

CHAPTER-VI

¹[Matters relating to Appeals to the Appellate Division]

²**[Note.-** (1) Appeals to the Appellate Division are dealt with in Part II of The Supreme Court of Bangladesh (Appellate Division) Rules, 1988.

(2) For the purposes of the said Rules, 1988, the following Rules (under four sub-headings) shall govern the practice and procedure of the High Court Division.]

A- Criminal Appeals under ³[article 103] of the Constitution.

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

⁴**[2. Provisions of Chapter IV applicable.-**The provisions of Chapter IV of the High Court Division Rules shall apply, so far as may be, to all applications made to the High Court Division in connection with appeals to the Appellate Division:

Provided that in Criminal Proceedings no security for costs shall be required to be deposited and no court-fee or process fee shall be charged, and the first copy of the petition of appeal will be issued free of cost to any party to the proceedings and for additional copies charges are to be levied.]

3 and 4. [Omitted by Notification No. 181-G dt. 22-10-2012.]

¹ Heading "Matters relating to Appeals to the Appellate Division" was substituted for the heading "Appeals to the Supreme Court" by Notification No. 181-G dt. 22-10-2012.

² Note was substituted for the expression "Appeals to the Supreme Court are dealt with in part II of the Supreme Court Rules, 1956 which are reproduced in the Appendix to this Chapter and fall under four divisions—"by Notification *ibid*.

³ The expression "article 103" was substituted for the expression "Article 157 and 159" by Notification *ibid*.

⁴ Rule 2 was substituted for the original rule 2 by Notification *ibid*.

1[5. Calling for Subordinate Court records and its cost.-On receipt of intimation from the Registrar of the Appellate Division about filing of the petition of appeal-

(a) the record of the case, if it has been returned to the Subordinate Court, shall be called for; and

(b) the appellant to the Appellate Division shall be called upon to furnish within a fortnight or such other time as the Court may allow, a court-fee of TK.100/- for drawing up an estimate of the expense of preparing and forwarding to the Registrar of the Appellate Division the copies of records of the case.]

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

7. Appellant to prepare records.-The appellant shall take steps in the ²[Registry of the High Court Division] to have the records prepared and printed in such manner as may, from time to time, be directed by the ³[Appellate Division] or, in the absence of such directions, according to the rules embodied in the ⁴[Supreme Court of Bangladesh (Appellate Division) Rules, 1988] and the rules ⁵[***] contained ⁶[under heading] B of this Chapter, shall *mutatis mutandis* apply to such appeals.

Note.- Rules ⁷[30 (2) and 40 to 55 under heading] B of this Chapter shall not apply to ⁸[Criminal Appeals to the Appellate Division].

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

² The words "Registry of the High Court Division" were substituted for the words "High Court" by Notification *ibid*.

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

⁴ The expression "Supreme Court of Bangladesh (Appellate Division) Rules, 1988" was substituted for the words "Fifth Schedule to the Appendix to this Chapter" by Notification *ibid*.

⁵ The words "and provisions" were omitted by Notification *ibid*.

⁶ The words "under heading" were substituted for the words "in part" by Notification *ibid*.

⁷ The expression "30 (2) and 40 to 55 under heading" was substituted for the expression "30(ii) and 40 to 59 in part" by Notification *ibid*.

⁸ The words "Criminal Appeals to the Appellate Division" were substituted for the words "class A appeals to the Supreme Court" by Notification *ibid*.

1[8. Sending copies of the record to Appellate Division.-As soon as the copies of the record are made ready, the Registrar shall despatch to the Registrar of the Appellate Division at least 15 copies, and one of the copies shall be certified to be correct by signing or initialling on every page thereof and by affixing thereto the seal of the Court:

Provided that, in cases involving a sentence of death, if the record was printed in the High Court Division it shall form part of the copy of the record meant for the Appellate Division along with such additional printed or typewritten copy of the record as may be necessary and shall be despatched to the Appellate Division within a period of 30 days after the receipt of the intimation from the Registrar of the Appellate Division of the filing of the petition of appeal.]

B- Civil Appeals to the ²[Appellate Division] under ³[article 103 of the Constitution.]

