rule 42 was substituted for the original rule 42 by Notification No. 181-G dt. 22-10-2012.

<sup>2</sup> The words "Subordinate Court" were substituted for the words "Lower Court" by Notification *ibid*.

<sup>3</sup> The heading "B- Appeals from Original Decrees Valued under Rs. 15000" was omitted by Notification *idid*

<sup>4</sup> Rule 44 was substituted for the original rule 44 by Notification *ibid*.

(c) Indistinct, illegible and incorrect work in the preparation of the paper-books shall bring the Advocate concerned within the mischief of the rule 36 above and such paper-books may not be accepted by the Registrar.

(d) On preparation of the transcripts by the Advocate of the party, the same shall be submitted to the office for examination thereof along with the documents. After finishing the work of examination, the same shall be returned quickly to the Advocate concerned by the office for completion of the paper-books.

(2) Such paper-books shall be prepared within the period specified in rule 39 above. Ordinarily 12 copies of paper-books shall be prepared. The Advocate concerned shall submit to the office the examined transcripts of the paper-books in a closed cover while submitting the paper-books.]

**1[45. Items of estimate.-** The estimate for the preparation of the paper-books in appeals shall state separately the cost of translating, editing, printing, etc., at the following rates-

- (a) estimating per 10,000 words or part thereof, Taka 100/-;
- (b) estimating charge for maps-12 1/2 percent of the cost of tracing the same;
- (c) estimating charge for photographs, 12 1/2 percent of the cost of producing the negative;
- (d) translating per 150 words or part thereof, Tk.20/-, three figures being counted as one word;
- (e) examining translations, per 300 words or part thereof, Tk.20/-, three figures being counted as one word;
- (f) copying, at the rates specified in Chapter-XIII;
- (g) editing the paper-book, Tk.3/- per page;

<sup>1</sup> Rule 45 was substituted for the original rule 45 by Notification No. 181-G dt .22-10-2012.

- (h) photocopy or scanning copy of maps or tracing maps (where necessary), Tk.2/- per foolscap sheet;
- (i) printing fee for 12 copies, Tk.5/- per page.]

**<sup>1</sup>[46. Directions for printing and editing.-** (1) The paper-books for the use of the High Court Division in Appeals shall be printed and edited in accordance with the following sub-rules.

(2) The printed paper-book shall consist of two parts in the same Volume, where practicable, viz., Part I and Part II.

(3) Part I shall contain the record of the proceedings in the subordinate court, and shall include all the papers mentioned in rule 11(1) and 11(2) of this Chapter. These should be printed strictly in chronological order, that is, in the same order as in the Index.

(4) Part II shall contain the exhibits and documents relevant to the subject matter of the appeal which should be arranged in the manner prescribed in rule 15 of this Chapter, each document to show its exhibit mark and whether it is a plaintiff's or defendant's document (unless this is clear from the exhibit mark).

(5) Both Part I and Part II should be paged at the top of each page. The heading to each document should consist of the number of exhibit mark and the description of the document in the Index with the date, and the corresponding English date must be given if the document bears any other date. All papers and documents in each Part (I or II) of the paper-book shall be printed without leaving any blank space in between, i.e., in a 'run on' style, and Part II shall start as a fresh page.

(6) The Index of Part I shall be in chronological order and shall be placed at the beginning of the volume. Part II shall have an Index arranged in the chronological order showing exhibit marks as well. This Index should be placed immediately after the Index to Part I. The documents in Part I should be numbered consecutively, while those in Part II should be numbered according to the exhibit marks. The Index should contain a correct

<sup>1</sup> Rule 46 was substituted for the original rule 46 by Notification No. 181-G dt. 22-10-2012.

and full description of each document and reference to the pages in the printed paper-book. Whenever any document included in Part I or II of the paper-book is dated according to any calendar other than English, the corresponding English date of such document must be entered in the Index.

(7) All papers which are not in English or Bangla shall be translated into either English or Bangla. Such translation and the original papers shall be arranged and printed in Parts I and II in the order prescribed by sub-rule (2) above.

(8) Maps forming part of a paper-book shall be included in the Index, but shall not be bound up with the other papers in the paper-book. Such maps shall be drawn or printed on durable paper and they shall form a separate packet with a separate list. Translations of phrases or figures used in language other than Bangla or English that form part of a map must be submitted on a correct tracing of the map in question.]

**<sup>1</sup>[47. 12 copies of Paper-books and distribution.-(1)** Twelve copies of the paper-book shall ordinarily be printed by the appellant's Advocate, and filed in the office of the Court. On the application of either party the Registrar may direct a larger number to be printed. In any case, 7 copies shall be retained for use in the High Court Division.

(2) Supply of copies of paper-books to the parties under rule 42 will be regulated as follows:-

- (a) to the appellant(s) - One copy for the use of the Advocate of the appellant;
- (b) to the respondent(s)-One copy only for the use of the Advocate for each set of respondent(s), entering appearance.

<sup>1</sup> Rule 47 was substituted for the original rule 47 by Notification No. 181-G dt. 22-10-2012.

