

বাংলাদেশ



গেজেট

অতিরিক্ত সংখ্যা

কর্তৃপক্ষ কর্তৃক প্রকাশিত

বুধবার, নভেম্বর ২১, ২০১২

বাংলাদেশ সুপ্রীম কোর্ট

হাইকোর্ট বিভাগ, ঢাকা

প্রজ্ঞাপন

তারিখ, ৭ কার্তিক ১৪১৯/২২ অক্টোবর ২০১২

নং ১৮১-জি।—গণপ্রজাতন্ত্রী বাংলাদেশের সংবিধানের ১০৭(১) অনুচ্ছেদে প্রদত্ত ক্ষমতাবলে বাংলাদেশ সুপ্রীম কোর্ট, রাষ্ট্রপতির অনুমোদনক্রমে, হাইকোর্ট বিভাগের রীতি ও পদ্ধতি নিয়ন্ত্রণ বিষয়ে প্রচলিত Supreme Court (High Court Division) Rules, 1973 সংশোধনক্রমে উহাতে আনীত সংযোজন, বিয়োজন, প্রতিস্থাপন ও পরিবর্তনসহ সমন্বিত আকারে Supreme Court of Bangladesh (High Court Division) Rules, 1973 নামে প্রকাশ করিল।

এই বিধিমালার বিভিন্ন বিধানে আনীত সংযোজন, বিয়োজন, প্রতিস্থাপন ও পরিবর্তন সরকারী গেজেটে প্রকাশের তারিখের ৯০ দিন পর কার্যকর হইবে।

কোর্টের আদেশক্রমে

এ.কে.এম. শামসুল ইসলাম

রেজিস্ট্রার।

(১৯৩৯৫৯)

মূল্য : টাকা ২৪০.০০

¹[Chapter-I**PRELIMINARY**

²[1. Citation.- These Rules shall be cited as the Supreme Court of Bangladesh (High Court Division) Rules, 1973.]

2. Construction of references.- (1) Unless the context otherwise requires, the expressions used in these Rules shall be construed as follows:

- (a) in case of matters of civil nature, such expression shall carry the meaning as in the Code of Civil Procedure, 1908 or the law referred to in the provision in which the expression occurs;
- (b) in case of matters of criminal nature, such expression shall carry the meaning as in the Code of Criminal Procedure, 1898 or the law referred to in the provision in which the expression occurs;
- (c) in other cases, such expression shall carry the ordinary meaning as followed in the practices of the Court.

(2) Where a provision of these Rules refers to the expression Civil Procedure Code, Criminal Procedure Code, Court-fees Act and the Constitution, such reference shall mean the Code of Civil Procedure, 1908, the Code of Criminal Procedure, 1898, the Court-fees Act, 1870 and the Constitution of the People's Republic of Bangladesh respectively.

(3) Unless the context otherwise requires, the expression "Code" occurring in a provision of these Rules, shall be construed as a reference to the Code of Civil Procedure, 1908 and the Code of Criminal Procedure, 1898 in matters of civil and criminal respectively.

¹ Chapter I was inserted by Notification No. 181-G dt. 22-10-2012. Original Ch. I renumbered as Ch. IA.

² This citation follows the citation of the Rules published by Notification No. 740.G, dated 30.01.1973 by which continuity of all Rules made by the erstwhile High Court at Dhaka was given.

(4) Where a provision of these Rules refers to the abbreviation "C.P.C.", "Cr.P.C. and High Court Division Rules or HCD Rules, it shall mean the Code of Civil Procedure, 1908, the Code of Criminal Procedure, 1898 and the Supreme Court of Bangladesh (High Court Division) Rules, 1973 respectively.

(5) Unless the context otherwise requires-

(a) the expression "Chief Justice" means the Chief Justice of Bangladesh;

(b) the expression "Court" or "the Court" occurring in a provision of these Rules means the High Court Division or a Bench of that Division; and

(c) the word "Judge" shall mean a Judge or Judges of that Division or the concerned Bench thereof.

(6) The expression "subordinate court" means any court, tribunal or other judicial body, by whatever name described in a law, that is subordinate to the High Court Division; and the expression "Judicial Officer" shall mean a member of the Bangladesh Judicial Service.

(7) A "Note" occurring after any provision of these Rules shall be construed as supplementary or, as the case may be, explanatory to such provision.

3. Bangla reference to rule etc.-Where in a memorandum or petition of appeal, application or affidavit, or in a judgement or order of the Court, or in a notice or any correspondence issued to and from the Registry of the Court, a reference is made to any provision of these Rules in Bangla, such reference shall contain the appropriate Bangla expression and number (if any) clearly indicating the concerned provision [e.g বিধি (rule), উপ-বিধি (sub-rule), দফা (clause), উপ-দফা (sub-clause), শর্তাংশ (proviso), তফসিল (schedule), পরিশিষ্ট (Appendix), ফর্ম (Form) ইত্যাদি].

4. Publication of authentic Bangla translation.-The Supreme Court may prepare and publish an authentic Bangla translation of these Rules.]

¹ [CHAPTER-IA]**BUSINESS NOT OF A JUDICIAL CHARACTER****²[A- STANDING COMMITTEES]**

³[1. Standing Committees.]-(1) For the purposes of these Rules, there shall be the following Standing Committees:

- (a) General Administration Committee (hereinafter referred to as the G.A Committee);
- (b) Rule Committee;
- (c) Monitoring Committee for the High Court Division;
- (d) Monitoring Committee for the Subordinate Courts.

(2) In addition to the Standing Committees mentioned in sub-rule (1), the Full Court may appoint such other Standing Committee(s) for performing such functions as it considers necessary and as are not assigned to the standing committees mentioned in sub-rule (1).]

⁴[1A. Composition of G.A Committee.]-The G.A Committee shall consist of the Chief Justice and not more than four Judges as the Chief Justice may appoint from time to time.]

⁵[2. General power of G.A Committee.]-(1) The G.A Committee shall be in charge of the superintendence and control over the affairs of all courts and tribunals subordinate to the High Court Division, so far as such superintendence and control are exercised otherwise than judicially.

¹ Original Chapter I was re-numbered as Chapter IA by Notification No. 181-G dt. 22-10-2012.

² The heading "A- Standing Committee" was substituted for the heading "The General Administration Committee" by Notification *ibid*.

³ Rule 1 was inserted by Notification *ibid*.

⁴ Rule 1A was substituted for the original rule 1 by Notification *ibid*.

⁵ Rule 2 was substituted for the original rule 2 by Notification *ibid*.

(2) The G.A Committee shall have power, without reference to the Full Court:

- (a) to dispose of all correspondence relating to its business, urgent in its nature and not of general importance;
- (b) to make recommendations for posting, disciplinary action including imposition of penalty upon, grant of leave to, and suspension and promotion of judicial officers; but recommendations of the G.A Committee with regard to promotion of and imposition of penalty on, a judicial officer shall be placed before the Full Court for approval;
- (c) to formulate general guidelines for the purpose of exercising its power under clause (b).

(3) The Chief Justice may at any time direct that the powers conferred on the G.A Committee under sub-rule (2) above shall be exercised by one or more Judge(s) of that Committee and such Judge(s) may apportion the duties of the Committee among them, subject to the approval of the Chief Justice.]

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

1[5. Correspondence of G.A Committee.- Orders on all correspondence relating to any branch of the functions of the G.A Committee shall ordinarily be passed by the Judge or Judges of that Committee or by the Registrar, Additional Registrar or Deputy Registrar under his or their superintendence.]

6. Delegation by G.A Committee to a member.-The ²[G.A Committee] shall have power to place ³[any Judge-in-Charge of the day to day administration of any] of its functions, and such Judge may place before that committee any matter he has to deal

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

² The expression "G.A. Committee" was substituted for the words "General Administration Committee" by Notification *ibid*.

³ The words "any Judge-in-Charge of the day to day administration of any" were substituted for the words "in charge of any Judge of the Committee the day to day administration of any branch" by Notification *ibid*.

with. The ¹[G.A Committee] may refer any important matter it has to deal with to the Full Court.

2[7. G.A Committee's power to pass order.- A Judge(s) of the G.A Committee is empowered to pass necessary orders on the following matters, namely:-

- (a) recommendation for the posting and promotion of, and granting leave to, Judicial Officers;
- (b) formulating criteria/principles to be followed by the G.A Committee in the matters specified in clause (a);
- (c) conferring powers on any individual officer or any class of them, where it is necessary under the relevant law;
- (d) all administrative matters connected with the Touts Act and the rules made there under;
- (e) issue of General/Special Letters or Orders/Circulars/Memorandum;
- (f) all other correspondence not related to judicial matters or orders of other Judges, unless there is an express rule to the contrary or unless the importance of the subject may render it fit, in his or their opinion, to be laid before a greater number of Judges of the G.A Committee or the Full Court.]

3[7A. Rule Committee and its functions.-(1)The Rule Committee shall consist of not more than 5 (five) Judges to be appointed by the Chief Justice from time to time.

(2). The Rule Committee shall perform the following functions:

- (a) to review the High Court Division Rules from time to time and to make recommendations for consideration of the Full Court;

¹ The expression "G.A. Committee" was substituted for the words "General Administration Committee" by Notification No. 181-G dt. 22-10-2012.

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

³ Rule 7A was inserted by Notification *ibid*.

(b) to prepare draft rules which the High Court Division is empowered or required to make under any law, to prepare draft for amendment of any such existing rules, and to place such drafts for consideration of the Full Court;

(c) to perform such other functions as the Full Court or the Chief Justice may assign from time to time.

(3) In performing its functions, the Rule Committee shall follow such procedure in respect of convening, holding and conducting its meeting and taking its decision as it may consider proper.

(4) For the purpose of discharging its functions, the Rule Committee may, with the approval of the Chief Justice, take the assistance of a Judge who is not a member of the Committee or of any other person.

(5) The Rule Committee shall hold at least 3 (three) meetings in each calendar year.]

[17B. Monitoring Committee for High Court Division.]-(1) The Monitoring Committee for the High Court Division shall consist of not more than 5 (five) Judges as the Chief Justice may appoint from time to time.

(2) The Monitoring Committee for the High Court Division shall perform the following functions:

(a) to ascertain the number of various types of pending cases, including long pending cases;

(b) to ascertain, from time to time, the number of cases which, according to the High Court Division Rules, require preferential treatment for disposal, but not fixed for hearing and to make recommendations to the Chief Justice for speedy disposal thereof;

¹ Rule 7B was inserted by Notification No. 181-G dt. 22-10-2012.

- (c) to ascertain the number of cases ready for hearing, but not posted in the cause list, and to make recommendations to the Chief Justice;
- (d) to recommend measures in general for speedy disposal of pending cases;
- (e) to identify problems that hinder speedy disposal of cases, and to identify cases of non-compliance of the High Court Division Rules and to make necessary recommendation to the Chief Justice;
- (f) to discharge such other functions as the Chief Justice may assign to the Committee.

(3) In performing its functions, the said Committee shall follow such procedure in respect of convening, holding and conducting its meeting and taking its decision as it may consider proper.

(4) For the purpose of discharging its functions, the said Committee may, with the approval of the Chief Justice, take the assistance of a Judge who is not a member of the Committee or of any other person.

(5) The said Committee shall hold at least 3 (three) meetings in each calendar year.]

1[7C. Monitoring Committee for Subordinate Courts.-

(1) The Monitoring Committee for the Subordinate Courts shall consist of not more than 5 (five) Judges as the Chief Justice may appoint from time to time.

(2) The Monitoring Committee for the Subordinate Courts shall perform the following functions:

- (a) to ascertain, from time to time, the number of pending cases in subordinate courts of the districts, Metropolitan Sessions Judgeships, Judicial Magistracies of Metropolitan and other areas and Special Courts /Tribunals;

¹ Rule 7C was inserted by Notification No. 181-G dt. 22-10-2012.

