

CHAPTER-V

General Rules of Procedure

¹[A- General]

1. Provisions of Chapter-IV applicable.- The provisions of Chapter IV shall apply, as far as may be, to every memorandum of appeal, to every memorandum of objection under Order XLI, rule 22 or 26, Civil Procedure Code, ²[or other laws, and to every application for revision or other proceeding under that Code or other laws].

2. Holidays excluded from prescribed period. - Where a particular period has been prescribed by these Rules for the doing of anything and the action to be taken is such that the party or his Advocate is to work in the offices of the Court, the prescribed period shall be reckoned ³[by excluding] the day or days on which the offices of the Court are closed.

⁴[B- Appeal memo, Revisional application etc]

3. Contents of appeal memo, revisional application etc.-Every memorandum of appeal and of cross-objection shall be drawn up in the manner prescribed by Order XLI, rule 1. ⁵[or as the case may be Order XLIII, rule 2.] Civil Procedure Code. Every such memorandum of appeal and of cross-objection and every application for revision shall, immediately below the title, shall contain the expression "First Appeal", "Appeal from Order

¹ The heading "A- General" was inserted by Notification No. 181-G dt. 22-10-2012.

² The expression "or other laws, and to every application for revision or other proceeding under that Code or other laws" was substituted for the words "and to every application for revision" by Notification *ibid*.

³ The words "by excluding" were substituted for the word "exclusively" by Notification *ibid*.

⁴ The heading "B-Appeal memo, Revisional application etc." was inserted by Notification *ibid*.

⁵ The expression "or as the case may be Order XLIII, rule 2," was inserted by Notification *ibid*.

(Original), "cross objection," "Revision," as the case may be, and shall state-

- 1[(a) the name and full postal address, of each appellant or applicant or cross objector, and also of the parent(s), and if necessary of the spouse;]
- (b) the name and address of the person against whom the cross-objection is directed;
- (c) the number as plaintiff or defendant in the suit as the case may be, of such appellant or applicant;
- (d) the name and address of each person whom it is proposed to make a respondent or opposite party and in all cases in which such person is a resident of a foreign state, his full postal address;

Note.-A separate line should be allotted to the name of each party to an appeal.

- 2[e] the court in which, and in the case of First Appeals the name of the Judge by whom the decree or order referred to was made, and in the case of revision the name of the presiding Judge of the Appellate Court, Revision Court and/or that of the court of the first instance;]
- (f) the date when, and the number with year of the suit or proceeding in which, such decree or order was made;
- (g) 3[consecutively numbered ground(s)] of objection to the decree or judgment appealed from without any argument or narrative;
- 4[(gg) in case of revision, the facts including the claims of the parties that led to the passing of the judgment or order complained of and the consecutively numbered grounds;]
- (h) the value of the appeal and in revision cases the value of the concerned suit or proceeding;

¹ Clause (a) was substituted for the original clause (a) by Notification No. 181-G dt. 22-10-2012.

² Clause (e) was substituted for the original clause (e) by Notification *ibid*.

³ The expression "consecutively numbered ground(s)" was substituted for the words "the ground or grounds numbered *seriatim*" by Notification *ibid*.

⁴ Clause (gg) was inserted by Notification *ibid*.

1[Provided that-

(i) in every case in which an appeal or cross-objection or revision is preferred to this Court, and the valuation for the purposes of court-fees, or the court-fee paid, varies from that of the trial court or the appellate court, the Advocate shall, at the time of filing the appeal, cross objection or application for revision, add below the valuation in the memorandum of appeal or cross objection or application for revision, as the case may be, a short explanatory note setting forth the reasons for the variation, and if necessary, refer to the certified copies of the judgment and decrees or order and also the relevant pages thereof;

(ii) any omission to make this note shall be forthwith reported by the Stamp Reporter to the Registrar, who may direct that the note be made within a specified period according to the circumstances of each case or direct that the matter be laid before the appropriate Bench;

2[(i) whether any other appeal or revision has already been preferred against the decree or order complained of in the present appeal or revision.]

(j) [Omitted by Notification No. 181-G dt. 22-10-2012]

4. One copy of judgment allowed in analogous appeals.- Where more than one appeal is preferred from a judgment governing more than one case, the Registrar may dispense with the filing of more than one copy of the judgment and direct analogous hearing of the appeals on the application of the appellant.

3[5. Footnote in appeal memo about earlier remand order.- In the case of an appeal from an order of a subordinate court passed in a case sent on remand by the High Court Division, there shall be added at the foot of every memorandum of appeal a note to the following effect:-

¹ The proviso was substituted for the original proviso by Notification No. 181-G dt. 22-10-2012.

² Clause (i) was substituted for the original clause (i) by Notification *ibid*.

³ Rule 5 was substituted for the original rule 5 by Notification *ibid*.

Note. This appeal is from order dated -----passed by-----in the case/suit/appeal No. -----sent on remand by the High Court Division, in Appeal/Revision No.----- of----- in which this appellant was appellant/respondent/petitioner/opposite party.]

6. Stamp reporter to report omission of footnote.- In the event of any omission on the part of the Advocate to append to the memorandum of appeal a note in the terms required by rule 5,¹[such omission shall be reported by the Stamp Reporter to the Registrar who shall cause the matter to be laid before] the appropriate Bench.

2[7. Certificate about grounds of appeal.- (1) A memorandum of appeal shall be accompanied by certified copies of the judgment and decree, or order complained of and, if filed by an Advocate shall bear a certificate under his hand at the foot of the memorandum in the following form:-

CERTIFICATE

I do hereby certify that I have gone through the impugned judgement and decree/order and in my opinion the ground(s) taken in the memorandum of appeal are good ground (s) of appeal which I undertake to support at hearing of the appeal.

Date

Name and signature of the Advocate

(2) In case of an appeal against a decree or order passed after remand by this Court, copies of judgment and decree/ order of the subordinate courts passed before the case was remanded need not be furnished.]

8. Address for service of notices.- Every party who files an appeal in person shall insert in his memorandum of appeal, or otherwise give in writing to the ³[concerned] Deputy Registrar, an address at which notices and other processes in the appeal may

¹ The words "such omission shall be reported by the Stamp Reporter to the Registrar who shall cause the matter to be laid before" were substituted for the words "it shall be the duty of the Registrar to bring such omission to the notice of" by Notification No. 181-G dt. 22-10-2012.

² Rule 7 was substituted for the original rule 7 by Notification *ibid*.

³ The word "concerned" was inserted by Notification *ibid*.

be served upon him; and any notice or other process sent to such address by registered ¹[post] shall be presumed to have been duly served upon such party.

9. Court's order for presenting appeal memo in person.- No memorandum of appeal from ²[a decree or order] presented in person by any party to the appeal shall be registered without an order of the Court before whom the party presenting the appeal shall appear in person.

10. Documents to be attached with revisional application. - In the case of an application for revision, the application shall ³[be accompanied by, in addition to the documents mentioned in rule 12A, the] certified copies of each of the following documents:-

⁴[(a)] the judgment, decree or order to which the application relates;

⁵[(b)] if the judgment, decree or order to which the application relates is a judgment, decree or order delivered by a court sitting in appeal, the copies of the judgment, decree or order of the court of first instance;

⁶[(c)] in a case where the application arises out of a suit or proceeding the value of which exceeds Tk.5,00,000/-, a legible true copy of the application and attested and legible photocopy/ printed copy of the judgment, decree or order of the concerned subordinate court(s)].

11. Appeal memo without sufficient document.- (1) When a memorandum of appeal is not in proper form and/or is not accompanied by the necessary copies of papers, the Registrar

¹ The word "post" was substituted for the word "letter" by Notification No. 181-G dt. 22-10-2012.

² The words "a decree or order" were substitute for the words "an Appellate Decree or from an Original or Appellate Order" by Notification *ibid*.

³ The expression "be accompanied by, in addition to the documents mentioned in rule 12A, the" was substituted for the words "be accompanied by" by Notification *ibid*.

⁴ Clause (a) was re-numbered for the clause (i) by Notification *ibid*.

⁵ Clause (b) was re-numbered for the clause (ii) by Notification *ibid*.