9, 10 and 11. [Omitted by Notification No. 181-G dt. 22-10-2012.]

4[12. Paper-book and return of document.-Matters relating to preparation of paper-books and return of documents shall be dealt with and disposed of by the Registrar.]

13. Transmission of Appellate Division Order etc.-Applications for an order -

(a) to transmit orders of the ⁵[Appellate Division] for execution to the ⁶[subordinate courts], where no special directions are required;

(b) to transmit securities to the ⁷[Subordinate Courts] for investigation as to their sufficiency; and

¹ Rule 8 was substituted for the original rule 8 by Notification No. 181-G dt. 22-10-2012.

² The words "Appellate Division" were substituted for the words "Supreme Court" by Notification *ibid.*

³ The expression "article 103" was substituted for the expression "Article 157 and 158" by Notification *ibid.*

⁴ Rule 12 was substituted for the original rule 12 by Notification *ibid.*

⁵ The words "Appellate Division" were substituted for the words "Supreme Court" by Notification *ibid.*

⁶ The words "subordinate courts" were substituted for the words "Lower Courts" by Notification *ibid.*

⁷ The words "Subordinate Courts" were substituted for the words "Mufassil Courts" by Notification *ibid.*

(c) for refund of surplus deposit made for the purpose of preparing translations, manuscripts, etc.:

may in ordinary circumstances, be made to, and disposed of, by the Registrar without notice to the opposite party ¹[***].

14 to 20 [Omitted by Notification No. 181-G dt. 22-10-2012.]

2[21. Notice to Advocate.-(1) A notice under rules 12-59 of this Chapter or under Order XLV, rule 3 or rule 8. Civil Procedure Code, may be served in the manner provided by the said Code for the service of notices, or, unless the Court or the Registrar otherwise directs, upon any Advocate who appeared for the party to whom notice is to be given in the appeal to this Court, unless the Wokatnama of such Advocate has been cancelled with the sanction of the Court.

(2) If there is no Advocate upon whom notice can be served, then, unless the Registrar otherwise directs, the notice must be served upon the party through the proper Court in the district in which such notice is to be served on paying the usual fee or if the party is in a foreign state by registered post with acknowledgment due receipt.

(3) The fee for the issue of the notice must be paid into Court at the time of filing the application by affixing stamp to the notice intended to be served.]

22. No notice to non-contesting or deceased party.-

Nothing in ³[the provisions of this Chapter] requiring any notice to be served on, or given to, an opposite party or respondent shall be deemed to require any notice to be served on, or given to, the legal representative of any deceased opposite party or deceased

¹ The words "other than inclusion in the daily cause list" were omitted by Notification No. 181-G dt. 22-10-2012.

² Rule 21 was substituted for the original rule 21 by Notification *ibid*.

³ The words "the provisions of this Chapter" were substituted for the words "these rules" by Notification *ibid*.

respondent in a case where such opposite party or respondent did not appear either at the hearing in the ¹[High Court Division] or at any proceedings subsequent to the decree of the ²[High Court Division]:

Provided that notice under sub-rule (2) of rule 3 and rule 8 of Order XLV, Civil Procedure Code, shall be given by affixing the same in some conspicuous place in the ³[Court Building of the Court] in which the original suit was brought and by publication in such newspapers as the Appellate Division may direct.

23. Requisites for service of notice.-⁴[(1)] With the fee for the issue of the notice the applicant shall also file printed Forms of such notice duly filled up in ⁵[***] Form No. 6 (Civil) Appendix I, with the date of appearance and the date of the notice being left blank.

⁶[(2)] The information entered in the form must be filled up in ⁷[Bangla] or in English if the party to be served is a ⁸[foreigner] in a bold, clear and easily legible writing.

⁹[(3)] Notices under this rule shall be issued in the printed form and shall be sent through the District Court, and also by registered post with acknowledgement due receipt. For issuance of such notice, necessary fee and requisites shall be deposited by the applicant.]

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

³ The words "Court Building of the Court" were substituted for the words "Court House of the Judge of the District" by Notification *ibid*.

⁴ Sub-rule (1) was re-numbered for the sub-rule (i) by Notification *ibid*.

⁵ The words "the prescribed" were omitted by Notification *ibid*.