- (b) to assess the upward or downward trend of backlog of cases in those courts;
- (c) to recommend to the Chief Justice for issuance of any general or special direction or instruction to the Judges of subordinate courts or any individual Judge or Magistrate;
- (d) to undertake, with the approval of the Chief Justice, inspection of a particular court or courts of Metropolitan or outside area, or to recommend such inspections;
- (e) to identify the reasons for delay in disposal of cases in subordinate courts and to recommend to the Chief Justice for issuing necessary directions/orders/instructions;
- (f) to examine compliance reports pursuant to any inspection conducted by a Judge of the High Court Division or to any other direction/instruction issued under these Rules;
- (g) such other functions as the Chief Justice or the Full Court may assign to the said Committee with regard to disposal of pending cases.

(3) In performing its functions, the said Committee shall follow such procedure in respect of convening, holding and conducting its meeting and taking its decision as it may consider proper.

(4) For the purpose of discharging its functions, the said Committee may, with the approval of the Chief Justice, take the assistance of a Judge who is not a member of the Committee or of any other person.

(5) The Committee shall hold at least 3 (three) meetings in each calendar year.]

¹[B-] Special Committee

²[8. **Special Committee.**-(1) In addition to the Standing Committees, the Chief Justice may, at any time, appoint Special Committee(s) consisting of one or more Judges to consider and report to the Chief Justice or to the Full Court upon any matter which may be referred to it on any point or points and such a Committee shall have power, without reference to the Judges generally, to enter upon and conduct, any correspondence, which the Committee may consider necessary in order to enable it to prepare its report.

(2) For the purpose of discharging its functions, a Special Committee may, with the approval of the Chief Justice, take the assistance of a Judge who is not a member of the Committee or of any other person.

(3) In performing its functions, a Special Committee shall follow such procedure in respect of convening, holding and conducting its meeting and taking its decision as it may consider proper.]

³[8A. **Information to Judges about Special Committee.**-When a Special Committee is appointed under rule 8 of this Chapter, a notice should be circulated to all the Judges informing them of the appointment, of the names of the members and of the matters, which have been referred to it.

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

² Rule 8 was substituted for the original rule 8 by Notification *ibid*.

³ Rules 8A & 8B were inserted by Notification *ibid*.

8B. Charge of a Section.-The Chief Justice may assign any Judge(s) with the charge of any particular Section of the Registry.]

¹[C-] Contemplated Legislation

²**[9. Full Court's role on contemplated legislation.-** Any law/draft law forwarded by the Government to the High Court Division for opinion, or proposals for amendment or matters connected with the development of law, shall be placed before the Full Court for its opinion and if the Judges present at the meeting of the Full Court or if the Chief Justice so desires, they or he may refer such matter(s) to the Rule Committee for consideration and report.]

³**[10. Rule Committee's report to Full Court.-** The Registrar shall, under order of the Chief Justice circulate the report of the Rule Committee among the Judges 7 (seven) days before placing it in the Full Court Meeting, but in case of urgency this rule may be relaxed under order of the Chief Justice.]

⁴[D- Registry and the Registrar]

⁵**[11. Registrar's general control over court staff.-(1)** The Registrar is in administrative control of the offices of the Court collectively called the Registry and the Officers in immediate charge of such offices are responsible to the Registrar, and he is responsible to the Chief Justice for their efficient administration. Matters affecting all departments and establishment shall be submitted to the Registrar through the concerned Additional Registrar/Deputy Registrar.

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

² Rule 9 was substituted for the original rule 9 by Notification *ibid*

³ Rule 10 was substituted for the original rule 10 by Notification *ibid*.

⁴ The heading "D- Registry and the Registrar" was substituted for the heading "General" by Notification *ibid*.

⁵ Rule 11 was substituted for the original rule 11 by Notification *ibid*.

(2) An Additional Registrar/Deputy Registrar shall act under the direction of the Registrar and when required shall be in charge of and shall guide and control the entire office in all its jurisdictions subject to the orders of the Chief Justice or any Judge in-Charge of the concerned Department/Section.

(3) The Assistant Registrars shall, through the concerned Deputy/Additional Registrar, generally submit to the Registrar proposals, comments, etc., on administration affecting finance, establishment and employees of the Court and those related to furniture, stores, equipment, installation, forms and stationery, and the Registrar in his turn shall seek the order of the Chief Justice in all important subjects connected therewith.

(4) All Administrative papers required to be laid before the Chief Justice or any of the Judges shall ordinarily be submitted through the Registrar.

(5) The Registrar shall maintain a confidential Character Roll for each Additional/Deputy/Assistant Registrar and all other Gazetted Officer(s) of the Court.]

1[12. Collection of case information by Advocate etc.- The office rooms of the Court are not open to the public: information regarding cases shall only be obtained upon filing an application. Advocates may, however, meet any Gazetted Officer of the Court during office hours on official business. They or their clerks shall also have access to the proper officials for the purposes mentioned below:-

(a) obtaining an official report from the Stamp Reporter as to the sufficiency or otherwise of the stamp on a memorandum of appeal, on a memorandum of objection under Order XLI, rule 22 or 26, Civil Procedure Code, on an application for revision, review and on an application for leave to appeal in *forma pauperis* or other applications that require such report;

¹ Rule 12 was substituted for the original rule 12 by Notification No. 181-G dt. 22-10-2012.

- (b) presenting memoranda of appeals, memoranda of objections under Order XLI, rules 22 and 26, Civil Procedure Code, application for revision, review and leave to appeal in *forma pauperis*, in accordance with the rules made by this Court and getting the Court-fee stamps attached to such memoranda and applications cancelled by the Officer in- Charge;
- (c) having Court-fee stamps affixed to miscellaneous applications intended to be presented to the Court or the Registrar, or applications for copies, information or inspection cancelled by the Officer in- Charge and entered in the Filing Register;
- (d) transacting business connected with the deposit and withdrawal of money, etc., with the Accounts Section of the Court;
- (e) filing applications for leave to appeal to the Appellate Division after cancellation of the Court-fee stamps attached to such applications and entry in the Filing Register;
- (f) filing applications for copies and folios with the Superintendent of the Copying Section, and appearing before him when required to do so;
- (g) inspecting records in the Inspection Room or the space set apart for the purpose of inspection and in the presence of the Officer in- Charge;
- (h) filing applications with the Superintendent(s) of the Decree Section and appearing before them to settle draft decrees or when required to appear before them for any other official purposes;
- (i) filing applications for information and inspection of records with the officers empowered to deal with these matters;
- (j) filing other documents not referred to above with the Officer in- Charge for cancellation of the Court-fee/ stamps (if any) attached to such documents, and for distribution to the departments concerned;
- (k) receiving manuscripts, receiving and filing proofs of paper-books and filing paper-books;

- (l) obtaining prescribed forms from the Officer in-Charge or the Forms Clerk;
- (m) having oaths/affirmations administered before a Commissioner of Affidavits;
- (n) getting affidavits explained to a deponent by translators of the Court; and
- (o) paying Talabana and other fees, charges and costs.]

13. Supply of papers to a Committee.-It shall be the duty of the Registrar to submit all papers relating to any matter to the ¹[concerned Committee].

14 and 15. [Omitted by Notification No. 181-G dt. 22-10-2012.]

²[E- **Full Court Meeting**]

³[**16. Matters of Full Court meeting.**-The following matters shall be placed before the Full Court:

- (a) proposed changes in the law where the proposition emanates from the Government or a Committee or when any Judge(s) of the Court considers that action is called for;
- (b) annual Report of the Supreme Court (High Court Division), before its publication;
- (c) rules which, if published, will have the force of law;
- (d) all recommendation for suspension and promotion of, and imposition of penalties upon, a judicial officer;
- (e) any matter required by any provision of these Rules to be placed before Full Court;
- (f) any matter which the Chief Justice may place.]

¹ The words "concerned committee" were substituted for the expression "Committee, if any, appointed to deal with it" by Notification No. 181-G dt. 22-10-2012.

² The heading "E- Full Court Meeting" was inserted by Notification *ibid*.

³ Rule 16 was substituted for the original rule 16 by Notification *ibid*.

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

18. Notice of Full Court meeting.- The Registrar shall, under the orders of the Chief Justice, circulate ¹[to all the Judges] notices of the meeting of the Full Court ²[along with the agenda], at least two days before the day of the meeting; and in case of special urgency reasonably before the meeting.

³[**18A. Full Court meeting and dissent.-**An individual Judge shall be at liberty to dissent from a decision taken by the Full Court meeting and such dissent shall be recorded in the minutes specified in Rule 19.]

⁴[**19. Proceedings of Full Court meeting.-** The minutes of the proceedings of the Full Court shall be recorded by an appropriate officer designated by the Registrar in the books to be kept for that purpose, and shall be at all times open to inspection, or may be called for, by any of the Judges. Such minutes shall be placed by the Registrar before the Chief Justice for his verification and signature.]

⁵[**19A. Full Court meeting's decision to be read over.-** Summary of the decisions taken in a Full Court meeting shall be read over to the Judges present.]

19B. Chief Justice may take urgent decision.- Notwithstanding the powers conferred by the provisions of this Chapter on a Standing Committee or a Special Committee or a Judge(s), the Chief Justice may, in urgent cases, take decision on any matter falling within the jurisdiction of a Committee.]

¹ The words "to all the Judges" were inserted by Notification No. 181-G dt. 22-10-2012.

² The words "along with the agenda" were substituted for the expression "and of the General Administration committee to all the Judges of the Committee, as the case may be" by Notification *ibid*.

³ Rule 18A was inserted by Notification *ibid*.

⁴ Rule 19 was substituted for the original rule 19 by Notification *ibid*.

⁵ Rules 19A and 19B were inserted by Notification *ibid*.

CHAPTER-II

Constitution and Powers of the Benches and Powers of the Registrar and distribution of Judicial Business

1[1. Constitution and power of Division Bench in civil matters.-Unless otherwise required by law, a Division Bench for the hearing of appeals from decrees or orders of subordinate courts shall ordinarily consist of two Judges.

1A. Constitution of Single Bench in civil matters.-The Chief Justice may also constitute a Single Bench consisting one Judge and it shall be competent for such Bench to hear appeals and applications and Lawazimas relating thereto in all matters specified in the rule 1B, except where such appeals, applications or matters involve a substantial question of law as to the interpretation of the Constitution or *vires* of a law. The Judge of a Single Bench may, however, send to the Chief Justice any particular case, if the said Judge considers that the case should be disposed of by a Division Bench, with his reasons.

1B. Power of Single Bench in civil matters.-A Single Bench shall have power to dispose of such cases as are assigned to it by the Chief Justice and in particular to dispose of the following:

- (a) application under section 25 of the Small Cause Courts Act, 1887 and Rule issued upon such applications;
- (b) applications for Revision under Section 115(1) and 115 (4), Civil Procedure Code, against all decrees and orders passed by any Judge of a Civil Court arising out of a suit or proceeding up to the value of Tk.6.00,000/- and matters relating thereto;

¹ Rules 1, 1A and 1B were substituted for the original rule 1 and the Schedule, by Notification No. 181-G dt: 22-10-2012.

- (c) admission of appeal, or cross-objection, in matters in which the value of the suit or proceeding does not exceed Tk.6, 00,000/-;
- (d) all appeals from orders arising out of execution cases in which the value of the claim does not exceed Tk.6,00,000/- and all Rules issued and all applications relating thereto;
- (e) all appeals from orders made by the subordinate appellate courts in appeals arising out of a suit or proceeding the value of which does not exceed Tk.6,00,000/- and the value of the decree passed wherein do not exceed Tk.6,00,000/- and all Rules issued and all applications relating thereto;
- (f) all appeals or revisions arising out of suits or proceedings in which no specific valuation is specified or required by the relevant law.