⁶ Clause (c) was substituted for the original clause (iii) by Notification *ibid*.

may allow time only once within which such memorandum must be amended or regularised and/or the necessary papers filed, or may lay the same before the Court taking Lawzima matters for orders.

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

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

12. Presentation of appeal memo etc.- Every memorandum of appeal ¹[***] or memorandum of ²[cross-objection] under Order XLI rule 22 or 26, Civil Procedure Code, shall be presented ³[***] to the ⁴[concerned Deputy Registrar] or such other officer as the Registrar may appoint for the purpose by the appellant in person, or by his authorized representative, or by an Advocate, appointed under the provisions of Order III, rule 4, Civil Procedure Code or by some person appointed in writing by such Advocate to present the same. The date of presentation to the Deputy Registrar or such other officer as the Registrar may appoint as provided for in this paragraph shall be deemed to be the date of presentation for the purpose of limitation.

⁵[12A. Necessary documents to be filed.- (1) In case of an appeal from an original decree, every memorandum of appeal and also a cross-objection shall be accompanied by as many true copies of the memorandum or, as the case may be, cross-objection, as there are respondents, for service of notice upon such respondents.

¹ The expression "(other than memorandum of appeal from an Appellate Decree filed by a party to the appeal in person)" was omitted by Notification No. 181-G dt. 22-10-2012.

² The words "cross-objection" were substituted for the word "objection" by Notification *ibid*.

³ The words "High Court" were omitted by Notification *ibid*.

⁴ The words "concerned Deputy Registrar" were substituted for the words "Deputy Registrar" by Notification *ibid*.

⁵ Rule 12A was inserted by Notification *ibid*.

(2) In case of an appeal from an order or an application for revision or for review, the appellant or the applicant shall, after the appeal, revision or review is admitted for hearing, furnish as many true copies of memorandum of appeal or the application for revision or review, as there are respondents or opposite parties, as the case may be.

(3) In addition to the true copies mentioned in sub-rule (1) or (2) above, the appellant or the applicant shall also file, for each respondent or opposite party, a copy of the notice along with a pre-paid registered acknowledgement due cover/envelope sufficient in size to contain the notice, the Rule issuing order (where issued) and the said true copy with the complete and correct address of the respondent or the opposite party, as provided in rule 19B of Order V, Civil Procedure Code.

(4) Unless the requirements of sub-rule (1) or (2) and also of sub-rule (3) are fulfilled, no copy of the judicial order containing the admission of the appeal, revision or review, and no consequential order e.g. order of stay or status quo or other order shall be issued, supplied or communicated to any court or person.]

1[12B. Filing fresh appeal memo when original returned.- A party presenting before the concerned Bench a memorandum of appeal returned by some other Bench will be required to file therewith a fresh memorandum in the appropriate form in use in this Court and in so doing it shall be open to him subject to the law of limitation to add to, alter or amend the recitals and purport of the original memorandum, as he may be legally advised:

Provided that the said party shall be liable for the deficit Court-fee, if any, found due on the fresh memorandum filed along with the original memorandum after giving credit for the amount of court fee already paid on the later.]

¹[**12C. Fresh appeal memo.**-After a fresh memorandum has been presented in this Court under rule 12B, the fresh memorandum of appeal filed therewith shall, for the purpose of the appeal as well as for all other purposes, be regarded as the memorandum of appeal.]

²[**13. Mandatory office report on limitation, stamp etc.**-(1) Except as provided in rule 14 of this Chapter, no memorandum of appeal, no memorandum of cross-objection under Order XLI, rule 22 or 26, Civil Procedure Code, no application for review or revision and no application for permission to prefer an appeal *in forma pauperis* shall be presented for admission unless the same bears—

(a) an office report on the prescribed period; and

(b) an office report that the requisite stamp has or has not been affixed, or that sufficiency of the requisite stamp will be assessed on receipt of the record or after enquiry, if it cannot be ascertained without such record or enquiry.

(2) Such office report shall ordinarily be endorsed on the memorandum or application and returned by the Stamp Reporter before 4 p.m. on the day on which the memorandum of appeal or cross-objection or application was made over to the Stamp Reporter for examination.

(3) If the report of the Stamp Reporter on the memorandum of appeal or cross-objection or application is that the prescribed period of limitation has expired such memorandum or application shall be returned to the party or his Advocate filing it, who may present the same to the Court.

(4) In cases in which it is not possible for the Stamp Reporter to return the memorandum of appeal or cross-objection or application on the day on which it was made over to him for

¹ Rule 12C was inserted by Notification No. 181-G dt. 22-10-2012.

² Rule 13 was substituted for the original rule 13 by Notification *ibid*.

examination, the time taken by the Stamp Reporter in preparing his report shall be excluded from the prescribed period of limitation.

(5) As soon as the Stamp Reporter has made a report on the memorandum or application it shall be his duty to inform the party or his Advocate, if present in Court, that he should take the memorandum or application back and the Stamp Reporter shall get the signature with date of the party or his Advocate or his clerk in token of having received the information from the Stamp Reporter.]

14. Presentation of appeal memo etc. after vacation.-

On the first day on which the ¹[High Court Division] re-opens after ²[any vacation] a memorandum of appeal or cross-objection under Order XLI, rule 22 or 26 may be presented to the ³[concerned] Deputy Registrar or such other officer as the Registrar may appoint for the purpose, and an application for ⁴[permission to prefer] appeal *in forma pauperis* may be presented to the ⁵[Division Bench or the Bench] taking appeals to be disposed of by a Single Judge, as the case may be, according to value of the appeal, without the office report, as required by the preceding rule:

Provided that all memorandum of appeals or ⁶[cross-objections] as aforesaid which are presented for admission on the re-opening date after ⁷[***] vacation shall be dealt in accordance with the provisions of rule 18 of this Chapter, after the Stamp Reporter has recorded his report.

¹ The words "High Court Division" were substituted for the words "High Court" by Notification No. 181-G dt. 22-10-2012.

² The words "any vacation" were substituted for the words "the annual long vacation" by Notification *ibid*.

³ The word "concerned" was inserted by Notification *ibid*.

⁴ The words "permission to prefer" were substituted for the words "leave to" by Notification *ibid*.

⁵ The words "Division Bench or the Bench" were substituted for the words "Division Court or the Court" by Notification *ibid*.

⁶ The word "cross-objections" was substituted for the word "objection" by Notification *ibid*.

⁷ The words "the High Court's annual" were omitted by Notification *ibid*.

¹**15. Presentation of appeal memo etc. in person to court.** - Applications for revision or memorandum of appeal from decree or order, or an application for review if filed by parties in person, shall be presented direct to the concerned court after the report prescribed in rule 13 above has been obtained.

15A. Presentation of revisional application etc. to court.- Applications for revision or review shall be presented whether through an Advocate or in person direct to the Court with the certificate prescribed by rule 3 of Chapter IV and shall exhibit the particulars required by rule 2 of that Chapter.]

16. Application for permission for pauper appeal.- Application for ²[permission to prefer an] appeal *in forma pauperis* shall be presented with the report of the Stamp Reporter in open Court to the Court concerned in accordance with the provisions of Order XLIV, of the Code of Civil Procedure.

³**17. Initial scrutiny of appeal memo by office.**- (1) The officer to whom a memorandum is presented under rule 12 of this Chapter shall endorse on every such memorandum the date of presentation and shall send the same to the Stamp Reporter.

(2) If the memorandum is not barred by limitation and is sufficiently stamped and complies with the provisions of these Rules, the Stamp Reporter shall record a report to that effect and shall place it before the concerned Assistant Registrar for scrutiny.

(3) After the concerned Assistant Registrar has scrutinised the memorandum and satisfied himself that the stamps have been properly punched and defaced under the rule and that there are no apparent defect, he shall-

- (a) in the case of an appeal from an original decree, admit it and cause it to be registered and issue notice to the contesting respondent(s), if the decree was passed after contest and if not so contested, to all respondents:

¹ Rules 15 & 15A were substituted for the original rule 15 by Notification No. 181-G dt. 22-10-2012.

² The words "permission to prefer an" were substituted for the words "leave to" by Notification *ibid*.

³ Rule 17 was substituted for the original rule 17 by Notification *ibid*.