(3) In case of the requirement of additional copies of paper-books to be supplied to more than one sets of respondents entering appearance, the appellant shall supply the additional copies through the concerned Assistant Registrar and such additional copies may be prepared by using photocopy of the original paper-book or by preparing a fresh copy of the said original copy.]

1[\*\*\*]

**48 to 52.** [Omitted by Notification No. 181-G dt. 22-10-2012.]

## **2[C- Analogous Appeals from Decrees and Orders]**

**3[53. Paper-book for analogous appeals.-** In case of analogous appeals from decrees or orders, the above provisions of this chapter shall apply. But in an appropriate case the Court may direct preparation of paper-books in excess of 12 copies.]

4[\*\*\*]

**54 to 61.** [Omitted by Notification No. 181-G dt. 22-10-2012.]

## **5[D-] Appeals from Original Orders**

**6[62. Paper-book for appeal from order.-** (1) The rules for the preparation of paper-books in appeals from decrees shall apply to every appeal from an original order with the modifications stated in the following sub-rules.

(2) Part I of the paper-book shall contain the following papers—

(a) the relevant portions of the Order-sheet:

<sup>1</sup> The heading "C- Appeals from Original Decrees valued at Rs. 15000 or above" was omitted by Notification No. 181-G dt. 22-10-2012.

<sup>2</sup> The heading "C-Analogous Appeals from Decrees and Orders" was substituted for the heading "D-Analogous Appeals from Original Decrees and Orders, some valued under, and some at or over Rs.15000" by Notification *ibid*.

<sup>3</sup> Rule 53 was substituted for the original rule 53 by Notification *ibid*.

<sup>4</sup> The heading "Part III-Appeals from Appellate Decrees or Orders" was omitted by Notification *ibid*.

<sup>5</sup> The expression "D-" was substituted for the expression " Part IV-" by Notification *ibid*.

<sup>6</sup> Rule 62 was substituted for the Original rule 62 by Notification *ibid*.



- (b) the application or proceeding on which the order appealed from was passed;
- (c) the written objection, if any, to such application;
- (d) the order appealed from;
- (e) the memorandum of appeal; and
- (f) in case of any appeal under section 48 of the Arbitration Act, 2001 (সালিশি আইন-২০০১) copies of the following documents:-
  - (i) the order referred to in the said section 48;
  - (ii) the award referred to in the said section 48;
  - (iii) the application on which the order appealed from is passed and the written objection, if any, to such application;
  - (iv) the Arbitration Agreement;
  - (v) the documents, if any, relied upon by the concerned party.

(3) In Part-I of the paper-book shall also be included the following papers, when their inclusion is necessary for the purpose of the appeal; however, the Registrar may, upon application being made to him, direct that any specified paper or part of a paper shall not be included :

- (a) the evidence, oral or documentary, taken or put in with reference to the application or proceeding, and which is necessary for the decision of the appeal;
- (b) any other papers to which reference may be necessary for the decision of the appeal.

(4) The Appellant's List shall be delivered to the concerned Assistant Registrar within two weeks after the service of notice of the arrival of the record. In no case, time shall be extended save by an order of the Court.

(5) The Respondent's List shall be delivered to the concerned Assistant Registrar within two weeks of the service upon him of notice of the filing of the Appellant's List. In no case, time shall be extended save by the order of the Court.]

**63. Paper-book for appeal from remand order.**-In appeals from Remand Order under Order XLI, Rule 23, Civil Procedure Code, the paper-book shall be prepared in accordance with the rules relating to the preparation of paper-books in appeals from decrees.

### <sup>1</sup>[E-] Full Bench Reference

**64. No charge for Paper-book for Full Bench reference.**- No charge shall be levied from the parties for the preparation of the paper-books in Full Bench Reference cases.

**65. 15 Paper-books for Full Bench reference.**-In every case <sup>2</sup>[15] copies of the referring judgment shall be printed <sup>3</sup>[by the office]. The additional number of copies, if any, of the paper-book in the Appeal which will be required for the hearing of the reference will be determined by the Registrar upon a report from the office as to the number already available.

**66. Cost for copy of referring judgment.**-Parties will not be entitled to any free copies of the referring judgment. Copies, may, however, be <sup>4</sup>[collected on payment] by the parties or their Advocates (including copies for the Advocates for the Deputy

<sup>1</sup> The expression "E-" was substituted for the expression "PART V-" by Notification No. 181-G dt. 22-10-2012.

<sup>2</sup> The figure "15" was substituted for the figure "21" by Notification *ibid*.

<sup>3</sup> The words "by the Office" were inserted by Notification *ibid*.

<sup>4</sup> The words "collected on payment" were substituted for the words "purchased" by Notification *ibid*.

Registrar in the case of minor Respondent) at the rate of <sup>1</sup>[Tk.3/-] per page subject to a maximum charge of <sup>2</sup>[Tk.1000/-] for each case. If additional copies of printed paper-books in the appeal are required by the parties for the Full Bench Reference they shall be <sup>3</sup>collected from the office, and for that the party requiring the paper-book shall pay the cost at the rate of Tk.3/- per page].