Note.-Every memorandum of appeal from orders and every application for revision shall state the value of the suit or proceeding from which it arises or, as the case may be the decretal amount, if the proceeding is an execution case.]

1[1C. Constitution of Special Bench.-On the requisition of any Division Bench, or whenever he thinks fit, the Chief Justice, may appoint a Special Bench consisting of three Judges, for the hearing of any particular Appeal, Rule, Revision or an Application, or any particular question of law arising in an appeal or in any other matter.]

2[1D. Powers of Bench relating to Motion and Mention.- These matters are provided in Chapter IVA.]

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

² Rule 1D was inserted by Notification *ibid*.

2. Registrar's powers in civil and criminal matters.-

In addition to the powers conferred upon him by other rules, the Registrar shall have the following duties and powers in relation to Civil and Criminal matters:-

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

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

¹III (a) To receive an appeal from a decree or an appealable order of a Civil Court;

(b) To post an appeal referred to in sub-clause (a) above in the list of hearing under Order XLI, rule 11 of the Civil Procedure Code; and

(c) In case of appeals preferred against original decrees or orders under the Workmen's Compensation Act, 1923 (since repealed by Act No. 42 of 2006), to issue notices.]

(IV) To dispose of all matters relating to Court-fees (other than appeals the subject matter of which is the amount of Court-fee payable) and to the service of notices or other processes:

Provided that all Rules, in which there has been default in paying process fees within the time allowed in ²[rule 13, Chapter IV shall, within 15 days after expiry of the time limit specified by the second proviso to the said rule13.] be laid before the Bench which issued them, or if the Judges composing that Bench are no longer sitting together, before the senior of the two Judges and in his absence before the junior, to be dealt with by that Judge and the Judge who happens to be sitting with him.

In the event of both Judges who issued the Rule being absent or otherwise unable to deal with it, the Rule shall be laid before the Division Bench taking Lawazima matters.

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

² The expression "rule 13, Chapter IV shall, within 15 days after expiry of the time limit specified by the second proviso to the said rule13." was substituted for the expression "Rule 13, Chapter IV of these rules, shall" by Notification *ibid*.

A Rule issued by a Judge sitting singly in which there is default in paying process fees, shall be laid before the Judge, who issued the Rule and if he is not sitting singly it shall be laid before ¹[the Single Bench taking Lawazima matters].

²[(V) To dispose of all matters relating to-

- (a) the substitution of the heirs of parties, provided no question of limitation arises,
- (b) the representation of minor parties when there is no dispute as to the guardianship,
- (c) applications under Order-XXII, rule 10, Civil Procedure Code, and to record an assignment, creation or the devolution of an interest during the pendency of an appeal:

Provided that such assignment, creation or devolution is not disputed, and where such assignment, creation or devolution has taken place within three years as provided for in Article 181 of the First Schedule to the Limitation Act, 1908.]

(VI) To dispose of all matters relating to the appointment, removal or discharge of next friends or guardians *ad-litem* of minors or persons of unsound mind:

Provided that next friends or guardians *ad-litem*, as the case may be, shall not be removed except on stamped application supported by an affidavit and on notices to the persons sought to be removed, and also with notice to such party or parties as the Registrar in his discretion directs.

(VII) To require any memorandum of appeal, petition, application or other proceeding presented to the Court or to the Registrar to be amended in accordance with the procedure or practice of the Court.

¹ The words "the Single Bench taking Lawazima matters" were substituted for the words "some other Judge sitting singly" by Notification No. 181-G dt. 22-10-2012.

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

(VIII) To call for records from subordinate courts.

(IX) To dispose of requisitions by subordinate courts for records and documents.

¹[(IXA) To appoint a Commissioner for the purpose of administering oaths/affirmation of an affidavit made outside the Court Building and to fix the cost to be deposited by the concerned party.]

²[**Note.-** In fixing the cost, the Registrar shall consider the relevant distance, transport, time necessary and other relevant factors.]

(X) To receive and dispose of an application for the return of a document.

(XI) To require any person or party to file an Affidavit with respect to any application or matter in respect of which he has power to exercise any discretion or to make any order.

(XII) To stop at his discretion the issue of all or any papers to any person who has failed to pay any fee or charges due to the Court.

(XIII) To dispose of all applications for copies of records, whether presented by parties or persons who are not parties to the proceedings to which such records relate.

(XIV) To decide the question of necessity for transcribing and printing any accounts, not specifically applied for by the parties to an ³[appeal to the Appellate Division].

¹ Clause (IXA) was inserted by Notification No. 181-G dt. 22-10-2012.

² This Note was substituted for the original Note by Notification *ibid*.

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

(XV) To call for a further deposit where the deposit already made by the appellant in an ¹[appeal to the Appellate Division] is not sufficient to defray the cost of preparing the record, and to fix the time within which such further deposit shall be made.

(XVI) To order payment of the interest accruing on Government Promissory Notes or other securities bearing interest deposited under Order XLV, rule 7, Civil Procedure Code, and to order the refund of any unexpended balance under Order XLV, rule 12 of the Code.

(XVII) To dispose of all Lawazima reports relating to the preparation of paper-books, and to hear all applications in any of the above matters.

²[(XVIII) To deal with and hear applications for dispensing with more than one copy of the judgment under Order XLI, rule 1 of the Civil Procedure Code and Chapter V, rule 4 of these Rules; and to direct analogous hearing of appeals.]

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

(XX) To deal with all matters relating to the service, non-service and defect of service of the Court's notices in criminal cases.

(XXI) To deal with all matters relating to the substitution of legal heirs of deceased parties in all criminal cases wherein such substitution may be necessary.

(XXII) To deal with all defects in ³[Wokalatnamas in all proceedings].

¹ The words "appeal to the Appellate Division" were substituted for the words "Appeal to the Supreme Court" by Notification No. 181-G dt. 22-10-2012.

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

³ The words "Wokalatnamas in all proceedings" were substituted for the words "Vakalatnamas in Civil and Criminal cases" by Notification *ibid*.

(XXIII) To deal with applications for copies in criminal cases, where such copies are not ordinarily granted without the permission of the Court.

(XXIV) To deal with, and dispose of, all petitions of appeals in criminal cases wherein appeals may not be preferred to this Court.

(XXV) To record an order of abatement of all appeals, ¹[Rules], revisions ²[against decree or order by which an appeal or other case has been disposed of] and applications after the expiry of the statutory period, provided that he shall not be entitled to entertain applications of parties for the revival or for the setting aside of abatement of any appeal or other proceeding.

(XXVI) To deal with and pass orders on matters referred to in Order XLI, rule 14(3) of the Civil Procedure Code.

2A. Certain restriction on Registrar's power.- Nothing in ³[rule] 2 shall be deemed to authorise the Registrar to make an order of dismissal of an appeal for default or for any ⁴[other] reason or to determine disputed questions of representation under Order XXII, ⁵[rule] 5, Civil Procedure Code, or to pass final orders on contested applications for the appointment and removal of next friends and guardians *ad-litem* or on contested applications under Order XXII, Rule 10, C.P.C.

⁶[2B. Delegation by Registrar.- The Registrar may delegate to the Additional Registrar/Deputy Registrar or to an Assistant Registrar any function with which he is vested under Chapters IV, IVA, V, VA and VIII to XIII, except those referred to

¹ The word "Rules" was substituted for the original word "rules" by Notification No. 181-G dt. 22-10-2012.

² The words "against decree or order by which an appeal or other case has been disposed of" were inserted by Notification *ibid*.

³ The word "rule" was substituted for the original word "Rule" by Notification *ibid*.

⁴ The word "other" was inserted by Notification *ibid*.

⁵ The word "rule" was substituted for the original word "Rule" by Notification *ibid*.

⁶ Rule 2B was substituted for the original rule 2B by Notification *ibid*.

in clauses (IV) to (VII), (X), (XI), (XIV) to (XXI), (XXV) and (XXVI) of rule 2 above. He may also refer any matter under rule 2 to the Court for orders.]

2C. Appeal from Registrar's order.- All orders made by the Registrar under these rules shall be appealable with a fixed Court-fee of ¹[Tk.20/-] and shall be heard by ²[the Lawazima Bench, as constituted by the Chief Justice].

3. Application to Registrar.- Applications entertainable by the Registrar shall be presented to him and not to the Bench. All such applications shall be made in writing on paper of foolscap size with a margin of 2 inches, and shall ³[be preferably typewritten or printed by electronic device and must be legible].

4. Arrangement during Registrar's absence.- In the absence of the Registrar, or whenever the Chief Justice so directs, his powers and duties under clauses (IV) to (VII), (X), (XI), (XIV) to (XXI), (XXV) and (XXVI) of ⁴[rule] 2 of this Chapter shall be performed by a Judge or Judges, and the powers which he is authorised to delegate shall be performed by ⁵[an Additional Registrar or Deputy Registrar] or other officers of the Court, as the Chief Justice may specify.

Note.-⁶[Whenever the expression "Additional Registrar" occurs in any provision of the High Court Division Rules it shall be held to include the Deputy Registrar and any other officer of the Court to whom the Registrar may delegate the authority to exercise the function mentioned in the concerned provision.]

¹ The expression "Tk.20/-" was substituted for the expression "Rs.3" by Notification No. 181-G dt. 22-10-2012.

² The expression "the Lawazima Bench, as constituted by the Chief Justice" was substituted for words "an appropriate Lawazima Bench" by Notification *ibid*.

³ The words "be preferably typewritten or printed by electronic device and must be legible" were substituted for the expression "if not typewritten, be legibly written" by Notification *ibid*.

⁴ The word "rule" was substituted for the word "Rule" by Notification *ibid*.

⁵ The words "an Additional Registrar or Deputy Registrar" were substituted for the words "the Deputy Registrar" by Notification *ibid*.

⁶ This Note was substituted for the original Note by Notification *ibid*.

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

6. Reference from Civil Court.-A reference from a Civil Court shall first be placed before the Chief Justice for orders and if it appears to him that it is in order then it shall be heard by the Division Bench appointed for the hearing of appeals from decrees and orders of the Civil Court.

1[7. Powers of Division Bench and Single Bench in criminal matters.-

(1) Unless otherwise required by any other law, a Division Bench for the hearing of cases on appeal including appeal against inadequacy of sentence, reference, or revision in respect of the sentence or order of any Criminal Court or a Tribunal adjudicating criminal matter shall ordinarily consist of two Judges.

(2) A Single Bench consisting of one Judge may hear any appeal including appeal against inadequacy of sentence, or application for revision, except the following:

- (a) one relating to an order of sentence of death, imprisonment for life or of imprisonment exceeding seven years;
- (b) an appeal under section 476B of the Criminal Procedure Code;
- (c) an application for transfer under section 526 of the said Code or under any other law;
- (d) one relating to an order for execution of a bond where the person required to execute the bond has gone to prison in default of execution;
- (e) an appeal under section 417 or 417A of the Cr. P.C. against an order of acquittal or under section 23A of the Foreign Exchange Regulation Act, 1947 against an order of acquittal or discharge, in cases involving offences punishable with sentence of imprisonment exceeding 7 (seven) years;

¹ Rule 7 was substituted for the original rule 7 by Notification No. 181-G dt. 22-10-2012.

(f) an application for revision under section 439, Cr. P.C. against an order of acquittal in cases involving offences punishable with sentence of imprisonment exceeding 7 (seven) years;

(g) an application under section 561A, Cr. P. C.;

(h) an application for bail under section 498, Cr. P.C or under any other law.

(3) The Judge of a Single Bench while dealing with a case may, after recording reasons, send it to the Chief Justice for disposal thereof by another appropriate Bench.]