- (b) in the case of an appeal from an order, cause it to be registered, and by writing the words First Miscellaneous Appeal, Tendered (FMAT) with the year, and if the appeal is not already mentioned by the party for hearing shall, within 30 days, post it in the list of an appropriate) Bench for admission hearing under Order XLI, rule 11, Civil Procedure Code; and without such registration no appeal shall be posted in the list for order;
- (c) in the case of a memorandum of cross-objection under Order XLI, rule 22 or 26, Civil Procedure Code, admit it and cause it to be registered.

(4) It shall be the duty of the concerned Assistant Registrar to examine at least five per cent of the memorandum submitted to him with a view to seeing whether the report as to sufficiency of the stamps is correct.]

1[17A. Irregularity in certified copy of Subordinate court.-The Stamp Reporter shall bring to the notice of the concerned Assistant Registrar any irregularity committed by the Subordinate Courts in the preparation and endorsement of certified copies of the judgments and decrees of their Courts, and the Assistant Registrar shall submit his report of such irregularity to the Registrar.]

18. Decision on Court-fee on appeal memo.- (1) If there is a reasonable doubt as to the amount of court-fee leviable on any memorandum of appeal which an Advocate or a party desires to present, he shall apply to the Registrar ²[acting as Taxing Officer] for his decision as to the court-fees payable, and

¹ Rule 17A was inserted by Notification No. 181-G dt. 22-10-2012.

² The words "acting as Taxing Officer" were substituted for the expression ". as Taxing Officer." by Notification *ibid*.

the Registrar shall pass an order accordingly and fix a period only once within which the requisite court-fee must be paid. If the requisite court-fee is not paid within the period fixed the case shall be laid before the Court for orders.

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

(3) The Advocate or the party to whom a memorandum is returned under ¹[sub-rule (2)] may apply to the Registrar for ²[once] to put in the requisite court-fee. On such application being made the ³[Registrar, if satisfied] that the insufficiency of the court-fee was due to a mistake on the part of the applicant as to the court-fee payable, may fix a period within which the additional court-fee must be paid. In other cases or when the requisite court-fee is not paid within the period fixed, the Registrar shall lay the matter before the Court for orders.

⁴[(4) If a memorandum is returned under sub-rule (2) but no time under sub-rule (3) is fixed and it is refiled with sufficient stamp, but after the period of limitation has expired, it shall be presented before the Court for order.]

(5) An application made under ⁵[sub-rule(3)] or a memorandum of appeal refiled under ⁶[sub-rule (4)] must be

¹ The expression "sub-rule (2)" was substituted for the expression "clause (2)" by Notification No. 181-G dt. 22-10-2012.

² The word "once" was substituted for the word "one" by Notification *ibid*.

³ The expression "Registrar, if satisfied" was substituted for the words "Registrar if he is satisfied" by Notification *ibid*.

⁴ Sub-rule (4) was substituted for the original sub-rule (4) by Notification *ibid*.

⁵ The expression "sub-rule (3)" was substituted for the expression "clause (3)" by Notification *ibid*.

⁶ The expression "sub-rule (4)" was substituted for "clause (4)" by Notification *ibid*.

accompanied by an affidavit explaining the insufficiency, unless the insufficiency is due to a mistake which is apparent on the face of the papers filed.

19. Extension of time to deposit deficit Court-fee.-

In a case in which a memorandum of appeal or cross-objection or an application for review ¹[or revision] requires a court-fee stamp valued at more than ²[Tk.200/-] (which is not available in the Court premises) is presented for admission on the last date of the period of limitation, it will be in the discretion of the Registrar to admit such memorandum or cross-objection or application for review ³[or revision] with a deficit court-fee and grant the party time not exceeding four days to put in the deficit ⁴[court-fees. But] if such deficit court-fees are not paid within the time granted, the party shall have to present such memorandum or cross-objection or application ⁵[***] to the Court concerned with an application duly stamped with affidavit explaining the delay.

⁶[20. Cancellation of filed stamp.- (1) The Stamp Reporter or the Commissioner of Affidavits, as the case may be, must see that section 30 of the Court-fees Act is strictly complied with and that no document requiring any court-fee stamp is filed or acted upon in any proceeding either before the Court or in its office, until the stamp has been effectively cancelled.

(2) Where an application or other document is not required to be presented to the Commissioner of Affidavits or the Stamp Reporter, but to the Court, the Bench Officer must see that section 30 of the Court-fees Act is strictly complied with and that every document requiring court-fee is duly stamped.]

¹ The words "or revision" were inserted by Notification No. 181-G dt. 22-10-2012.

² The expression "Tk.200/-" was substituted for the expression "Rs.50" by Notification *ibid*.

³ The words "or revision" were inserted by Notification *ibid*.

⁴ The expression "court-fees. But" was substituted for the expression "court-fees, but" by Notification *ibid*.

⁵ The words "for review" were omitted by Notification *ibid*.

⁶ Rule 20 was substituted for the original rule 20 by Notification *ibid*.

21. Attestation of amendment in returned memo.-

In any case in which a memorandum has been returned for amendment under the orders of the Registrar, it shall be the duty of the ¹[concerned Deputy Registrar] to attest the amendment by his signature.

22. Stamp report awaiting subordinate court record. -

If a memorandum bears a note that a report as to the sufficiency of the stamp will be made on the receipt of the ²[subordinate court record, the concerned Deputy Registrar] or such other officer as the Registrar may appoint shall note thereon the date of presentation and shall retain it pending the receipt of the ³[record].

23. Stamp report on receiving subordinate court record. - Every memorandum retained under the provisions of rule 22 shall, immediately after the receipt of the record, be examined by the Stamp Reporter, who shall endorse on it his report as to the sufficiency of the stamp and shall thereupon proceed in the manner provided in rules 17 and 18 above.

24. Stamp reporter to inform party/advocate about mistake.- Whenever the Stamp Reporter finds that a ⁴[memorandum, application or other document] which ought to bear a stamp under the Court-Fees Act, 1870, ⁵[***] has been through mistake or inadvertence received or filed or used in the Court without being properly stamped, he shall report the fact to the party or his Advocate who presented such document. Such party or Advocate shall at once ⁶[sign the report with the word "seen"] and shall, within one week thereafter or within such further time as the ⁷[Registrar (acting as Taxing Officer)] may

¹ The words "concerned Deputy Registrar" were substituted for the words "Deputy Registrar" by Notification No. 181-G dt. 22-10-2012.

² The expression "subordinate court record, the concerned Deputy Registrar" was substituted for the expression "record, the Deputy Registrar" by Notification *ibid*.

³ The word "record" was substituted for the word "report" by Notification *ibid*.

⁴ The expression "memorandum, application or other document" was substituted for the word "document" by Notification *ibid*.

⁵ The expression "as amended from time to time." was omitted by Notification *ibid*.

⁶ The expression sign the report with the word "seen" was substituted for the words "initial the report" by Notification *ibid*.

⁷ The expression "Registrar (acting as Taxing Officer)" was substituted for the words "Taxing Officer" by Notification *ibid*.

allow, note on it whether he accepts or disputes the accuracy thereof. If such note is not made within such time it shall not be open to such party or Advocate to dispute the accuracy of the report.

Note.¹[The Registrar of the Supreme Court] shall be the Taxing Officer within the meaning of section 5 of the Court-Fees Act, 1870.

25. Admission registration of memo and rejection. -

If a memorandum which has been dealt with under rule 18 above is duly stamped or amended under rule 21 above within the time fixed by the Registrar or the Court, as the case may be, the Registrar or the Court shall admit it and cause it to be registered. If such memorandum is not duly stamped or amended or regularised within the time allowed, the Court may reject such memorandum or pass such other order relating thereto which it may consider proper.

2[C- Substitution of heirs]

26. Substitution of heirs.- An application supported by an affidavit shall be filed for an order for amendment of the memorandum of ³[***] appeal consequent on the death of a party including a party whose heirs are already on the record:

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

¹ The words "The Registrar of the Supreme Court" were substituted for the words "The Hon'ble Chief Justice has been pleased to declare that the Registrar of the High Court" by Notification No. 181-G dt. 22-10-2012.