⁶ Sub-rule (2) was re-numbered for the sub-rule (ii) by Notification *ibid*.

⁷ The word "Bangla" was substituted for the words "the vernacular" by Notification *ibid*.

⁸ The word "foreigner" was substituted for the words "foreign subject" by Notification *ibid*.

⁹ Sub-rule (3) was substituted for the original Sub-rule (iii) by Notification *ibid*.

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

²[(5)] The Registrar may, in his discretion, direct in any particular case that the forms of notice be entirely filled up in the office of the Court.

24. Date of hearing of application.-The date fixed for the hearing of the application shall be ³[a date not earlier than 30 days from the date of issuance of notice].

25 and 26 [Omitted by Notification No.181-G dt. 22-10-2012.]

27. Retaining Subordinate Court records for limited period.-Where a certificate has been refused under ⁴[article 103] of the Constitution, the record of the case shall, subject to any special orders, be detained for ⁵[60 days as prescribed under rule 1 of the Order XIII of The Supreme Court of Bangladesh (Appellate Division) Rules, 1988]. Where, however, such record has been returned to the ⁶[subordinate court] it shall be called for immediately upon receipt of the petition for leave to appeal under rule 2 of Order XLV, Civil Procedure Code.

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

29. Subordinate Court's report for delayed delivery of record.-Whenever it is not possible for the ⁷[subordinate court] to comply with the requisition within the time stated, such court

¹ Sub-rule (4) was re-numbered for the sub-rule (iv) by Notification No. 181-G dt. 22-10-2012.

² Sub-rule (5) was re-numbered for the sub-rule (v) by Notification *ibid*.

³ The expression "a date not earlier than 30 days from the date of issuance of notice" was substituted for the expression "regulated by the time prescribed in rules 49 and 50, Chapter V" by Notification *ibid*.

⁴ The expression "article 103" was substituted for the expression "Articles 157(l) and 158(c)" by Notification *ibid*.

⁵ The expression "60 days as prescribed under rule 1 of the Order XIII of The Supreme Court of Bangladesh (Appellate Division) Rules, 1988" was substituted for the expression "the period prescribed under rule 2 of the Order XIII of the Supreme Court Rules, 1956" by Notification *ibid*.

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

⁷ The words "subordinate court" were substituted for the words "lower court" by Notification *ibid*.

shall report the reasons of its inability, and shall ask for such further time as may be necessary.

¹[30. Preparation of additional Paper-Book and cost etc.]-(1) Where leave to appeal is granted by the Appellate Division and paper-books are required for that purpose, the concerned Section of the High Court Division shall serve a notice on the appellant requiring him to prepare additional number of paper-books so that a total number of 12 paper-books are available and shall also notify the estimated cost.

(2) If the leave to appeal from the judgment of the High Court Division in an appeal other than appeal from original decree or order is granted, the applicant shall deposit a lump sum of Tk.500/ within the time prescribed by Order XLV, rule 7, Civil Procedure Code, on account of the cost of the preparation of the paper-book. The estimate in such cases will be prepared and served as soon as possible after the receipt of records and the filing of the lists by the parties. But the said deposit of Tk.500/ shall be made within the prescribed time irrespective of the service of estimate.]

²[31. Inclusion of document in Paper-book.]-(1) If the appellant desires to include in Part I or II of the paper-book, used at the hearing of the appeal in the High Court Division, any paper on which the decision of the appeal to the Appellate Division depends, and which has not already been included in the paper-book or if he desires to exclude therefrom any paper on the ground that it is irrelevant to the subject matter of the appeal to the Appellate Division, he shall, within one week from the date of grant of leave to appeal, apply to the Registrar for an order accordingly, and file with his application a complete list of the papers to be included in, or excluded from, the printed paper-books; and he shall, at the same time, serve copies of his application and list on the appearing respondents.

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*.

(2) Within one week from the date of the receipt of copies of the application and list mentioned in sub-rule (1) above, the appearing respondents shall, if they so desire, file a similar application and list and simultaneously serve copies thereof on the appellant.