8. Division Bench for hearing of matters under section 195, 476 Cr.P.C.- A Division ¹[Bench] for the hearing of applications relating to, or arising out of, proceedings in any Subordinate Court (Civil, Criminal or Revenue) under section 195 or section 476, Criminal Procedure Code, shall consist of two Judges.

²[9. Reference to Bar Council regarding Advocate's misconduct.-(1) Whenever any Judge or Bench is of opinion that there are reasonable grounds for holding that any Advocate is guilty of any misconduct rendering such Advocate liable to be dealt with under the provisions of the Bangladesh Legal Practitioners and Bar Council Order, 1972, the Judge or the Bench may initiate a proceeding by issuing a Rule calling upon such Advocate to show cause as to why he should not be so dealt with and, after giving the Advocate an opportunity of being heard, the Judge or the Bench may refer the matter to the Bar Council.

(2) Where the matter is referred to the Bar Council under sub-rule (1), copy of the order may be sent to the Office of the Registrar and the Registrar shall depute an Officer to conduct the prosecution.]

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

² Rule 9 was substituted for the original rule 9 by Notification *ibid*.

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

11. Constitution of Full Bench.- A Full Bench appointed for any of the purposes mentioned in Chapter VII, Rules 1 to 5, or for disposing of any application, petition, suit, appeal or reference directed by the Chief Justice to be heard by a Full Bench ¹[***], shall be a Bench of any number not less than three of the Judges for the time being present as Judges of the Court.

12 and 13. [Omitted by Notification No. 181-G dt. 22-10-2012.]

14. Reference under Divorce Act.- ²[(1)] The time within which a decree of a District Court may not, under section 17 of the Divorce Act, ³[1869.] be confirmed shall be six months from the pronouncing thereof.

⁴[(2)] Rules 3, 4 and 5 of Order XLVI, Civil Procedure Code shall apply to references under section 9 of the Divorce Act, ⁵[1869] and the practice and procedure for disposing of such References for hearing shall be the same as prescribed in the case of References made under section 113 and ⁶[Order XLVI] of the said Code, provided always that every such Reference shall be laid before the Chief Justice for his direction as to the Bench by ⁷[which] it shall be heard.

¹ The expression "or any matter or application coming before the Court on a certificate given by the Advocate-General under clause 26 of the Letters Patent" was omitted by Notification No. 181-G dt. 22-10-2012.

² Sub-rule "(1)" was re-numbered for the sub-rule "(a)" by Notification *ibid*.

³ The expression "1869," was inserted by Notification *ibid*.

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

⁵ The figure "1869" was inserted by Notification *ibid*.

⁶ The expression "Order XLVI" was substituted for the expression "Orders 46" by Notification *ibid*.

⁷ The word "which" was substituted for the word "whom" by Notification *ibid*.

1[15. Bench(es) for civil business.- The civil business of the Court shall be laid before the Bench or Benches constituted by the Chief Justice to deal with such business:

Provided that when an order under Order XLI, rule 25 or 28, Civil Procedure Code has been passed by a Division Bench, and at the time of the receipt of the return of such order, the Judge(s) of that Bench are not taking such appeal, the matter shall be laid before the Chief Justice for constitution of a Bench to hear such appeal.]

16 and 17. [Omitted by Notification No. 181-G dt. 22-10-2012.]

18. Notice to Attorney-General about Court-fee matter.- The Court may direct notice to be given to the ²[Attorney-General] in all matters of Court-fees before it and the ³[Attorney-General or any law officer assigned by him] may appear and take part in the proceedings.

19. Notice to Attorney-General about constitutional matter.- ⁴[(1)] The Court may direct notice to be given to the ⁵[Attorney-General] in all matters of a constitutional nature coming before it and the ⁶[Attorney-General] may appear and take part in it.

⁷[(2)] The ⁸[Attorney-General] may apply to be heard in any such proceedings before the Court, and the Court may, if in its opinion, the justice of the case so requires, permit him to appear and be heard, subject to such terms as to costs or otherwise as the Court may think fit.

¹ Rule 15 was substituted for the original rule 15 by Notification No. 181-G dt. 22-10-2012.

² The words "Attorney-General" were substituted for the words "Government Pleader" by Notification *ibid*.

³ The words "Attorney-General or any law officer assigned by him" were substituted for the words "Government Pleader" by Notification *ibid*.

⁴ The expression "(1)" was substituted for the expression "(i)" by Notification *ibid*.

⁵ The words "Attorney-General" were substituted for the words "Advocate-General" by Notification *ibid*.

⁶ The words "Attorney-General" were substituted for the words "Advocate-General" by Notification *ibid*.

⁷ The expression "(2)" was substituted for the expression "(ii)" by Notification *ibid*.

⁸ The words "Attorney-General" were substituted for the words "Advocate-General" by Notification *ibid*.

CHAPTER-III

¹[Court and Office Hours, Vacations and Holidays]

²[1. Holding of session(s) of Court under Article 100 of Constitution.- In the exercise of its several jurisdiction of the High Court Division one or more Judges may hold session(s) at such place or places and at such times as the Chief Justice may, with the approval of the President, determine under article 100 of the Constitution.]

2. Vacations.-The vacations to be observed in the Courts and offices of the ³[High Court Division] shall be such as may be fixed by the Chief Justice ⁴[and such vacation shall be published in the form of a calendar].

3. Weekly and other holidays.-Unless otherwise ⁵[***]ordered by the Chief Justice, the Courts and offices shall be open on every day of the year except on ⁶[Fridays and Saturdays] and such other days as the Chief Justice may declare to be holidays.

⁷[4. Court and office hours.- (1) The ordinary hours of sitting for all Courts on week days shall be from 10-30 a.m. to 4-15 p.m. with an interval of 45 minutes from 1-15 p.m. to 2-00 p.m. The Chief Justice may fix sitting and rising hour of all Courts for the month of Ramadan, and may in special circumstances vary the hours specified in this rule.

(2) The office hours for offices of the High Court Division shall ordinarily be from 9-00 a.m. to 5-00 p.m. with an interval of 30 minutes from 1-30 p.m. to 2-00 pm. and during the long vacation it shall be from 9-00 a.m. to 4-00 p.m. with an interval of 30 minutes from 1-30 p.m. to 2-00 p.m.

¹ The expression "Court and Office Hours, Vacations and Holidays" was substituted for the expression "Holding of Courts, Vacations, Holidays" by Notification No. 181-G dt. 22-10-2012.

² Rule 1 was substituted for the original rule 1 by Notification *ibid*.

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

⁴ The words "and such vacation shall be published in the form of a calendar" were inserted by Notification *ibid*.

⁵ The expression ", specially" was omitted by Notification *ibid*.

⁶ The words "Fridays and Saturdays" were substituted for the word "Sundays" by Notification *ibid*.

⁷ Rule 4 was inserted by Notification *ibid*.

(3) During the month of Ramadan, such office hours will be fixed by the Chief Justice.]

¹[5. Judge(s) may continue hearing beyond Court hour.- The hearing of a case already taken up by a Bench may be continued after Court's hour for the period as the Judge(s) of a Bench considers appropriate, but no new case should be taken up for hearing.

6. Vacation Bench and office work during vacation.-(1) The Chief Justice may direct that during the Vacation, one or more Benches with appropriate jurisdiction shall deal with matters which require to be immediately dealt with.

(2) The Presiding Judge of a Vacation Bench will fix the working days on which and the hours at which the Bench will sit and rise.

(3) The offices of the Court shall remain open during vacation on week days, at such times as the Chief Justice may direct.

7. Attendance and leave of Bench staff.-Subject to rule 8, attendance and leave of Officers and Staff of the Court are provided in the Rules of Business.

8. Responsibility of Bench staff to Judge.- (1) The Assistant Bench Officer, Personal Officer, Driver and other staff attached with a Judge shall be under direct control of the Bench Officer and the Bench Officer shall be responsible to the Judge for maintaining regular attendance, leave and performance of his own duties.

(2) For ensuring compliance with the provision of sub-rule (1), the Bench Officer shall maintain an attendance register and shall from time to time inform the Judge.

(3) In case of granting leave to any such officer or staff, the Registrar will arrange substitute officer or staff as far as possible.

(4) Apart from the officers and staff mentioned in sub-rule (1), a Judge may be provided with the assistance of a Research and Reference Officer.]

¹ Rules 5 to 8 were inserted by Notification No. 181-G dt. 22-10-2012.

CHAPTER-III

Holding of sessions

[Repealed by Notification No. 1530-G, The Bangladesh Gazette, February 26, 1991.]

6. Vacation Bench and office work during vacation- (1) The Chief Justice may direct that during the vacation, one or more Benches with appropriate jurisdiction shall deal with matters which require to be immediately dealt with.

(2) The Presiding Judge of a Vacation Bench will fix the working days on which and the hours at which the Bench will sit and the Bench shall sit on such days and hours.

(3) The offices of the Court shall remain open during vacation on week days, at such times as the Chief Justice may direct.

7. Attendance and leave of Bench staff. Subject to rule 8, attendance and leave of Officers and Staff of the Court are provided in the Rules of Business.

8. Responsibility of Bench staff to Judge. (1) The Assistant Bench Officer, Personal Officer, Driver and other staff attached with a Judge shall be under direct control of the Bench Officer and the Bench Officer shall be responsible to the Judge for maintaining regular attendance, leave and performance of his own duties.

(2) For ensuring compliance with the provision of any rule (1), the Bench Officer shall maintain an attendance register and shall from time to time inform the Judge.

(3) In case of training leave to any such officer or staff, the Registrar will arrange substitute officer or staff as far as possible.

(4) Apart from the officers and staff mentioned in sub-rule (1), a Judge may be provided with the assistance of a Researcher and Reference Officer.

১৯৩৯৮৮ নং বিজ্ঞপ্তি, ২০১২ সালের ২১ নভেম্বর তারিখে প্রস্তুতকৃত।

1[Chapter-IIIB**PRACTICE DIRECTION AND FORMS**

1. Practice direction from Chief Justice.-For smooth and efficient discharge of the Judicial and related functions of the Court, the Chief Justice may, from time to time, issue Practice Directions not inconsistent with the other provisions of the Supreme Court of Bangladesh (High Court Division) Rules.

2. Communication of Practice Directions to Subordinate Courts.- The Practice Directions shall be communicated to the Judges and, if necessary, to the Subordinate Courts in the form of circular letter or in such other form as the Chief Justice considers appropriate.

3. Communication of Practice Directions to Bar.- Where a Practice Direction involves matters relating to litigations in general, copy of such direction shall be communicated to the Bar.

4. Compilation of Practice Directions.-Every year the Registrar shall arrange for compilation of the Practice Directions for that year and shall, with the approval of the Chief Justice, get them printed.

5. Change etc. of forms.-If the Chief Justice considers that any of the forms specified in the appendices should be modified, substituted, deleted or that new form should be added for practical convenience or for any other reason, he may do so and notify all concerned in the manner he considers appropriate.]

CHAPTER-IV**General Rules for Applications and Affidavits****¹[A-] Applications**

²[1. Application in Bangla/ English.-Applications to the High Court Division shall be in [Bangla/English.]

³[1A. List of applications with Tk.20 court-fee.-The following Schedule specifies the list of applications, verified or unverified, on which court-fee of Tk.20 shall be affixed. The other conditions specified in the schedule shall be followed.]

SCHEDULE**⁴[***]**

Subject.	Details.	Under what ⁵ [law].	Whether affidavit necessary
Court-fees	1.Refund of Court-fees paid in excess.	Section 13, Court-fees Act, rule 2(IV), Chapter II of these Rules.	Affidavit not necessary.
	2.Time to put in requisite Court-fees and refiling of Memorandum of Appeal after period of limitation.	⁶ [Sub-rules] (3), (4) and (5) of rule 18, Chapter V of these Rules.	Affidavit necessary.