#### **<sup>4</sup>[F- Appeals under the Succession Act, 1925]**

##### **<sup>5</sup>[67. Paper-book for appeal in Succession cases.-(1)**

The preparation of paper-books in appeals under the Succession Act, 1925 (XXXIX of 1925) shall be governed by the following sub-rules.

(2) On receipt of the record from the subordinate court the concerned Assistant Registrar shall serve a notice on the Advocate for the appellant informing him of the arrival of the record and shall call upon him to prepare and file, within seven days of the service of such notice, a list of the papers which he intends to include in the paper-book.

(3) If the respondent enters appearance within the time allowed for such appearance, the concerned Assistant Registrar shall serve a notice calling upon him to inspect the list filed by the appellant and to state, within seven days of such service, whether he intends any other papers to be included in the paper-book of the case.

<sup>1</sup> The expression "Tk.3/-" was substituted for the words "six annas" by Notification No. 181-G dt. 22-10-2012.

<sup>2</sup> The expression "Tk.1000/-" was substituted for the expression "Tk.50" by Notification *ibid*.

<sup>3</sup> The expression "collected from the office, and for that the party requiring the paper-book shall pay the cost at the rate of Tk.3 per page" was substituted for the expression "purchased at the above rate, the maximum of tk.50 being applicable to each volume of such paper-book" by Notification *ibid*.

<sup>4</sup> The heading "F-Appeals under the Succession Act, 1925" was substituted for the heading "PART VI-Appeals under the Workmen's Compensation Act (VIII of 1923) and under the Succession Act (XXXIX of 1925)" by Notification *ibid*

<sup>5</sup> Rule 67 was substituted for the original rule 67 by Notification *ibid*.

(4) The Registrar may for good and sufficient reason extend the time allowed under the foregoing sub-rules by such periods, not exceeding fourteen days, as he considers proper.

(5) If the respondent considers that any paper or portion of a paper which ought to have been inserted in the List under the provisions of sub-rule (2) above has been omitted therefrom, he may, within the period specified in sub-rule (3) above and after giving notice to the appellant of his intended application, apply to the Registrar for an order that such paper or portion of a paper be inserted in the paper-book of the case.

(6) Where an application filed by a respondent is disallowed by the Registrar, such respondent shall be at liberty at that time to pray for the inclusion of the papers mentioned in his application in the paper-book to be prepared by him at his own cost; and in case of such paper-book, the rules applicable to a paper-book prepared by the appellant shall be followed, subject to the provisions of this rule.

(7) If the respondent has entered appearance out of time, he shall not be permitted to pray for the inclusion in, or exclusion from, the Appellant's List of any paper whatsoever, if such application be not made before the actual preparation of the paper-book has commenced.

(8) If one party objects to the inclusion of a document on the ground that it is unnecessary or irrelevant, and the other party nevertheless insists upon its inclusion and the Registrar allows the document to be included, the Order Book, Paper-book and the List shall clearly indicate that fact and the party by whom the inclusion of the document was objected to.

(9) The Registrar, the parties and their legal agents shall endeavour to exclude from the paper-book all documents that are not relevant to the subject matter of the appeal, and generally, to reduce the bulk of the paper-book, as far as practicable, taking special care to avoid the duplication of documents and the unnecessary repetition of headings and formal documents or formal part of documents.

(10) Ordinarily a long series of documents, such as accounts, rent rolls, inventories, etc. should not be printed in full; but the parties or their legal- agents should agree to short extracts being printed as specimen.

(11) Documents produced before the court of first instance, but not admitted in evidence, shall not be included in the paper-book except under the order of the Registrar obtained upon an application (unstamped) with notice to the other side. An Advocate intending to refer to any such document at the hearing of the Appeal shall, at any time before the hearing, serve on the Advocate for the other side a printed /type-written copy/photo copy of any such document to which he intends that reference should be made. If he fails to do so he shall not refer to such document at the hearing and no adjournment of the appeal will be granted on this account unless the Court otherwise directs.

(12) As soon as the list of papers to be included in the paper-book has been settled in accordance with the foregoing rules, the concerned Assistant Registrar shall issue a notice on the Advocate for the appellant calling upon him to prepare printed/ type-written paper-books in accordance with such list, serve a copy thereof on each of the appearing respondents and file two copies for the use of the Court before the expiry of thirty days from the date of such notice, accompanied by a certificate that copies have been served on all the appearing respondents.

(13) If the respondent has, under sub-rule (6), been allowed to prepare a separate paper-book at his own cost, he shall be called upon to serve the appellant a copy of such paper-book and to file two copies for the use of the Court within the time allowed to the appellant as aforesaid.

(14) Every paper-book, whether prepared by the appellant or the respondent, shall contain at the end of it a cost sheet prepared in accordance with rule 45 of this Chapter provided that no charge shall be made for "estimating and examining".]