(3) In the case of grant of leave to appeal from the judgment of the High Court Division in appeal, other than appeal from an original decree or order, the appellant shall file a complete list of paper which he wishes to include in Parts I and II of the paper-book within two weeks of the grant of leave to appeal and shall simultaneously serve a copy thereof on the appearing respondents who shall thereupon, if they so desire, prepare and file their lists within one week of the receipt of the Appellant's List and simultaneously serve copies thereof on the appellant.

(4) If any party considers that any paper or portion thereof should be included in, or excluded from, the lists, he may within one week from the receipt of a copy of the list of the other side, and after giving notice to the other side of his intended application, apply to the Registrar for an order that such paper, or portion thereof, should be inserted in the paper-book or be excluded therefrom.

(5) An application under sub-rule(4) shall contain a certificate under the hand of the Advocate presenting it to the effect that the inclusion of the papers specified in their respective lists is necessary for the decision of the appeal, or that the papers are irrelevant and should be excluded from the printed record required for the Appellate Division.

(6) It shall be competent for the Registrar to pass any order which, with reference to the said applications, he considers proper, and any costs incurred on this account shall be borne in such manner as the Registrar may direct:

Provided that if the Registrar is unable to arrive at any conclusion as to whether a document should be included or not,

and as to which party should bear' the cost of inclusion of any document, he may make a note, which will form part of the paper-book, to that effect.

(7) The Registrar may, upon a stamped application, being made to him, extend the period prescribed in sub-rules (1) to (4) of this rule.

(8) When an order is passed under sub-rule (6) for excluding any portion of a document, the excluded portion shall be indicated by a star (*) mark and a foot-note shall be made by the Editor giving reference to the orders of the Registrar. Where a paper or papers are excluded entirely, a list of the paper or papers excluded shall be made and shall form part of the transcript record for use in the Appellate Division. The order or orders passed by the Registrar under sub-rule (6) shall also form part of such transcript record.

(9) The record shall be arranged, prepared and printed under the supervision of the Registrar of the High Court Division in accordance with the rule embodied in the Fifth Schedule to the Supreme Court of Bangladesh (Appellate Division) Rules, 1988. If the parties submit any disputed question arising in connection therewith, the Registrar of the High Court Division shall send the dispute to the Registrar of the Appellate Division.]

¹[32. Preparation of record under Appellate Division Rules.-Subject to directions issued from time to time by the Appellate Division under the Supreme Court of Bangladesh (Appellate Division) Rules, 1988 the record shall be prepared in accordance with the provision of Fifth Schedule to the said Rules.]

33 and 34.[Omitted by Notification No.181-G dt. 22-10-2012]

²[35. Estimate and deposit of cost for record.-In preparing the records under rule 31, the cost shall be estimated

¹ Rule 32 was substituted for the original Rule 32 by Notification No. 181-G dt. 22-10-2012.

² Rule 35 was substituted for the original Rule 35 by Notification *ibid*.

and deposited in accordance with the provision of Chapter IX of the High Court Division Rules as far as possible and in case of inadequacy of those provisions to meet any particular situation, the matter shall be decided by the Registrar.]

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

¹[**37. Objection to estimate.**-The applicant may, not beyond 15 days of preparation of the estimate, raise objection and submit to the Registrar, whereupon the Registrar shall dispose of the same within 7 days of receipt of the objection.]

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

²[**40. Security for granting certificate.**-In case of grant of a certificate under article 103 of the Constitution, the party intending to prefer appeal, shall furnish security for the costs of the respondent within the period prescribed by Order XLV, rule 7, Civil Procedure Code.]

³[**41. Form of security.**-(1) In all cases in which security is required to be deposited under Order XLV, rules 7, 10 and 14, Civil Procedure Code, the security shall consist either of cash or Government securities or such other form, and to such extent as the Court may direct.

(2) The security deposited in cash may be subsequently converted into Governments securities and *vice versa* under the orders of the Registrar to be obtained on an application duly stamped.]

42. Mortgage bond as security.-When in the special circumstances of the case, the Court allows immovable property to be accepted as security, the party ⁴[furnishing] the security shall file a mortgage bond, duly registered, together with a specification

¹ Rule 37 was substituted for the original Rule 37 by Notification No. 181-G dt. 22-10-2012.

² Rule 40 was substituted for the original Rule 40 by Notification *ibid*.