Subject.	Details.	Under what law	Whether affidavit necessary
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¹ The expression "A-" was inserted by Notification No. 181-G dt. 22-10-2012.

² Rule 1 was substituted for the original rule 1 by Notification *ibid*.

³ Rule 1A was inserted by Notification *ibid*.

⁴ The expression "Applications relating to the following matters should bear a Court- fee stamp of Rs. 3-" was omitted by Notification *ibid*.

⁵ The word "law" was substituted for the word "Rule" by Notification *ibid*.

⁶ The word "Sub-rules" was substituted for the word "Clauses" by Notification *ibid*.

Subject.	Details.	Under what law	Whether affidavit necessary
¹ [Substitution]	3. Substitution of parties (including minors).	Order XXII, rules 3(1) and 4(1), Civil Procedure Code, and rule 2(V), Chapter II of these Rules.	Ditto.
² [Minor and other disabled persons]	4. Appointment of guardian <i>ad-litem</i> .	Order XXXII, rule 3(2), Civil Procedure Code, and rule 2(VI) Chapter II of these Rules.	Ditto.
	5. Amendment of Memorandum of Appeal on a minor attaining majority.	Rules 28 and 30, Chapter V of these Rules.	Affidavit necessary, except in case of appellant, when ³ [amendment is] based on an affidavit already filed by respondent.
	6. Cancellation of Deputy Registrar's appointment as guardian <i>ad-litem</i>	Order XXXII, rule 11, Civil Procedure Code and rule 2(VI), Chapter II, read with rule 31, Chapter V of these Rules.	Affidavit necessary.

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

² The words "Minor and other disabled persons" were inserted by Notification *ibid*.

³ The words "amendment is" were inserted by Notification *ibid*.

Subject.	Details.	Under what law	Whether affidavit necessary
Notice	7. Substituted service	Order V, rule 20, Civil Procedure Code and rule 2(IV), Chapter II of these Rules.	Affidavit necessary.
	7A. Application for ¹ [extension] of time.	Rule 13(2) of Chapter IV of these Rules.	Ditto.
	7B. Application of appeal against the order of the Registrar.	Rule ² [2C] of Chapter II of these Rules	Affidavit not necessary.
Paper-book	8. ³ [Exemption from preparation]	Rule 8, Chapter IX of these Rules	Affidavit necessary.
	9.[Omitted by Notification No.181-G dt. 22-10-2012]		
⁴ [Appellate Division] matters	10. Transmission of Orders of ⁵ [Appellate Division to subordinate courts] for execution and for preparation of certificates of costs.	Rule 13c Chapter VI of these Rules, read with Article I of Schedule II of the Court-Fees Act.	Ditto
	11. Acceptance of securities other than cash or Government securities.	Rule 41, Chapter VI of these Rules.	⁶ [Ditto]

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

² The expression "2C" was substituted for the expression "2(c)" by Notification *ibid*.

³ The words "Exemption from preparation" were substituted for the expression "Relaxation of rule 51(a), Chapter IX of these Rules" by Notification *ibid*.

⁴ The words "Appellate Division" were substituted for the words "Supreme Court" by Notification *ibid*.

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

⁶ The word "Ditto" was substituted for the words "Affidavit necessary" by Notification *ibid*.

Subject.	Details.	Under what law	Whether affidavit necessary
	12. Refund of securities.	Article I of Schedule II of the Court-fees Act	Affidavit not necessary.
	13. Conversion of securities from one form to another.	¹ [Rule 41(2)], Chapter VI of these Rules	² [Ditto.]
	14. Exclusion from or inclusion ³ [of paper in the paper-book for Appellate Division.]	Rules ⁴ [31(4)], Chapter VI of these Rules.	Ditto.
	15. Printing of part of the record.	Rule 5, Order XIV of the ⁵ [Supreme Court of Bangladesh (Appellate Division) Rules, 1988.]	Ditto.
	16. Reviver or substitution or addition of parties.	Rules ⁶ [6,] 7 and 8 of Order XVI of the ⁷ [Supreme Court of Bangladesh (Appellate Division) Rules, 1988.]	Affidavit necessary.

¹ The expression "Rule 41(2)" was substituted for the expression "Note to Rule 41" by Notification No. 181-G dt. 22-10-2012.

² The word "Ditto" was substituted for the words "Affidavit not necessary" by Notification *ibid*.

³ The words "of paper in the paper-book for Appellate Division" were substituted for the words "in transcript record to Supreme Court of paper" by Notification *ibid*.

⁴ The expression "31(4)" was substituted for the expression "31(III)(b)" by Notification *ibid*.

⁵ The expression "Supreme Court of Bangladesh (Appellate Division) Rules, 1988" was substituted for the expression "Supreme Court Rules, 1956" by Notification *ibid*.

⁶ The expression "6," was inserted by Notification *ibid*.

⁷ The expression "Supreme Court of Bangladesh (Appellate Division) Rules, 1988" was substituted for the expression "Supreme Court Rules, 1956" by Notification *ibid*.

Subject.	Details.	Under what law	Whether affidavit necessary
Record	17. Return of documents during pendency of appeal.	Rule 2(X), Chapter II of these Rules, Order XIII, rule 9, Civil Procedure Code.	Affidavit not necessary.
	18. Requisition for records from ¹ [subordinate] courts relating to cases other than the appeals pending in this Court.	Rules 20 and 21, Chapter IV of these Rules.	Ditto.
	19. Return of ² [exhibits/annexure] to affidavits or verified petition.	Rule 34(1), Chapter IV of these Rules.	Ditto (if document to be returned is original document).

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

² The expression "exhibits/annexure" was substituted for the word "exhibits" by Notification *ibid*.

Subject.	Details.	Under what law	Whether affidavit necessary
General	20. ¹ [Exemption from production of more than one copy of the Judgement in analogous appeals.]	Order XLI, rule 1 (1), Civil Procedure Code, ² [rule] 4, Chapter V, rule 2 (XVIII), Chapter II and rule 19, Chapter VI of these Rules	Affidavit not necessary.
	21. Cancellation of ³ [Wokalatnama.]	Rule 74, Chapter V of these Rules.	Affidavit necessary unless advocate who accepted the ⁴ [Wokalatnama] signifies his willingness to retire from case.
	22. Amendment of Memorandum of Appeal consequent on the death of a party including a party whose heirs are already on record.	Order XXII, Rules 3 and 4, Civil Procedure Code, and rule 26, Chapter V, read with rule 2(VII), Chapter II, of these Rules.	Affidavit necessary.
	23. Amendment of cause title of ⁵ [an application] arising from an Appeal or a Revision ⁶ [or Review] on the death of a party including a party whose heirs are already on the record.	Ditto	Affidavit necessary but, if in ⁷ [a] connected Appeal or Revision ⁸ [or Review] an affidavit has been filed, no further affidavit is necessary.

¹ Entry against serial No. 20 in 2nd column was substituted for the original entry by Notification No. 181-G dt. 22-10-2012.

² The word "rule" was substituted for the word "Rule" by Notification *ibid*.

³ The word "Wokalatnama" was substituted for the word "Vakalatnama" by Notification *ibid*.

⁴ The word "Wokalatnama" was substituted for the word "Vakalatnama" by Notification *ibid*.

⁵ The words "an application" were substituted for the words "a rule" by Notification *ibid*.

⁶ The words "or Review" were inserted by Notification *ibid*.

⁷ The letter "a" was inserted by Notification *ibid*.

⁸ The words "or Review" were inserted by Notification *ibid*.

¹[2. Cause title of application, reference to law, etc.-

In every application presented to the High Court Division there should be stated, immediately after the cause title, the concerned provision and short title of the statute under which the application is made, the date of the order complained of, the value of the suit or proceedings out of which the application arises.]

3. Application to be produced before Commissioner of Affidavit and Stamp Reporter.- Every application for ²[which affidavit is necessary] shall be produced before the Commissioner of Affidavits at the time ³[when] an affidavit in support of it is made, and that officer shall satisfy himself that the application is sufficiently stamped and shall certify accordingly; ⁴[even,] in case of an application in which no affidavit is necessary ⁵[a certificate of the Stamp Reporter shall be necessary with regard to sufficiency of court-fee].

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

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

4. Time and place for filing application.- Every application to the ⁸[High Court Division relating to an appeal, Review, Revision or other matter] pending before the Court shall be filed with the ⁹[Bench Officer] concerned at least 24 hours

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

² The words "which affidavit is necessary" were substituted for the word "revision" by Notification *ibid*.

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

⁴ The expression "even," was substituted for the word "but" by Notification *ibid*.

⁵ The words "a certificate of the Stamp Reporter shall be necessary with regard to sufficiency of court-fee" were substituted for the words "the Bench Clerk concerned shall satisfy himself that the application is sufficiently stamped" by Notification *ibid*.

⁶ Similar provision added as rule 12B, Chapter V by Notification *ibid*.

⁷ Similar provision added as rule 12C, Chapter V by Notification *ibid*.

⁸ The expression "High Court Division relating to an Appeal, Review, Revision or other matter" was substituted for the expression "High Court Relating to an Appeal, a Rule or a Revision Case" by Notification *ibid*.

⁹ The words "Bench Officer" were substituted for the words "Bench Clerk" by Notification *ibid*.

before the sitting of the Court before which it is ¹[intended to be moved], or of the Registrar if the application is entertainable by him. Such application shall be ²[posted in the Cause List] for hearing on the next day or on any other day to which the Court directs. ³[An application not posted in the Cause List shall not be] entertained by the Court or the Registrar, unless in the special circumstances of the case, the Court or the Registrar otherwise directs.

All such applications shall be filed after notice to the appearing parties or their Advocates, if any.

5. Statement of facts etc. in application.-Every application to the ⁴[High Court Division], if founded on any statement of fact, shall set out the material facts, matters and circumstances on which the applicant relies.

6. Statement relating to previous application /order.-When an application is made to the Court or to the Registrar in any matter in which any previous application was made to the Court or to the Registrar to the same effect, or with the same object, or with a similar object, the fact of such application having been made and the order passed thereon shall be clearly stated in the application.

⁵[**7. Specification of typing/printing.**- Every such application shall be neatly and legibly typed/printed on stout paper of foolscap size with a margin of two inches and shall contain about 20 lines in each full page and the application shall

¹ The words "intended to be moved" were substituted for the words "proposed to move the application" by Notification No. 181 G dt. 22-10-2012.

² The words "posted in the Cause List" were substituted for the word "listed" by Notification *ibid*.

³ The words "An application not posted in the Cause List shall not be" were substituted for the words "No such application which has not been duly listed will" by Notification *ibid*.

⁴ The words "High Court Division" were substituted for the words "High Court" by Notification *ibid*.

⁵ Rule 7 was substituted for the original rule 7 by Notification *ibid*.

be divided into paragraphs and numbered consecutively; and unless otherwise directed in these Rules, all such applications may be typed/printed only on one side of the paper:

Provided that more than one copy of such application shall be necessary, if the Bench consists of more than one Judge and such extra copy or copies shall be neatly and legibly typed/printed on white paper in the above manner and shall conform to rule 9 below.]

8. Affidavit/affirmation about contents.- The facts stated in such application shall be verified by the solemn affirmation of the applicant or by an affidavit to be annexed to the application.

Note.—The affidavit may be ¹[sworn in] by any person having ²[knowledge] of the facts stated. Several persons may join in an affidavit, each deposing separately to those facts which are within his own knowledge.

9. Who can sign on application.—Every application shall be signed and dated either by the applicant or declarant or his Advocate ³], on the first page and the copy thereof shall contain on the first page an endorsement signed by him with words “True Copy”].