² The heading "C- Substitution of heirs" was inserted by Notification *ibid.*

³ The word "an" was omitted by Notification *ibid.*

27. Appeal by heirs of deceased.- If after the signing of the decree or order of the lower Court any of the parties dies and his heirs present an appeal in this Court, then ordinarily such heirs should file along with the memorandum of appeal a petition for getting themselves substituted in place of the said party or parties and such petition shall be duly stamped and accompanied with an affidavit.

¹[D- **Minor and guardian *ad-litem***]

28. Affidavit about a minor attaining majority.- If ²[a party] who was described as a minor in the decree to be appealed from, has attained majority before the appeal is preferred, and the appellant impleads him as a major in the memorandum of appeal, the same shall be accompanied by an affidavit stating the said fact.

³[**29. Deputy Registrar as guardian *ad-litem* and cost.**-(1)Where the concerned Deputy Registrar is appointed guardian *ad-litem* of minor respondents or opposite parties under Order XXXII, rule 4(4), Civil Procedure Code, the appellant or petitioner at whose instance such appointment is made shall, within 21 days, deposit with the Accounts Section of the Court the sum of Tk.2000/- or 1500/- as the case may be, as cost to enable the Deputy Registrar to appoint an Advocate on behalf the said minor and shall within the same time file in Court an indemnity bond in favour of the Deputy Registrar.

(2) In a Rule arising out of an appeal in which the Deputy Registrar is appointed guardian *ad-litem* of minor respondents, no fresh indemnity bond is required, if the indemnity bond filed in the appeal contains a statement that it also extends to any Rule arising therefrom. But when the indemnity bond does not show

¹ The heading "D-Minority and guardian *ad-litem*" was inserted by Notification No. 181-G dt. 22-10-2012.

² The words "a party" were substituted for the expression "an appellant or a respondent," by Notification *ibid*.

³ Rule 29 was substituted for the original rule 29 by Notification *ibid*.

that it extends to the Rule or Rules arising from the appeals, a fresh indemnity bond shall be filed. Unless the Court or the Registrar otherwise directs separate costs of the Deputy Registrar's Advocate shall be paid in respect of the Rule.]

¹[**30. Affidavit by a previous minor on attaining majority.**- If a party, who was described as a minor in an appeal, cross-objection, revision or review, appears as a major, he shall, when making such appearance, file an affidavit stating the fact that he has attained majority specifying the date when he did so. On such affidavit being filed, the appellant shall, unless there is a dispute about such majority, take step for necessary amendment, within a time fixed by the Registrar.]

²[**31. Deputy Registrar as guardian *ad-litem* for non-appearance of natural guardian.**- (1) Where, in an appeal or other proceeding, the natural guardian of a minor respondent or opposite party, upon being duly served with notice does not appear within the time fixed by the notice, the concerned Deputy Registrar shall be appointed guardian *ad-litem*.

(2) The natural guardian shall not thereafter be allowed to appear unless he files an application supported by an affidavit making out a sufficient ground for the removal of the Deputy Registrar as required by rule 11 of Order XXXII of the Civil Procedure Code. Notice of such application shall be duly served by the applicant upon the Deputy Registrar and if an order is made removing the Deputy Registrar it shall be made subject to the payment by the natural guardian of any cost that the Deputy Registrar may have incurred as guardian *ad-litem* in respect of Advocates' fees, etc.]

¹ Rule 30 was substituted for the original rule 30 by Notification No. 181-G dt. 22-10-2012.

² Rule 31 was substituted for the original rule 31 by Notification *ibid*.

32. Presentation of memo etc. to Registrar when no Bench sitting.- On any ¹[***] day on which no Bench is or has been sitting, any memorandum of appeal or application which might be barred by limitation and which is entertainable only by a Bench may be presented to the Registrar, or in his absence from Court on that day, to the ²[concerned Additional Registrar] of the Court, who shall certify thereon that such application was on that day presented to him: provided ³[***] that no such presentation to the Registrar or ⁴[Additional Registrar] shall be of any effect unless such application be presented to a Bench on the next working day on which a Bench taking up such matters is sitting.

⁵[E- Subordinate court's record, exhibits etc]

33. Calling for record in appeal, revision etc.- When an appeal from an original decree ⁶[***] has been admitted and registered, or, in the case of appeals from ⁷[***]orders ⁸[***], when the Court has passed an order to the effect that the appeal will be heard, ⁹[or in case of a Civil Revision, Review or other cases a Rule is issued by the Court,] it shall be the duty of the ¹⁰[concerned Deputy Registrar/Assistant Registrar] to send a notice in Form No. ¹¹[***] 2 (Civil), Appendix 1 ¹²[to these] Rules immediately to the

¹ The word "Court" was omitted by Notification No. 181-G dt. 22-10-2012.

² The words "concerned Additional Registrar" were substituted for the words "Deputy Registrar" by Notification *ibid*.

³ The word "always" was omitted by Notification *ibid*.

⁴ The words "Additional Registrar" were substituted for the words "Deputy Registrar" by Notification *ibid*.

⁵ The heading "E Subordinate court's record, exhibits etc" was inserted by Notification *ibid*.

⁶ The words "or an Appeal under the Workmen's Compensation Act or an application for revision" were omitted by Notification *ibid*.

⁷ The words "Appellate Decrees and Appeals from" were omitted by Notification *ibid*.

⁸ The words "other than an order under the Workmen's Compensation Act" were omitted by Notification *ibid*.

⁹ The expression "or in case of a Civil Revision, Review or other cases a Rule is issued by the Court," was inserted by Notification *ibid*.

¹⁰ The expression "concerned Deputy Registrar/Assistant Registrar" was substituted for the words "Deputy Registrar" by Notification *ibid*.

¹¹ The expression "1 or" was omitted by Notification *ibid*.

¹² The words "to these" were substituted for the words "of the" by Notification *ibid*.

Court from whose decision the appeal is preferred, or the application is made, and ¹[if necessary.] to call for the transmission, ordinarily within ²[3(three) weeks], of the record and all material papers:

Provided that in every appeal from an interlocutory order made in a suit and coming under Order XLIII, rule 1, clauses (q), (r) and (s), Civil Procedure Code, copies only of the plaint, written statement (if any), order sheet and the papers directly relating to the interlocutory proceedings in appeal may be called for unless the Court or the Registrar otherwise directs.

Note.-Records of execution cases sent up in appeal to the ³[High Court Division] shall invariably be accompanied by all the papers connected with them in the ⁴[subordinate court] whether Original or Appellate, including the decree which is the subject of the execution proceedings.

⁵[**34. Calling for bulky exhibits etc.**- (1)When calling for the record and material papers under the preceding rule, the concerned Deputy Registrar shall draw the attention of the Subordinate Court to Note 1 to rule 459 of the Civil Rules and Orders relating to the transmission of cumbrous and bulky exhibits and shall call for such of them only as have been directed by the Court or the Registrar to be called for.

(2) Parties or their Advocates desiring bulky exhibits to be called for in a case other than appeal from original decrees may apply to the Registrar before the case has appeared in the Daily Cause List, at least two weeks before the date of hearing, and to the Court thereafter, for an order under this Rule, setting forth sufficient grounds in support of the application; such application when made to the Registrar need not be stamped or verified but should comply with rule 7 of Chapter IV of these Rules.]

¹ The expression "if necessary," was inserted by Notification No. 181-G dt. 22-10-2012.

² The expression "3(three) weeks" was substituted for the words "seven days" by Notification *ibid*.

³ The words "High Court Division" were substituted for the words "High Court" by Notification *ibid*.

⁴ The words "subordinate court" were substituted for the words "Lower Courts" by Notification *ibid*.

⁵ Rule 34 was substituted for the original rule 34 by Notification *ibid*.

35. Calling for record of Probate Cases etc.- ¹[(1)]

When calling for the record of a contested or uncontested suit or case for Probate or Letters of Administration or for revocation of the same, the attention of the District Judge or District Delegate shall be drawn to the Note to rule ²[333(1)] of the Civil Rules and Orders, Volume-I ³[***].

⁴[(2)] Before a "Will" is called for in connection with an appeal or case pending in this Court at the instance of a party, such party shall deposit with the ⁵[Accounts Section] with *chalans* in the prescribed form, a sum, to be assessed by the ⁶[Registrar], sufficient to cover all the necessary expenses for transmission and retransmission thereof by ⁷[a special messenger], and the requisition calling for the "Will" shall contain a certificate that such sum has been deposited.