³ Rule 41 was substituted for the original Rule 41 by Notification *ibid*.

⁴ The word "furnishing" was substituted for the word "finding" by Notification *ibid*.

of the title to the property. Such bond shall be filed within the time ¹[prescribed] by Order XLV, rule 7 of the Civil Procedure Code. ²[If the bond is proved to be false, the party may face criminal prosecution in accordance with law].

43 and 44 [Omitted by Notification No.181-G dt. 22-10-2012.]

45. Deposit or security made on re-opening.- In case the last date for making the deposit or giving the security under Order XLV, rules 7, 10 and 14, Civil Procedure Code, ³[falls] on a day on which the office of the Court is closed the deposit may be made, or the security given, upon the first day on which the Court reopens.

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

47. Intimation to Appellate Division after deposit and security.-When the deposit has been made and the security has been furnished in accordance with the provisions of Order XLV, rule 7, Civil Procedure Code, ⁴[the Registrar shall intimate the Registrar of the Appellate Division about such deposit].

⁵[**48. Return of security after withdrawal of appeal.** Where an appeal has been admitted or leave to appeal has been granted by the Appellate Division, and the appellant, before the despatch of the record to that Division, is allowed to withdraw his appeal, the security deposited or furnished by him shall be returned by the Registrar of the High Court Division subject to production of the copy of the order allowing the withdrawal.]

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

² The expression "If the bond is proved to be false, the party may face criminal prosecution in accordance with law" was substituted for the expression "When such bond has been filed, the Registrar shall refer the matter for the security to be tested, to the Judge of the district in which the immovable property offered as security is situate" by Notification, *ibid*.

³ The word "falls" was substituted for the words "shall fall" by Notification *ibid*.

⁴ The words "the Registrar shall intimate the Registrar of the Appellate Division about such deposit" were substituted for the "words the application shall be laid before the Court for orders as to the admission of the appeal" by Notification *ibid*.

⁵ Rule 48 was substituted for the original Rule 48 by Notification *ibid*.

49 to 53 [Omitted by Notification No. 181-G dt. 22-10-2012.]

54. Application by/on behalf of minor etc.- All applications by, or on behalf of ¹[a minor] or a person of unsound mind shall be made in the name of the ²[minor] or the person of unsound mind by the person whose name is on the record as his next friend or guardian; and whenever any application is consented to, or opposed by, ³[a minor] or a person of unsound mind, the ⁴[minor] or the person of unsound mind shall in like manner be represented by the person who appears on the record as his next friend or guardian.

55. Application for appointment of guardian etc.- In case there is no next friend or guardian upon the record, a separate application for appointment of a next friend or guardian must be made.

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

5[57. Assessment of cost regarding decision in appeal.- Where in an appeal in the Appellate Division orders for payment of costs and the assessment of the costs involves assessment of costs incurred by the party in the High Court Division in connection with the appeal as required by rules 12-59 of this Chapter, the Registrar shall, on being intimated about the requirement of such assessment, assess the same and send to the Registrar of the Appellate Division.]

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

6[59. Report to Appellate Division about non-compliance.-Where in connection with an appeal to the Appellate Division the Registrar of the High Court Division directs a party to

¹ The words "a minor" were substituted for the words "an infant" by Notification No. 181-G dt. 22-10-2012.

² The word "minor" was substituted for the word "infant" by Notification *ibid.*

³ The words "a minor" were substituted for the words "an infant" by Notification *ibid.*

⁴ The word "minor" was substituted for the word "infant" by Notification *ibid.*

⁵ Rule 57 was substituted for the original Rule 57 by Notification *ibid.*

⁶ Rule 59 was substituted for the original Rule 59 by Notification *ibid.*

comply any of the requirements of these Rules, and the party fails to comply with that direction, the Registrar shall intimate the Registrar of the Appellate Division about such non-compliance.]

C-¹[Certificate of Appeals under article 103 of the Constitution.]

2[60. Contents of Certificate Under article 103.-In any case, the Judge or the Judges pronouncing a Judgement may, *suo moto* or on the application of a party to such case, certify either in the Judgement itself or by a separate order to the effect that the case is fit for appeal to the Appellate Division. In so certifying, the Judge or Judges shall clearly specify the substantial question(s) of law as to the interpretation of the Constitution.]