10. Document already in Court may not be annexed.—It will not be necessary to ⁴[annex to the application or to] the affidavit any document which is part of a record in the ⁵[High Court Division]; nor will it be necessary to produce any affidavit of

¹ The words “sworn in” were inserted by Notification No. 181-G dt. 22-10-2012.

² The word “knowledge” was substituted for the word “cognizance” by Notification *ibid*.

³ The expression “, on the first page and the copy thereof shall contain on the first page an endorsement signed by him with words “True Copy” ” was inserted by Notification *ibid*.

⁴ The words “annex to the application or to” were substituted for the words “set out in the application or in” by Notification *ibid*.

⁵ The words “High Court Division” were substituted for the words “High Court” by Notification *ibid*.

any facts found by the ¹[High Court Division] or any of the ²[Subordinate Courts] in the course of the suit or proceeding out of which the appeal ³[, revision, review or application arises, if] such finding has not been reversed on appeal ⁴[or revision or review]; but the application shall state shortly all facts upon which it is intended to rely, and shall give the number, letter, title or other description of all documents on the record in the ⁵[High Court Division], to which it is intended to refer.

⁶[11. Production of relevant file at hearing.- (1) Where an application relates to a matter which is or has been before the High Court Division, the file of the High Court Division together with the application shall be placed before the Court or the Registrar at the time of the hearing of the application.

(2) When the applicant desires in a particular case that any document available in any other case record of the High Court Division is necessary to be produced at the hearing in order that they may be referred to by the Court, he shall, at the time of filing the application, give notice to the Bench Officer concerned to produce that document.

(3) Except by a special order of the Court or the Registrar, documents will not be produced from the record-room or the office during the sitting of the Court.]

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 "Subordinate Court" were substituted for the words "Lower Court" by Notification *ibid*.

³ The expression ", revision, review or application arises, if" was substituted for the expression "arises: provided that" by Notification *ibid*.

⁴ The words "or revision or review" were inserted by Notification *ibid*.

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

⁶ Rule 11 was substituted for the original rule 11 by Notification *ibid*.

12. Notice to other side on hearing of application.-

In all cases in which service of notice on the opposite party is necessary ¹[but] has not been duly served, the hearing of the application (except in cases of urgency) shall be postponed unless the parties entitled to notice are present and willing to proceed at once. In all cases the parties opposing the application shall be at liberty to ²[pray for an adjournment] in order to answer the ³[affidavit(s)] or for any other good and special cause in the presence of the other side or the latter's Advocate.

⁴[13. Requisites before getting copies of rule issuing order

etc.-(1) Where a notice is required to be served upon the opposite party/respondent pursuant to a Rule/*Rule nisi* issued or any other judicial order passed by the Court about admission of appeal, revision or review, the following procedure shall be followed.

(2) The fee for service of notice of a Rule/*Rule nisi* or of other judicial order on the concerned party shall be paid in cash/court fee stamp within a period of 3 (three) working days from the date of issuance of a Rule/*Rule nisi* or passing of the judicial order, unless the Court directs otherwise, whether *suo moto* or on the prayer of the party for extension of the time.

(3) The party, at whose instance a Rule/*Rule nisi* is issued or the said judicial order is passed, shall file as many legible true copies of the entire application for service of notice of the Rule/*Rule nisi* or of the said judicial order as there are opposite parties/respondents, upon whom the Rule/*Rule nisi* is issued or to whom the said judicial order relates. In Writ matters copies of all annexure shall also be annexed to each copy of such application.

¹ The word "but" was substituted for the expression "if such notice" by Notification No. 181-G dt. 22-10-2012.

² The words "pray for an adjournment" were substituted for the words "apply for a postponement" by Notification *ibid*.

³ The expression "affidavit(s)" was substituted for the word "affidavit" by Notification *ibid*.

⁴ Rule 13 was substituted for the original rule 13 by Notification *ibid*.

(4) In addition to the true copies mentioned in sub-rule (3) above, the said party shall also file, for each opposite party/respondent, a copy of the notice along with a pre-paid registered acknowledgement due with a cover/envelope sufficient in size to contain the notice and the said true copy and annexure with the complete and correct address of the opposite party/respondent. Such notice, application and annexure shall be served by registered post simultaneously with the notice served in normal course.

(5) Unless the requirements of sub-rules (2), (3) and (4) are fulfilled, no copy of the judicial order containing the Rule/Rule nisi or the order about 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.

(6) When an acknowledgement purporting to be signed by the respondent or opposite party or his agent is received by the Registry, or 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 sending of the notice by registered post.

(7) In writ matters, the court may dispense with any of the mode of the service of notice.]

14. Affidavit opposing rule/application/affidavit etc.

Any party opposing the grant of an application or showing cause against a Rule ¹[or Rule nisi], who may desire to bring before the Court any facts not contained in, or admitted by, the application or affidavit of the opposite party, shall do so by an affidavit containing, in the form of a narrative, the material facts on which he relies.

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

16. Copy of Affidavit etc. to be served 24 hours before.- No affidavit ²[by whatever name called in practice] shall ordinarily be read at the hearing of any appeal, application or other proceeding unless a copy thereof has been served upon the other party or his Advocate 24 hours before such hearing:

Provided that this rule shall not apply to urgent motions or applications or to motions or applications made *ex parte*.

³**17. Application for stay under Order 41, rule 5, C.P.C.-**Every application for stay of a proceeding under Order XLI, rule 5, Civil Procedure Code, shall specifically state-

- (a) that it is made under that rule;
- (b) the facts upon which the application is based;
- (c) the date of the decree or order or the number of execution case or other proceeding which is sought to be stayed;
- (d) the date of the order, if any, for execution or sale;
- (e) the date, if any, fixed for the sale;
- (f) the facts necessary to enable the Court to be satisfied about the matters mentioned in Order XLI, rule 5, sub-rule (3) of the Code.]

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

² The words "by whatever name called in practice" were inserted by Notification *ibid*.

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

18. Application for security under Order 41, rule 6/10, C.P.C.-Every application for security under Order XLI, rule 6 or 10 ¹[of the Civil Procedure Code], shall state specifically under which rule it is made and shall be accompanied by an affidavit stating specifically the facts upon which the application is based.

19. Application for re-admission/restoration.- Every application for the ²[re-admission of an appeal or restoration of an application], dismissed for default of appearance shall be accompanied by an affidavit stating the circumstances in which such default was made, and whether or not the party whose appeal or application was dismissed had, previous to such dismissal, engaged an Advocate to conduct the appeal or application.

20. Application for calling Subordinate Court record/document etc.-Every application for an order to a Subordinate Court to forward any record, document or paper shall state-

- (a) the Court in which such record, document or paper is ³[lying];
- (b) the record in which such document or paper is ⁴[available];
- (c) the date of the document or paper; and
- (d) such other information as may be necessary for the purpose of identifying such record, document or paper.

¹ The words "of the Civil Procedure Code" were inserted by Notification No. 181-G dt. 22-10-2012.

² The words "re-admission of an appeal or restoration of an application" were substituted for the words "re-admission or restoration of an appeal or application" by Notification *ibid*.

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

⁴ The word "available" was inserted by Notification *ibid*.

21. Certification of application under rule 20.- Every such application shall bear the Court-fee stamps leviable under ¹[Article 1(d) (i)] of Schedule II to the Court-fees Act, 1870, ²[***] and shall be accompanied by a certificate signed by an Advocate that, in his opinion such record, the document or paper is requisite and material for supporting or opposing the appeal or other proceeding:

Provided that an application for calling for a record or what was already made a part of record of the case which has given rise to the proceedings in this Court in which the application is made need not bear a stamp.

³[B-] Affidavits

⁴22. Title etc. of affidavits.- Every affidavit to be used in the Court shall contain a title with the words "In the Supreme Court of Bangladesh, High Court Division" and a reference to the case number, if any, and a brief reference to the cause title of the application/petition/appeal memo and the word(s) Affidavit, Counter Affidavit, Affidavit in opposition, Supplementary Affidavit etc.]

23 and 24. [Omitted by Notification No. 181-G dt. 22-10-2012.]

25. Paragraphing in affidavits.- Every affidavit containing any statement of fact shall be divided into paragraphs, and every paragraph shall be numbered consecutively and, as nearly as may be, shall be confined to a distinct portion of the subject.

¹ The expression "Article 1(d) (i)" was substituted for the expression "Article 1(d) (iii)" by Notification No. 181-G dt. 22-10-2012.

² The expression "as amended by Act XIII of 1950 (East Bengal Amendment)" was omitted by Notification *ibid*.

³ The expression "B-" was inserted by Notification *ibid*.

⁴ Rule 22 was substituted for the original rule 22 by Notification *ibid*.

¹[26. Deponent's identity to be disclosed in affidavit.-

Every person swearing in an affidavit, i.e. the deponent shall describe himself by clearly stating his full name, parent's name(s), profession or trade, age, the place of his residence, nationality and every affidavit shall be subscribed either with the signature or with the finger impression of that person.]

27. Mode of affirmation in affidavit.-When the ²[deponent states in an affidavit] any fact within his own knowledge, he shall do so directly and positively using the words "I affirm (or 'make oath') and say."

³[28. Mode of expression of information obtained.-(1) When the particular fact is not within the deponent's own knowledge, but is stated from information obtained from other person or source, he shall use the expression "I am informed," and must also state the source from which he received such information.

(2) When the statement rests on facts disclosed in documents or copies of documents procured from any court or tribunal or other source, the deponent shall state the source from which they were procured, and his information or belief as to the truth of the facts disclosed in such documents.

(3) Copies of documents (other than those on the record of the case), to which reference is desired at the time of hearing, shall be annexed to the affidavit and shall be marked as an Annexure and shall bear the certificate of the Commissioner before whom the affidavit is made.

(4) The affidavit must conform to rule 3, Order XIX of the Civil Procedure Code.]

¹ Rule 26 was substituted for the original rule 26 by Notification No. 181-G dt. 22-10-2012.

² The words "deponent states in an affidavit" were substituted for the words "declarant in any affidavit speaks to" by Notification *ibid*.

³ Rule 28 was substituted for the original rule 28 by Notification *ibid*.

1[29. Mode of identifying deponent before commissioner.-

(1) Except in a case stated in sub-rule (4), every deponent shall be identified to the Commissioner by an Advocate having membership of the Supreme Court Bar Association.

(2) The Commissioner shall ensure that the following information are legibly mentioned at the foot of the affidavit:

- (a) the name, address and reference number of the National Identity Card or other identity document issued by the Chairman of the concerned Union Parishad or the concerned Commissioner/Councillor of the Ward of a Pouroshova or City Corporation or Passport of the deponent;
- (b) the name, address and phone number of the said advocate; and also his membership number, if any, in the Supreme Court Bar Association;
- (c) the time and place of the identification and the making of the affidavit.

(3) For the purposes of sub-rules (1) and (2), the Commissioner may ask the Advocate to produce his documents of identity as advocate and if so asked the Advocate shall produce such document, failing which the Commissioner shall not accept the identification made by the Advocate.

(4) Where a deponent intends to appear in person in Court, he shall produce before the Commissioner the National Identity Card or Passport, or other document containing photograph and indicating his identity issued by the Chairman of the concerned Union Parishad or the concerned Commissioner/ Councillor of the Ward of a Pouroshova or City Corporation.

(5) Where a deponent signs an application or affidavit in his capacity as an employee of the Government or of a statutory public authority, the identity card containing a photograph issued by his superior authority shall be accepted.]

¹ Rule 29 was substituted for the original rule 29 by Notification No. 181-G dt. 22-10-2012.

1[30. Reading/explaining affidavit to deponent unable to understand.- (1) If the deponent is ignorant of the language in which it is written or if it appears to the Commissioner that the deponent is illiterate or does not understand the contents of the affidavit, the Commissioner shall cause the affidavit to be read and explained to him in a language which both he and the Commissioner understand, either doing so himself, or causing another person to do so in his presence.