⁸[(3)] Upon receipt of a "Will", the ⁹[concerned Deputy Registrar] shall take all necessary precautions for the safe custody and preservation of the "Will" until the same is returned by ¹⁰[a special messenger], to the District Judge or District Delegate from whom it was received.

¹¹[35A. Calling for bulky exhibits etc. of Probate Cases.-] (1) When calling for the record and material papers under the preceding rule, the Deputy Registrar shall draw the attention of the subordinate court to Note 1 to Rule 459 of the Civil Rules

¹ Sub-rule (1) was re-numbered for the sub-rule (i) by Notification No. 181-G dt. 22-10-2012.

² The expression "333(1)" was substituted for the expression "412(1)" by Notification *ibid*.

³ The expression " ., as amended by Circular Order No.18 (Civil) of 1939" was omitted by Notification *ibid*.

⁴ Sub-rule (2) was re-numbered for the sub-rule (ii) by Notification *ibid*.

⁵ The words "Accounts Section" were substituted for the words "Accountant of the Court" by Notification *ibid*.

⁶ The word "Registrar" was substituted for the word "office" by Notification *ibid*.

⁷ The words "a special messenger" were substituted for the words "registered post with acknowledgement due" by Notification *ibid*.

⁸ Sub-rule (3) was re-numbered for the sub-rule (iii) by Notification *ibid*.

⁹ The words "concerned Deputy Registrar" were substituted for the words "Deputy Registrar" by Notification *ibid*.

¹⁰ The words "a special messenger" were substituted for the words "registered post with acknowledgement due" by Notification *ibid*.

¹¹ Rule 35A was inserted by Notification *ibid*.

and Orders, Volume-I relating to the transmission of cumbrous and bulky exhibits and shall call for such of them, if any, as have been directed by the Court or the Registrar to be called for.

(2) Parties or their Advocates desiring bulky exhibits to be called for in cases other than appeals from original decrees may apply to the Registrar before a case has appeared in the Daily Cause List, and to the Court thereafter, for an order under this Rule, setting forth sufficient grounds in support of the application; such application when made to the Registrar need not be stamped or verified but should comply with Rule 7 of Chapter IV of these Rules.]

36. Subordinate Court's report on delay in sending record.- Whenever it ¹[is not possible for the Subordinate Court to comply with a] requisition within the time stated such Court shall report the reason of its inability and shall ask for such further time as may be necessary.

²[36A. Filing of documents withdrawn from Subordinate Court.- (1) Exhibited documents or other papers returned to the parties in the court below, and not refiled with that Court, may be filed in this Court by the party to whom those were returned, at any time before the Appeal or Revision is placed on the general list, and in case of appeals from original decrees or orders, before the list is prepared for purposes of the paper book. The preparation of the paper book or hearing of the appeal shall on no account be delayed for non-filing of the exhibits.

(2) If such Exhibited documents and other papers are not filed by the party who received them back, within the time mentioned above, he shall not be allowed, except with the permission of the

¹ The words "is not possible for the Subordinate Court to comply with a" were substituted for the words "it shall be impossible for the lower Court to comply with the" by Notification No. 181-G dt. 22-10-2012.

² Rule 36A was inserted by Notification *ibid*.

Court and subject to such terms as the Court may think fit to impose, to use them for purposes of his case during the hearing of the Appeal or Revision.

(3) If such Exhibited documents and other papers are not filed by the party who received them back, and the other party wants to use them in support of his case, it shall be open to the later to make an application to the Registrar, at any time before the case is posted in the Daily Cause List, and the Registrar may, on such application, make an order directing the party whose documents they are, to file them in Court within such time as may be fixed by him.

(4) If the Exhibited documents and others papers are not filed by the party in pursuance of the order of the Registrar mentioned above, it shall be open to the party who requires these documents and papers to use certified copies of them if they are registered, and plain copies in his possession, if not registered, during the hearing of the Appeal or Revision. The cost of obtaining certified copies of the Exhibited documents and other papers shall, subject to any direction to the contrary given by the Court, be borne by the party who failed to produce the original documents.]

¹[F- Notice to parties]

37. Issuing notice on payment of process fee etc.- If the process fee ²[is paid and the notice form is] filed within the period prescribed by rules 38 and 40 *post* or within the further period allowed by the Registrar or the Court, the notice in ³[Form No. 4A (Civil) of Appendix I shall at once be issued] on the respondent.

¹ The heading "F- Notice to parties" was inserted by Notification No. 181-G dt. 22-10-2012.

² The words "is paid and the notice form is" were substituted for the words "be paid and the notice forms be" by Notification *ibid*.

³ The expression "Form No. 4A (Civil) of Appendix I shall at once be issued" was substituted for the words "the prescribed form shall at once issue" by Notification *ibid*.

1[37A. Issue of notice, normally and by registered post.- (1) The concerned Deputy Registrar shall, in addition to, and simultaneously with, issuing a notice of every appeal or revision or review or other cases in normal course, send by registered post an additional notice along with the copy of the memorandum of appeal or a copy of the application for revision or review or the application of other cases, to each respondent or opposite party, as the case may be.

(2) When an acknowledgement purporting to be signed by the respondent or opposite party or his agent is received by the Registry, or when the postal article containing the notice is received back by the Registry with an endorsement purporting to have been made by a postal employee to the effect that the respondent or opposite party or his agent has refused to take delivery of the postal article containing the notice when tendered to him, the Registry shall record a declaration to the effect that the notice has been duly served on the respondent or opposite party, as the case may be:

Provided that where the notice was properly addressed, pre-paid and duly sent by registered post with acknowledgement due, the declaration referred to in this sub-rule may be made notwithstanding the fact that the acknowledgement having been lost or misplaced or for any other reason, has not been received by the Registry within thirty days from the date of issue of the notice.]

2[38. Time limit for payment of process fee of appeal, cross-objection, revision, review etc. - (1) The process fee as specified in rule 1 of Chapter XII for issuance of a notice to the respondent, shall be paid by the appellant-

- (a) in the case of appeals from original decrees, within two weeks of the date of registration/admission of the appeals:

¹ Rule 37A was inserted by Notification No. 181-G dt. 22-10-2012.

² Rules 38 and 38A were substituted for the original rule 38 by Notification *ibid*.

(b) in the case of appeals from orders, within 30 days of the date on which the Court passes an order admitting the appeal.

(2) The process fee as specified in rule 1 of Chapter XII for the issue of notice on substituted parties shall be filed within a fortnight from the date of substitution and the process fee for the issue of fresh notice shall be filed within one week from the date of the order directing the issue of such notice. In either case notice forms duly filled in shall accompany the process fee. In no case time shall be extended by the Registrar for more than 3 (three) weeks.

(3) The process fee as specified in rule 1 of Chapter XII shall be the process fee for the issue of notice under Order XLI, rule 22(3), Civil Procedure Code, and it shall be paid, together with the necessary copies of cross-objection, within one week from the date of registration of the memorandum of cross-objection, notice whereof shall be given in the manner prescribed in this rule.

(4) The provisions of sub-rule (1)(b) and other sub-rules shall apply to a Civil Revision, Review and other proceeding where notices are required to be filed at the instance of the party initiating the proceeding etc.

38A. Certain provisions relating to appeal to apply to other cases.- Unless the context otherwise requires a reference to the word "appeal" and its derivatives in rule 40-51 shall include a Revision, Review or other proceeding.]

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

40. Printed filled up notice form.- (1) Whenever it is necessary under these Rules to issue a notice to a respondent ¹[or opposite party, the appellant or the petitioner] shall, simultaneously with the filing of the fee for the issue of such

¹ The expression "or opposite party, the appellant or the petitioner" was substituted for the expression "under Order XLI, rule 14, Civil Procedure Code, the appellant" by Notification No. 181-G dt. 22-10-2012.

notice, file printed forms of such notices, duly filled up in ¹[***] Form Nos. 4 or 4A (Civil), Appendix I, the date of appearance and the date of the notice being left blank.