D-³[Application for Certificate under article 103 of the Constitution.]

4[61. Application for certificate under article 103-

(1) Except in cases provided in sub-rule (6) below, every application to the High Court Division under article 103 of the Constitution shall be presented within 21 days from the date of pronouncement of judgment or order, provided that the Court may, for sufficient cause, extend the time.

(2) The application shall state-

- (a) full particulars of the case;
- (b) the date of the judgment or order; and
- (c) the grounds on which the certificate is applied for.

(3) Such application may be presented either in person or through an Advocate in the Office of the Registrar. The applicant,

¹ The heading "Certificate of Appeals under article 103 of the Constitution" was substituted for the heading "Appeals under Article 160 of the Constitution" by Notification No. 181-G dt. 22-10-2012.

² Rule 60 was substituted for the original Rule 60 by Notification *ibid*.

³ The expression "Application for Certificate under Article 103 of the Constitution" was substituted for the expression "Petition for leave to appeal in Criminal proceedings under Article 159(c) of the Constitution" by Notification *ibid*

⁴ Rule 61 was substituted for the original rule 61 by Notification *ibid*.

if he is in jail, may present his application to the Officer-in-Charge of the Jail who shall forward it forthwith to the Registrar of this Court.

(4) Normally, such application shall be placed before the same Bench which pronounced the judgment or passed the order unless the Chief Justice directs otherwise.

(5) The Judge or Judges of the said Bench may reject the application *in limine* or order for issuance of a notice to the Solicitor or other party concerned.

(6) The above rules will not apply if the Judge or Judges pronouncing the judgement or order *suo moto* certify that the case is fit for appeal to the Appellate Division.

(7) In a case where a Judge or Judges decide to certify that the case is fit for appeal to the Appellate Division, a certificate shall be granted in the following form:

(a)

(b)

(c)

Signature of the Judge(s)

CERTIFICATE**SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION**

-----No-----Of-----

(Specify Case No. with Year)

-----Applicant(s)/Petitioner(s)

Vs.

-----Respondent(s)/opposite party)

-----Applicant(s)

(Full description of the applicant and the case in which the certificate has been applied for)

On the application of the applicant (s) above named, it is hereby certified under Article 103 of the Constitution that the case noted above is a fit one for appeal to Appellate Division, since it involves the following questions of law as to the interpretation of the Constitution:

(a)

(b)

(c)

Dated this-----day of -----20-----

Signature of the Judge(s)]

Chapter VI

Reference to Full Bench
Order Book

APPENDIX

(TO CHAPTER-VI)

(THE SUPREME COURT RULES, 1956)

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

(3) If the unsigned order is not recalled on the same day, it may be recalled on a subsequent day by the Bench which passed the Order on its own motion or on the written application of a party. In such a situation the matter must be posted in the list either under the heading "Orders to be recalled" or under the heading "Orders to be recalled on a subsequent day".

(4) Where an unsigned order is recalled whether on the same day or on a subsequent day, the fact of recalling the order is to be recorded with reference to the unsigned order. The order recalling an unsigned order is to be signed by the Judge of the Bench which passed the order.

1[Chapter -VIA

Order Book

1. Order Book and recall of unsigned order: (1) The prevalent format with regard to order book/order sheet shall be followed.

(2) An unsigned order may be recalled by the Bench which passed the Order on the same day, either on its own motion or on a verbal prayer of a party. However, in such a case, the order recalled, is to be recorded either in the Order Book, or if it is relatively a long order, in a separate sheet to be kept on the record.

(3) If the unsigned order is not recalled on the same day, it may be recalled on a subsequent day by the Bench, which passed the Order on its own motion or on the written application of a party. In such a situation the matter must be posted in the list either under the heading "For Order/আদেশের জন্য", or as the case may be under heading "Application/আবেদনপত্র" if it is filed by a party.

(4) Where an unsigned order is recalled, whether on the same day or on a subsequent day, the fact of recalling the order is to be recorded with reference to the unsigned order. The order recalling an unsigned order is to be signed by the Judge(s) of the Bench which passed the order.]

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