(2) When any affidavit is read and explained as provided in sub-rule (1), the Commissioner shall certify in writing at the foot of the affidavit that it has been so read or explained, and that the deponent seemed perfectly to understand the same at the time of making the affidavit.]

31. Administering oath/affirmation to deponent.- In administering oaths and affirmation to ²[a deponent] the Commissioner shall be guided by the provisions of the ³[Oaths Act, 1873 (X of 1873)], and shall ensure that the oath or affirmation conforms to the following forms:]

OATHS

I swear that this my declaration is true, that it conceals nothing, and that no part of it is false.

AFFIRMATION

I solemnly declare that this my declaration is true, that it conceals nothing, and that no part of it is false.

4[32. Commissioner to sign after oath etc. The Commissioner administering oaths or affirmations under this Chapter, shall sign the certificate in the following form:

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

² The words "a deponent" were substituted for the word "declarants" by Notification *ibid*.

³ The expression "Oaths Act, 1873 (X of 1873), and shall ensure that the oath or affirmation conforms to the following forms:" was substituted for the expression "Oath Act, X of 1873. The following forms are to be used-" by Notification *ibid*.

⁴ Rule 32 was substituted for the original rule 32 by Notification *ibid*.

"Solemnly affirmed before me this day. I certify that I read over and explained the contents to the deponent and that the deponent seemed perfectly to understand them."

33. Fees for affidavit etc. taken outside Court.- ¹[***] No fee is allowed for taking affidavits or affirmations in the Court house, but fees are allowed to ²[a Commissioner] for taking such affidavits or affirmations elsewhere ³[, as provided in Chapter II, rule 2 (IXA)].

4[34. Process of giving back exhibit/annexure.- (1) No document being an exhibit/annexure to an affidavit or verified petition or forming the materials for any application shall be given back unless the document is an original document, in which case it may be given back on an order of the Registrar, a certified copy of the original document or a photocopy of the original document duly attested by the applicant or his Advocate being retained in the file.

(2) When any such document is itself a certified copy it may be returned on the application of the party who filed it, but a photocopy thereof, attested by the said party or his Advocate must be filed and such attested copy shall be retained.

(3) In giving any document back under this rule, the Registrar shall satisfy himself about the identity of the concerned party or his Advocate.]

¹ The expression "Fees—" was omitted by Notification No. 181-G dt. 22-10-2012.

² The words "a Commissioner" were substituted for the word "Commissioners" by Notification *ibid*.

³ The expression ", as provided in Chapter II, rule 2 (IXA)" was inserted by Notification *ibid*.

⁴ Rule 34 was substituted for the original rule 34 by Notification *ibid*.

¹[Chapter-IVA Motion and Mention

1. Description of Motion: In this Chapter, the term 'Motion' means presenting/moving before a Bench an application/petition which does not fall in the category of an appeal and which, before its registration as a case, requires a judicial order for the purpose of its acceptance and registration thereof.

2. Matters ordinarily assigned to Motion and other Benches:

(1) Unless otherwise directed by the Chief Justice-

(a) all matters arising from a case after its registration shall be dealt with by a Motion Bench;

(b) after a case is ready for hearing and fixed by a Bench for hearing, all matters arising out of or relating to that case so fixed shall be dealt with by that Bench.

(2) An application/petition not registered as a case shall ordinarily be presented before a Motion Bench for hearing for the purpose of issuance of a Rule or for its registration otherwise.

3. General provision for Motion:

(1) Filing of civil/criminal Motion: In case of civil and criminal matters, every application/ petition for Motion shall be filed with the Bench Officer of the appropriate Motion Bench on the first day of the week. In case of urgency such application/petition may be filed on any other working day with the leave of the concerned Bench.

(2) Serial Number: The Bench Officer, on receipt of an application/petition for Motion, shall put thereon a serial number and his initial with date and shall also fix a seal and shall verbally inform the concerned Advocate or his law clerk of the serial

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

number. For the purposes of this sub-rule, the Registrar shall ensure that similar seal is used by all Bench Officers of Motion Benches.

(3) Filing Writ Motion application: In case of Writ matters, every application/petition for Motion shall be filed with the concerned Section, which shall-

- (a) examine the application/petition and, if satisfied that it is in order, record the same as a Writ Petition with a number and year and shall send to the Affidavit Commissioner for swearing in affidavit by the deponent;
- (b) deliver a slip indicating the number of the Writ application/petition, to the filing Advocate or his Law Clerk or the Writ Petitioner or his authorized agent, so that the matter may be mentioned before an appropriate Bench as prescribed below;
- (c) on the first working day of the week, send the application/petition to the Bench before which a mention slip has been filed by the petitioner. Advocate or the authorized agent:

Provided that in case of urgency the concerned Bench may accept a mention slip for the purpose of hearing an application/petition as Motion on any other working day.

(4) Issuing Rule/Rule Nisi & return date: When a Motion Bench decides to accept an application/ petition for adjudication, it will pass an order for issuing a notice calling upon the respondent(s)/opposite parties to show cause on such matters and within such period as specified in the order. An order passed on a Writ application/petition under this sub-rule may be called a *Rule Nisi*. In other cases, such order may be called a *Rule*. In every such order (*Rule Nisi* or *Rule*) the specific date of return of service shall be mentioned along with a direction to the petitioner/applicant to put in requisites within a specified time.

(5) Where a Bench does not issue *Rule Nisi* or Rule, whether on merit or because the application is not pressed or for any other reason, an order shall be recorded by the Bench accordingly.

(6) **No copy of Rule/Rule Nisi before requisites:** Until the requisites are furnished for service of notice of a *Rule Nisi* or a Rule, neither the concerned Section nor any other department shall deliver any copy of the order or part thereof in any form.

(7) **No take back etc:** Where any Motion application/petition is-

- (a) moved before a Bench, the application/petition cannot be taken back, except in case of lack of jurisdiction of the Bench, which shall pass necessary order on the application, on its being so moved;
- (b) summarily rejected on merit or is rejected for its being not pressed or for any other reason, a fresh application/petition on the same ground/cause shall not be made;
- (c) rejected as mentioned in clause (b) above and a fresh application is made on a new/different ground, it must contain a specific reference to the previous Motion application(s)/petition(s) and the rejection order(s).

(8) Where an order is passed under sub-rule (4) or (5), the Bench Officer shall, after getting the order signed by the Judge(s) of the concerned Bench, immediately send the application/petition to the concerned Section, which shall, in case of civil or criminal matter, record the same as a case in the relevant Register with a number and year.

(9) **Section to place file on or before return date:** Irrespective of the receipt of a report on the service of notice of the *Rule Nisi*/Rule within the date specified by the Court, the concerned Section shall place the matter in the following manner

- (a) in case of Civil Motion, in the cause list of the Bench dealing with Lawazima matter;

(b) in case of other matters, in the cause list of the Bench which issued the Rule, if functioning, or if not functioning, in the cause list of the Bench dealing with such matters, and if there are more than one Bench having similar jurisdiction on the matter, the case shall be placed in the cause list of the Bench presided over by a senior Judge;

(c) the Section shall, within 15 days after the date so specified, record a note on the service of the Rule and shall place it for necessary order by the said Bench.

(10) In Re matter: Where it is not possible for a Bench to hear all the Motion applications/petitions received on the same day, the applications/petitions not so heard shall be included in the list of that Bench on the following day as 'In Re' items with a brief reference to the names of the parties along with the name of the filing Advocate (for example, X & Others Vs Y & Others).

(11) In Re register: Where, due to a change in the constitution or any other reason, it is not possible for a Bench to hear or to record its order on the Motion applications/petitions presented before that Bench, the Bench Officer shall send the application/petition to the concerned Section, which shall, within 15 days, register the applications in a Register prepared in Form No. 1A, Appendix I to be known as 'In Re' Register (Writ/Civil/Criminal/Miscellaneous).

(12) After the applications/petitions referred to in sub-rule (11) are registered as 'In Re' matter, the concerned Section shall, within 10 days place the matters before the Chief Justice for necessary order for hearing of the applications/ petitions.

(13) An "In Re" matter shall get priority over a newly filed Motion and shall be included in the Cause List in the manner provided in sub-rule (9).

4. Additional provision for Motion in Writ matters:

(1) Affidavit necessary: An application under article 102 of the Constitution, in short Writ Petition, shall be supported by an affidavit.

(2) Who can swear affidavit: An affidavit in support of a writ petition shall be sworn in by the petitioner himself or, if permitted by the Court, by his representative duly authorized in writing. Such affidavit forms part of the writ petition.

(3) The provisions of Chapter IV relating to application and affidavit shall be applicable to a writ petition *mutatis mutandis*.

(4) Validity period of affidavit: A Writ Petition shall be mentioned before an appropriate Bench within 30 days after the affidavit is sworn in. After the said 30 days the validity of the affidavit for the purpose of hearing on the Writ Petition shall expire, and the section shall place the Writ Petition before the appropriate Motion Bench for order.

(5) Documents: When an application is made for an order or direction under clause (1) or (2) (a) of article 102 of the Constitution, the application shall be accompanied by the original document or, if available, the certified copy thereof, so that the function, act or proceeding complained of can be considered by the Court for issuance of such order or direction.

(6) Where the petitioner relies upon a document, he shall annex the original, or if available, the certified copy thereof. But if the certified copy is not available, a legible photocopy of the original duly attested by the petitioner or his authorized representative or petitioner's advocate, may be annexed with the leave of the court. To ensure legibility of annexed documents, typed/printed copies should be filed.

(7) Provisions of rule 13 of Chapter IV shall apply *mutatis mutandis* to putting in requisites for service of notice of a Rule issued in Writ matters.

(8) Section to place Writ matter before Bench if requisites not filed: Where requisites are not put in accordance with rule 13, Chapter IV and also sub-rule (9) below, the Writ Section shall, within one week after the expiry of the period for putting in requisites, place the case record before the Bench that issued *Rule Nisi*, if functioning, or if not functioning, before the appropriate Motion Bench presided over by the senior most Judge for order.

(9) Requisites in Writ matters: For the purpose of service of notice of the *Rule Nisi*, the writ petitioner must supply to the Section, as many copies of the documents mentioned below as there are number of respondents upon whom Rule is issued:

- (a) legible copy of the entire Writ petition;
- (b) legible photocopy of all the documents annexed to the Writ petition.

(10) No copy of Rule Nisi etc. before requisites: Until the requisites along with the documents mentioned in sub-rule (9) above are furnished, the Writ Section must not issue the notice of the *Rule Nisi* nor shall it deliver any certified copy, photocopy or other form of copy of the Rule issuing order or part thereof.

5. Additional provision for Motion in Civil cases:

(1) Affidavit: An application under section 24, 115, Order 47, rule 1 of the Code of Civil Procedure or any other provision of law presented as a Motion, shall be supported by an affidavit.

(2) Who can swear affidavit: An affidavit in support of an application/petition for Motion in civil cases shall be sworn in by the applicant/petitioner himself or by his Tadbirkar.

(3) The provisions of Chapter IV relating to application and affidavit shall *mutatis mutandis* apply to a Motion under this rule.

(4) Documents: Every application/petition for Motion in civil cases shall be accompanied by the following-

- (a) certified copy of the judgment or order, and the decree, if any, of the concerned subordinate court, if any, which is under challenge;
- (b) if the applicant/petitioner refers to any other judgment/order/decree of subordinate court in support of the statement made in the application/ petition, certified copy thereof;
- (c) if the applicant/petitioner relies upon other documents, he shall annex the original, or if available, the certified copy thereof;
- (d) if the certified copy of that other document is not available, legible photocopy of the original duly attested by the petitioner/applicant or his authorised agent or petitioner's Advocate, may be annexed with the leave of the Court.