(2) The information ²[written] in the forms must be filled up in ³[Bangla] (or in English if the respondent ⁴[is] a resident of a foreign State)] in a bold, clear and legible handwriting.

⁵[(3) The date fixed for appearance shall be clearly written in the form and the notice will be dated and signed by the concerned Assistant Registrar after being satisfied about correctness of the other written information in the notice.]

(4) The necessary number of the printed forms of notice in the prescribed form will be supplied to the appellants, or their Advocates, free of cost on an application to the Forms ⁶[Section].

41. Procedure in case of non-compliance with rule 38 and 40.- If the fee for the issue of the notice to the respondent ⁷[is] not paid in the manner provided by rule 38 above ⁸[***] or if the notice forms, duly filled ⁹[up are] not filed as provided in the last preceding rule, the appeal shall be placed before the Registrar who may, in his discretion, either grant one extension of time for making such payment, ¹⁰[***] or filing the notice forms, or direct the appeal to be placed before the Court for orders.

42. Issuance of notice.- If the process fee ¹¹[is paid and the notice forms are] filed within the period prescribed by rules 38

¹ The words "the prescribed" were omitted by Notification No. 181-G dt. 22-10-2012.

² The word "written" was substituted for the word "entered" by Notification *ibid*.

³ The word "Bangla" was substituted for the word "vernacular" by Notification *ibid*.

⁴ The word "is" was substituted for the words "to be served is a European British subject or" by Notification *ibid*.

⁵ Sub-rule (3) was substituted for the original sub-rule (3) by Notification *ibid*.

⁶ The word "Section" was substituted for the word "Clark" by Notification *ibid*.

⁷ The word "is" was substituted for the word "be" by Notification *ibid*.

⁸ The expression "or the deposit required under rule 39 above be not made within the time allowed by that rule." was omitted by Notification *ibid*.

⁹ The words "up are" were substituted for the expression "up, be" by Notification *ibid*.

¹⁰ The word "or deposit" were omitted by Notification *ibid*.

¹¹ The words "is paid and the notice forms are" were substituted for the words "be paid and the notice forms be" by Notification *ibid*.

and 40 above or within the further period allowed by the Registrar or the Court, the notice in the prescribed form shall at once ¹[be issued] to the respondent.

²**[43. Notices to be sent to Subordinate Court.-**If the respondent resides within the jurisdiction of the court from whose decree or order the appeal is preferred, the notice to such respondent shall be sent to the presiding officer of such court together with the requisition of the High Court Division calling for the record, if any.]

³**[44. Application for substituted service.-**(1) If the address of any respondent or opposite party is not known, the appellant or the petitioner shall apply to the concerned Bench of the High Court Division for service of notice according to Order V, rule 20 of the Civil Procedure Code, and upon the application being allowed, the notice shall be sent to the concerned court for service of notice upon the parties.

(2) Notice for service on respondents or opposite parties residing in any district other than that from which the appeal, application, etc., comes, shall be sent by the concerned Deputy Registrar/Assistant Registrar to the proper court in the district in which such notice is to be served. If, however, the respondent or the opposite party or any of the parties to be served, reside in the same district but outside the jurisdiction of the court from which the appeal, application, etc., comes, the notice shall be sent for service to the court within whose jurisdiction the party resides.]

⁴**[45. Causing of service of notice by Subordinate Courts.-** (1) On receipt of the notice sent by the High Court Division for their service on any party, the concerned Subordinate Court shall cause their service without the payment of any further fee and without any further action by the concerned parties:

¹ The words "be issued" were substituted for the word "issue" by Notification No. 181-G dt. 22-10-2012.

² Rule 43 was substituted for the original rule 43 by Notification *ibid.*

³ Rule 44 was substituted for the original rule 44 by Notification *ibid.*

⁴ Rule 45 was substituted for the original rule 45 by Notification *ibid.*

Provided that any appellant or applicant or his agent may accompany the serving officer for the purpose of facilitating the service of processes.

(2) The court through which any notice is directed to be served shall in every case make its return of service or of the failure of service, as the case may be, direct to the High Court Division.

(3) In the case of notices to be served in a foreign state, the notices shall be sent direct from the High Court Division to the address of those persons by registered post with acknowledgment due.

(4) Where the jurisdiction within which a party resides is not known the notice in respect of such party shall be accompanied by a duplicate copy for the purpose of return of service.]

1[46. Time limit for causing service by Subordinate Court.- The time allowed for service of notice shall be specified thereon by the concerned Deputy Registrar/Assistant Registrar and such time shall not exceed 21 days from the date of receipt of the notice by the concerned officer of the Subordinate Court. Such notice must be despatched within 3 days from the day on which the process fee is deposited and notice forms are filed.

Note.- The Superintendent of the Section shall see that this rule is strictly complied with and any undue delay therein shall be brought to the notice of the Registrar by the concerned Assistant Registrar.]

47. Dates to be recorded on notice by Subordinate Courts.- The ²[concerned officer of the Subordinate Court] shall issue all notices immediately on receipt thereof and in their returns of service shall, in every instance, insert (a) date of receipt

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

² The words "concerned officer of the Subordinate Court" were substituted for the words "Lower Courts" by Notification *ibid*.

of notice; (b) date of delivery to the serving officer; and (c) date of receiving it back from him.

48. Certificate about valid service/failure.- It shall be the duty of the ¹[concerned officer of the Subordinate Court] to cause the notice to be served in sufficient time before the date fixed ²[for appearance of the party], and, if such service be impracticable, to state, when returning it to the ³[High Court Division], the reasons thereof. The ⁴[concerned officer of the Subordinate Court] shall satisfy itself that a valid service has been made, or that there has been a failure of service, and shall certify such opinion with the reasons in case of failure of service. The certificate shall be accompanied by the return of service or failure to serve the notice and the declaration of the serving officer specifying the fact and mode of service or the reason for non-service.

⁵**49. Fixation of date of hearing.-**(1) The date to be fixed for the hearing of an appeal shall be after the expiry of 30 days after the date on which the appeal is ready for hearing, unless the Court otherwise directs.

(2) The date of hearing may be fixed in any of the following manners-

- (a) on the prayer of any of the parties by way of mentioning the matter before an appropriate Bench,
- (b) by the appropriate Bench on its own motion.

¹ The words "concerned officer of the Subordinate Court" were substituted for the words "Lower Court" by Notification No. 181-G dt. 22-10-2012.

² The words "for appearance of the party" were inserted by Notification *ibid*.

³ The words "High Court Division" were substituted for the words "High Court" by Notification *ibid*.

⁴ The words "concerned officer of the Subordinate Court" were substituted for the words "Lower Courts" by Notification *ibid*.

⁵ Rule 49 was substituted for the original rule 49 by Notification *ibid*.

(c) on being sent by the Chief Justice whether at his discretion or on recommendation of the Monitoring Committee.]

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

1[51. Notice of appeal etc. upon parties.-(1) When in an appeal or other proceeding the Court orders a notice to be issued, such notice shall ordinarily be issued to all parties to such appeal or other proceeding and to any person whom it is proposed to make a party.

Provided that in an appeal or revision no notice is required to be served on non-contesting parties of the appeal or revision or the original suit disposed of by a subordinate court and the judgement or order passed wherein has been complained in the appeal or revision preferred to this Court.

(2) If the person, to whom the notice is issued, is a minor or a person of unsound mind or otherwise disqualified, it shall also be issued to the guardian or next friend of such person.]

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

2[G- Certificate under article 103, Constitution]

62. Recording of order about certificate under article 103.- In every judgment, decree or final order to which the provisions of ³[article 103] of the Constitution apply, it shall be

¹ Rule 51 was substituted for the original rule 51 by Notification No. 181-G dt. 22-10-2012.

² The heading "G- Certificate under article 103, Constitution" was inserted by Notification *ibid*.

³ The expression "article 103" was substituted for the expression "Article 157" by Notification *ibid*.

recorded whether a certificate under that ¹[article] is granted or withheld.

²[H- Remand and compliance]

63. Compliance register about return of remand order.- When an order has been made under ³[Order XLI, rule 25], Civil Procedure Code, the ⁴[concerned Deputy Registrar] shall make a note of the same in a register to be kept for the purpose, and he shall bring to the notice of the Registrar any case in which the Subordinate Court has not made a return to the order of remand within 3 months, or within such time as may have been specifically ordered ⁵[by the Court, and the Registrar shall send a reminder for compliance of the order of the Court].

64. Notice to Advocate/party about finding and return in remand.- On receipt of the finding of a ⁶[subordinate court] in a case referred under Order XLI, rule 25, Civil Procedure Code, the ⁷[concerned Deputy Registrar] shall notify to the Advocates of the parties that any objection to such finding must be filed within one week from the date of the service of the notice.

65, 66 and 67. [Omitted by Notification No181-G dt. 22-10-2012.]

¹ The word "article" was substituted for the word "section" by Notification No. 181-G dt. 22-10-2012.

² The heading "H- Remand and compliance" was inserted by Notification *ibid*.

³ The expression "Order XLI, rule 25" was substituted for the expression "Order XLI, rule 23 or 23A or 25" by Notification *ibid*.

⁴ The words "concerned Deputy Registrar" were substituted for the words "Deputy Registrar" by Notification *ibid*.

⁵ The expression "by the Court, and the Registrar shall send a reminder for compliance of the order of the Court" was inserted by Notification *ibid*.

⁶ The words "subordinate court" were substituted for the words "Lower Court" by Notification *ibid*.

⁷ The words "concerned Deputy Registrar" were substituted for the words "Deputy Registrar" by Notification *ibid*.

¹[I- Duty after disposal of cases]

68. Sending copy of judgment etc. to subordinate court.- A copy of the judgment and of the decree passed by the ²[Court], disposing of an appeal ³[or revision or other proceeding] shall be certified by the ⁴[concerned Deputy Registrar] and forwarded by him to the court which passed ⁵[the judgment or decree or order complained of], in the manner prescribed by Order XLI, rule 37, Civil Procedure Code.

⁶69. Drawing up of decree.- Every decree and order made by the High Court Division shall be drawn up in Form No. 9, Appendix G of the Civil Procedure Code.]

70. Sending back subordinate court records.- Except when the Registrar otherwise directs, the records of the ⁷[subordinate courts] shall be sent down as soon as possible after the case has been disposed of. The ⁸[concerned Assistant Registrar] or the Deputy Registrar shall see that in no case after the disposal of an appeal ⁹[or other proceeding] by this Court, the ¹⁰[subordinate court] records are held up for more than three weeks from the date of signing of the decree.

¹ The heading "I- Duty after disposal of cases" was inserted by Notification No. 181-G dt. 22-10-2012.

² The word "Court" was substituted for the words "High Court" by Notification *ibid*.

³ The words "or revision or other proceeding" were inserted by Notification *ibid*.

⁴ The words "concerned Deputy Registrar" were substituted for the words "Deputy Registrar" by Notification *ibid*.

⁵ The words "the judgment or decree or order complained of" were substituted for the words "decree appealed from" by Notification *ibid*.

⁶ Rule 69 was substituted for the original rule 69 by Notification *ibid*.

⁷ The words "subordinate courts" were substituted for the words "Lower Courts" by Notification *ibid*.

⁸ The words "concerned Assistant Registrar" were substituted for the words "Assistant Registrar under whom the Despatch section is" by Notification *ibid*.

⁹ The words "or other proceeding" were inserted by Notification *ibid*.

¹⁰ The words "subordinate court" were substituted for the words "Lower Court" by Notification *ibid*.

1[J- Advocate and Wokalatnama]

2[71. Accepting Wokalatnama and instruction by Advocates.- (1) No Advocate shall receive instructions from any person other than an advocate of the Court, or the party himself, or a person holding a power of attorney from the party, or an employee, or relative, of the party, or an Advocate of the subordinate court authorised in writing by the party.

(2) Where there are more parties than one and they appear by separate wokalatnama, the wokalatnama of one may be received from any other similarly authorised, but if they appear by one and the same wokalatnama, it may be received from any of them, or from a person duly authorised by anyone of them, without special authority from others.

(3) When wokalatnama is filed by an Advocate, he shall endorse on the back of it the name of the person from whom it is received, and if such person is not the client himself, the Advocate shall state the nature of the authority of that person, and the Advocate shall put and the date of his own signature and also his full name and address including telephone number and e-mail, if any, in the wokalatnama.]

72. Engaging an advocate by another due to absence etc.- When an Advocate ³[intending] to appear for any party to an appeal ⁴[or other proceeding] is prevented by sickness or engagement in another Court, or for any other sufficient cause, from appearing and conducting the case of his client, he may appoint another Advocate to appear in his place, so that his client may not be unrepresented at the hearing; but ⁵[the later] Advocate shall not so appear unless he shall have first obtained the special permission of the Court, or the Registrar, as the case may be.

¹ The heading "J-Advocate and Wokalatnama" was inserted by Notification No. 181-G dt. 22-10-2012.

² Rule 71 was substituted for the original rule 71 by Notification *ibid*.

³ The word "intending" was substituted for the word "retained" by Notification *ibid*.

⁴ The words "or other proceeding" were inserted by Notification *ibid*.

⁵ The words "the later" was substituted for the word "such" by Notification *ibid*.

73. Advocate's self withdrawal from case.- In any case in which the party ¹[engaging] an Advocate, or his agent, after due notice fails to pay the amount of the estimated costs for preparing briefs necessary to enable the ²[Advocate(s)] to conduct the case properly, the ³[Advocate(s)] may, after notice to such party or his agent, or by leave of the Court, withdraw from further ⁴[conducting] the case.

An Advocate may also, for any other sufficient cause, and after such notice to his client as may enable him to appoint another Advocate by leave of the Court, but not otherwise ⁵[,] withdraw from further ⁶[conducting] the case.

74. Cancellation of Wokalatnama by party.- Any party desiring to cancel ⁷[the Wokalatnama] filed by him in any appeal or other proceeding in this Court must file a duly stamped application supported by an affidavit for the orders of the Court, unless the Advocate who accepted the ⁸[Wokalatnama] signifies his willingness to retire from the case, in which case the application need not be supported by an affidavit.

75. Filing of Wokalatnama in office and subsequent acceptance by advocate.-The ⁹[concerned Deputy Registrar] shall endorse the date of receipt on all ¹⁰[Wokalatnamas filed in all

¹ The word "engaging" was substituted for the word "employing" by Notification No. 181-G dt. 22-10-2012.

² The expression "Advocate(s)" was substituted for the words "Advocate or Advocates" by Notification *ibid*.

³ The expression "Advocate(s)" was substituted for the words "Advocate or Advocates" by Notification *ibid*.

⁴ The word "conducting" was substituted for the words "conduct of" by Notification *ibid*.

⁵ The comma "," was inserted by Notification *ibid*.

⁶ The word "conducting" was substituted for the words "conduct of" by Notification *ibid*.

⁷ The words "the Wokalatnama" were substituted for the words "a Vakalatnama" by Notification *ibid*.

⁸ The word "Wokalatnama" was substituted for the word "Vakalatnama" by Notification *ibid*.

⁹ The words "concerned Deputy Registrar" were substituted for the words "Deputy Registrar" by Notification *ibid*.

¹⁰ The words "Wokalatnamas filed in all cases" were substituted for the words "Vakalatnamas and Mukhtearnamas in all cases in the High Court in its Appellate Jurisdiction" by Notification *ibid*.

cases]. An Advocate may be permitted to accept a ¹[Wokalatnama] filed in which his name appears but which he has not previously accepted and in such case the ²[concerned Deputy Registrar] shall put his signature and date of acceptance.

75A. Advocate to notify client etc. about stopping practice.- An Advocate who ³[has stopped practice] on acceptance of an office or otherwise, shall immediately intimate the said fact to his client by registered post and ⁴[***] the office of the Court and in such case a fresh ⁵[Wokalatnama] shall be required to be filed.

6[75B. Notice to party about Advocate's inability to practise.- If an Advocate engaged by a party to any proceeding, civil or otherwise, is unable to practise in the court due to his death or elevation as a Judge or due to disqualification to practise for any other reason, the concerned Section shall issue to that party a notice in Form No. 10 (Civil), Appendix-I informing him of such inability of the Advocate.]

76. Procedure when Advocate fails to attend Court's office.- The ⁷[concerned Deputy Registrar] shall bring to the notice of the Registrar any wilful neglect on the part of any Advocate ⁸[***] to attend his office ⁹[, and the Registrar shall bring to the notice of the concerned Bench for necessary order].

¹ The word "Wokalatnama" was substituted for the word "Vakalatnama" by Notification No. 181-G dt. 22-10-2012.

² The words "concerned Deputy Registrar" were substituted for the words "Deputy Registrar" by Notification *ibid.*

³ The words "has stopped practice" were substituted for the words "leaves the Court" by Notification *ibid.*

⁴ The words "to the" were omitted by Notification *ibid.*

⁵ The word "Wokalatnama" was substituted for the word "Vakalatnama" by Notification *ibid.*

⁶ Rule 75B was inserted by Notification *ibid.*

⁷ The words "concerned Deputy Registrar" were substituted for the words "Deputy Registrar" by Notification *ibid.*

⁸ The words "or Attorney" were omitted by Notification *ibid.*

⁹ The expression ", and the Registrar shall bring to the notice of the concerned Bench for necessary order" was inserted by Notification *ibid.*

¹[K- Urgent Order]**77. Communication of urgent order in civil matters.-**

In every civil matter in which the Court directs an order to be issued immediately, the ²[Bench Officer] shall at once draw up the order in ³[Form No.5 (Civil), Appendix I] and, after obtaining the signature of the Judge or Judges ⁴[in the Form, send it forthwith to the concerned Deputy Registrar, for issuance of the same] without waiting for the formal order or the judgment to be signed. The Deputy Registrar ⁵[***] shall issue copy of the order upon payment of such fee as may be chargeable:

Provided that if it is not possible to obtain the signature or signatures of the Judge or Judges on the day on which the order is passed, the matter should be brought immediately to the notice of the Registrar. If one Judge of a Bench has signed the order, the substance of it shall be communicated to the ⁶[subordinate court] immediately, with a note that the copy of the order proper will follow.

78. [Omitted by Notification No. 181-G dt. 22-10-2012 and relocated as rule 17A]

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

¹ The heading "K- Urgent Order" was inserted by Notification No. 181-G dt. 22-10-2012.

² The words "Bench Officer" were substituted for the words "Bench Clerk" by Notification *ibid*.

³ The expression "Form No.5 (Civil), Appendix I" was substituted for the expression "the prescribed form [see Form No.5 (Civil), Appendix I]" by Notification *ibid*.

⁴ The expression "in the Form, send it forthwith to the concerned Deputy Registrar, for issuance of the same" was substituted for the words "thereto send it forthwith to the concerned Deputy Registrar or the Officer- in- Charge of the Judicial Department as the case may be for issue" by Notification *ibid*.

⁵ The words "or the Officer-in-Charge of the Judicial Department" were omitted by Notification *ibid*.

⁶ The words "subordinate court" were substituted for the words "Lower Court" by Notification *ibid*.

1[Chapter-VA Cause List etc.

1. Daily cause list, its publication, distribution etc. -

(1) Subject to the other provisions of this Chapter, cases to be taken up on a particular working day shall be published in a list preferably on the previous day. Such list shall be known as Daily Cause List, and entry of a matter in that list shall constitute sufficient notice to the parties about the day fixed for hearing of that matter.

(2) A case included in the Daily Cause List shall bear the correct number and the year with an oblique mark between such number and year. Such entry shall mention the name of the petitioner/appellant and the opposite party/respondent and in case of more than one of such parties, the first of them with the word "others"/(গণ).

(3) The Daily Cause List shall also be published in the website of the Supreme Court.

(4) The Bench Officer of every Bench shall, everyday before 5 p.m, deliver to the Bench Section the list of cases to be included in the Daily Cause List of the next day.

(5) The Bench Section shall arrange to get the Cause List printed by the BG Press or other authorised press within the earliest possible time and shall arrange to deliver one copy to the chamber of each Judge for his use in the Court room, and one copy to the Bench Officer. Another copy may also be delivered to the residence of the Judge. Such copies shall be supplied before 8.a.m of the day for which the Cause List is published.

(6) The copies of the Daily Cause List may within 8.a.m. be supplied to Advocates on payment of prescribed fees at their chambers in the Bar Association Building and, if possible, to their Official Chamber, within 2 kilometres of the Supreme Court Building, subject to payment of fees to be fixed by the Registrar.

¹ Chapter VA was inserted by Notification No. 181-G dt. 22-10-2012.

(7) Copies of the Daily Cause List shall be made available for sale to the public.

2. Weekly Broad List.-(1) On the first working day of every week as per the calendar of the Supreme Court, a Cause List shall be published containing the list of cases fixed for hearing during the whole week, and this list shall also include the matters to be taken up on the said day. Such list shall be known as Weekly Broad List.

(2) The Weekly Broad List for hearing of cases may be split up during the rest of the week in a proportionate manner, i.e., equal number of cases as far as possible shall be fixed during the rest of the week.

(3) The inclusion of any matter in the Weekly Broad List will not however debar a Bench from enlisting any urgent matter, including matters which are classified "As to be mentioned" (উল্লেখিত হইবে), "Application" "Part Heard matters" etc.

3. Arrangement of contents in Daily Cause List.-(1) Subject to the Rules of this Chapter, the Judge of a Single Bench or the Senior Judge of a Division Bench or Full Bench will normally arrange the contents of the Daily Cause List of the respective Bench keeping in view of its constitution/jurisdiction as determined by the Chief Justice from time to time.

(2) The Chief Justice may send for inclusion of any matter for disposal and such matter shall be included in the Daily Cause List at the earliest opportunity.

4. Format of Daily Cause List.-The contents of the Daily Cause List shall generally be published in the format as specified by the Chief Justice from time to time.

5. Same matter not to be included in other Bench's list.-A case included in the list of a Bench shall not be included in the list of another Bench, unless the case is withdrawn by the Chief Justice or excluded by the firstly mentioned Bench.

6. Daily Cause List of a new Bench.-Where a Bench is newly constituted the Registrar may, with the approval of the Chief Justice, include in the Daily Cause List such cases as are not included in the list of any other Bench keeping in view of the constitution/Jurisdiction of the new Bench.

7. Chronology of items to be maintained.-After inclusion of a matter in the Daily Cause List, the chronology of a particular item of a group, shall be maintained and shall not be changed except by a judicial order to be recorded in the Order Book by the Court.

8. Order of item headings in list.-(1) Items under heading "Delivery of Judgement" (রায় প্রদানের জন্য) shall ordinarily be placed after the heading "As to be mentioned (উল্লেখিত হইবে)" and before hearing of appeal, revision or other matters.

(2) A matter which has been heard in part shall ordinarily get preference to cases fixed for hearing.

(3) Appeal and Revision against interlocutory orders of subordinate courts, transfer of cases from one subordinate court to another and Rules relating to condonation of delay shall ordinarily get preference in the Daily Cause List and these matters should be placed before hearing of appeal or revision against decision/Decree/ Judgement and Order passed by subordinate courts after full trial or full hearing.

(4) Provisions of sub-rules (1), (2) and (3) shall not in any way affect the discretion of a Bench to place any matter that it considers urgent at an appropriate place.

9. Mentioning particular time, Advocate's name etc. against item.-Any Bench may, at its discretion verbally or in writing, direct inclusion of a particular time of the working day against a case, and may in a particular case or cases include the names of the advocate of the parties.

10. Quarterly List of Ready Cases.-The Registrar shall publish a list of all cases which are ready for hearing at least four times in a calendar year preferably in the first half of the months of January, April, July and October. Such list shall be known as Quarterly List of Ready Cases.

11. Inclusion of a case in Daily Cause List from Quarterly List.-(1) A case(s) included in the Quarterly List but not included in the Daily Cause List of a Bench for hearing:

- (a) may be directed to be included by the Chief Justice by general or special Order;
- (b) may be included at the instance of the concerned Bench or the concerned party.

(2) For the purposes of the sub-rule (1) the Monitoring Committee shall make necessary recommendation to the Chief Justice for inclusion of the ready cases in the Daily Cause List.

(3) The Registrar shall cause the Quarterly List of Ready Cases to be published in the website of the Supreme Court.]