(5) To ensure legibility of the annexed documents, typed/printed copies shall be attached.

(6) Validity period of affidavit: An application/petition for Motion in civil cases shall be filed with the Bench Officer of an appropriate Bench within 45 days after the affidavit is sworn in and on the expiry of the said 45 days validity of the affidavit shall expire.

Explanation: The period of 45 days shall not be construed as an extension of the period of limitation, if any.

6. Motion in Criminal cases:

(1) Affidavit: An application under section 439,491,498,526 or 561A of the Criminal Procedure Code or any other provision of law presented as a Motion shall be supported by an affidavit.

(2) Who can swear affidavit: An affidavit in support of an application/petition for Motion in criminal cases shall be sworn in by the applicant/petitioner himself or by his Tadbirkar.

(3) Documents: The provisions of Chapter IV relating to application and affidavit shall *mutatis mutandis* apply to the application/ petition for Motion under this rule.

(4) Every application/petition for Motion in criminal cases shall be accompanied by the following--

- (a) certified copy of the judgment or order of the concerned subordinate court, if any, which is under challenge;
- (b) if the applicant/petitioner refers to any other judgment /order of a subordinate court in support of the statement made in the application/petition, certified copy thereof;
- (c) if the applicant/petitioner relies upon other documents he shall annex the original, or if available, the certified copy thereof;
- (d) if the certified copy of that other document is not available, legible photocopy of the original duly attested by the petitioner/applicant or his Advocate, may be annexed with the leave of the Court.

(5) To ensure legibility of the annexed documents, typed/printed copies shall be attached.

(6) Validity period of affidavit: An application/petition for Motion in criminal cases shall be filed with the Bench Officer of an appropriate Bench within 45 days after the affidavit is sworn in and on the expiry of the said 45 days validity of the affidavit shall expire.

Explanation: The period of 45 days shall not be construed as an extension of the period of limitation, if any.

7. Motion before Single Bench during vacation:

(1) Unless otherwise specified by the Chief Justice about the constitution/jurisdiction of a Vacation Bench consisting of a single Judge, order passed by such a Bench shall extend to the date of expiry of the vacation.

(2) On the first working day after the vacation, the concerned Section shall place the matter before an appropriate Bench(es) for necessary order.

8. Mention Slip:

(1) Where a party to a case or an applicant intends to get a case included in the Daily Cause List for obtaining an order of an appropriate Bench, that party or applicant shall, during the mention hour followed by that Bench, file a Mention Slip in the form prescribed at the end of this rule.

(2) On receipt of the Mention Slip, the Bench Officer shall-

- (a) put a serial number with his signature and date on the slip;
- (b) send a requisition for the concerned file from the concerned Section before 3 p.m.;
- (c) make arrangement for inclusion of the case mentioned in the slip under the heading "উল্লেখিত হইবে".

(3) The mention slips shall ordinarily be destroyed by the Bench Officer after 15 days. However, where necessary order is passed in respect of a case referred to in the mention slip, such slip may be destroyed immediately.

Mention Slip

Date of Filing of Slip: District:

Case No...../.....
(Number of the case with year)

Name of Parties}.....and Other(s)

Vs.

.....and Other(s)

Purpose (in brief)

Name of Advocate (having power)/Person intending to mention.....

.....
Signature of Advocate
having power/Person intending
to mention.

9. Forms to be used in contempt matters: Form Nos.1 and 2 as prescribed in Appendix III may be used in matters relating to Contempt of Court. In a particular situation the concerned Bench may direct the office to communicate its order in any manner as it deems fit.]

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

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 *challans* 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.

⁶**69. 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 Wokatlatnama]

²[71. Accepting Wokatlatnama 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 wokatlatnama, the wokatlatnama of one may be received from any other similarly authorised, but if they appear by one and the same wokatlatnama, 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 wokatlatnama 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 wokatlatnama.]

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 Wokatlatnama" 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.]

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 Wokatatnama 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:

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

Order Book

APPENDIX

(TO CHAPTER-VI)

(THE SUPREME COURT RULES, 1956)

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

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.

CHAPTER-VII

Reference to Full Bench

1. Reference to Chief Justice for Full Bench decision.-

Whenever a ¹[Division Bench] differs from any other ²[Division Bench on] a point of law, the case shall be referred to the Chief Justice for decision by a Full Bench.

2. Reference in Writ Petition and Civil Appeal.- If

the question ³[arises] in a writ petition or in an Appeal from ⁴[a Decree or Order, the Division Bench] referring the case shall state the point or points on which it differs from the decision of a former ⁵[Division Bench and shall refer the Writ petition or the Appeal to the Chief Justice for final decision by a Full Bench].

3. Reference on law point only in an appeal.- If the

question ⁶[arises in an Appeal from a Decree or Order, only the questions of law shall be referred], and the Full Bench shall return the case with an expression of its opinion upon the points of law for final adjudication by the ⁷[Division Bench] which referred it, and in case of necessity, in consequence of the absence of any or either of the referring Judges, for the ultimate decision ⁸[by another Division Bench].

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

² The words "Division Bench on" were substituted for the words "Division Court upon" by Notification *ibid*.

³ The word "arises" was substituted for the word "arise" by Notification *ibid*.

⁴ The expression "a Decree or Order, the Division Bench" was substituted for the expression "an Appellate Decree or Order, the Court" by Notification *ibid*.

⁵ The words "Division Bench and shall refer the Writ petition or the Appeal to the Chief Justice for final decision by a Full Bench" were substituted for the words "Division Court and shall refer the Appeal for final decision by a Full Bench" by Notification *ibid*.

⁶ The expression "arises in an Appeal from a Decree or Order, only the questions of law shall be referred" were substituted for the expression "arise in an Appeal from an Original Decree or Order, the questions of law shall alone be referred" by Notification *ibid*.

⁷ The words "Division Bench" were substituted for the words "Division Court" by Notification *ibid*.

⁸ The words "by another Division Bench" were substituted for the words "of another Division Court" by Notification *ibid*.

4. Reference in other cases.-If the question ¹[arises] in any matter coming before a ²[Division Bench] in the exercise of its Civil Revisional ³[or other] Jurisdiction, the point or points shall be stated as provided in rule 2 above, and the matter shall be referred ⁴[to the Chief Justice] for the final decision by a Full Bench.

5. Recommendation for Full Bench of 5 Judges.-If in any case a Division Bench differs from the decision of another Division Bench on point of law, the case shall be referred to the Chief Justice for decision by a Full Bench. In making the reference the referring Bench may, if it considers necessary, recommend to the Chief Justice that a Full Bench of five Judges be constituted.]

6. Larger Bench.-If a Full Bench consisting of three Judges cannot come to a majority decision, they shall refer it to the Chief Justice for constitution of a larger Bench.

7. Binding effect of Full Bench decision.- Every decision of a Full Bench shall be treated as binding on all ⁶[Division Benches], and Judges sitting singly, upon the point of law ⁷[***] determined by the Full Bench, unless it be subsequently reversed by a larger Bench, specially constituted, consisting of such number of Judges as in each case ⁸[***] fixed by the Chief Justice, or unless a contrary rule be laid down by the ⁹[Appellate Division].

10[8. Distribution of copy of Full Bench decision.- The copy of Judgment of the Full Bench, in all cases, shall be distributed for information to all the Judges of the High Court Division.]

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

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

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

⁴ The words "to the Chief Justice" were inserted by Notification *ibid*.

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

⁶ The words "Division Benches" were substituted for the words "Division Courts" by Notification *ibid*.

⁷ The words "or usage having the force of law" were omitted by Notification *ibid*.

⁸ The words "shall have been" were omitted by Notification *ibid*.

⁹ The words "Appellate Division" were substituted for the words "Supreme Court" by Notification *ibid*.

¹⁰ Rule 8 was substituted for the original rule 8 by Notification *ibid*.

CHAPTER-VIII

(Appeals under clause 15 of the Letters Patent)

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

11. Preparation and printing of paper-book.

Paper-books shall be prepared and printed in the following manner:

(a) the paper-book shall be printed in paper of at least 13 inches/33.02 cm in length and 8 inches/20.32 cm in width popularly known as A-1 size.

(b) on each page of a paper-book the following space shall be maintained in printing the contents:

(i) a vacant space of at least 2 inches/5.08 cm on the left side and 1½ inches/3.81 cm on the right side;

(ii) a vacant space of 1 inch/2.54 cm on the top and 2 inches/5.08 cm at the bottom;

(iii) double space between two lines.

(c) there shall be an index of contents of the paper-book and the index shall be arranged with serial number with indication of the contents of documents and page number.

(d) the contents of the paper-book shall be printed from the page immediately following the last page of the printed index, and shall be divided into two parts: Part I containing the documents other than the exhibits, and Part II containing the exhibits.

(e) card board covers need not be used unless the paper-book exceeds 200 pages.

CHAPTER-IX

Preparation of Paper-books

¹[A-] General

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

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

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

² Rule 1 was substituted for the original rule 1 by Notification *ibid*.

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

¹[2. **Editing the Paper-book.**-‘Editing’ the paper-book includes-

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

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

(c) preparation of title page and index;

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

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

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

4[***]

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

² The expression “typed/printed copies of paper-books” was substituted for the words “printed copies” by Notification *ibid*.

³ The expression “within the time specified by the Court” was inserted by Notification *ibid*.

⁴ Exception was omitted by Notification *ibid*.

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

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

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

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

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

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

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

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

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

³ Rule 8 was substituted for the original rule 8 by Notification *ibid*.

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

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

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

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

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

²[B- Appeals from Decrees]

³[***]

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

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

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

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

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

³ The expression "A -General" was omitted by Notification *ibid*.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) The Memorandum of appeal: and

(f) A chronological index.

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

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

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

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

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

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

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

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

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

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

³ Bracket was deleted by Notification *ibid*.

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

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

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

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

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

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

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

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

² The words "by the concerned Section" were inserted by Notification *ibid*.

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

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

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

⁶ The word "further" was substituted for the word "also" by Notification *ibid*.

⁷ The word "authorized" was substituted for the word "legal" by Notification *ibid*.

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

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

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

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

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

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

¹ Rule 16 was substituted for the original rule 16 by Notification No. 181-G dt. 22-10-2012.

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

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

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

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

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

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

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

² Rule 18 was substituted for the original rule 18 by Notification *ibid*.

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

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

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

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

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

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

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

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

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

² The word "further" was substituted for the word "also" by Notification *ibid*.

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

¹[24. Exclusion of irrelevant/lengthy documents.- (1)

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

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

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

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

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

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

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

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

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

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

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

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

⁵ Rule 26 was substituted for the original rule 26 by Notification *ibid*.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

² Rule 30 was substituted for the original rule 30 by Notification *ibid*.

³ Rule 32 was substituted for the original rule 32 by Notification *ibid*.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

² Rule 38 was substituted for the original rule 38 by Notification *ibid*.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

³[***]

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

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

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

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

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

⁴ Rule 44 was substituted for the original rule 44 by Notification *ibid*.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1[***]

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

²[C- Analogous Appeals from Decrees and Orders]

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

4[***]

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

⁵[D-] Appeals from Original Orders

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

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

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

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

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

³ Rule 53 was substituted for the original rule 53 by Notification *ibid*.

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

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

⁶ Rule 62 was substituted for the Original rule 62 by Notification *ibid*.

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

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

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

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

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

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

¹[E-] Full Bench Reference

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

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

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

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

² The figure "15" was substituted for the figure "21" by Notification *ibid*.

³ The words "by the Office" were inserted by Notification *ibid*.

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

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

⁴[F- Appeals under the Succession Act, 1925]

⁵[67. Paper-book for appeal in Succession cases.-(1)]

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

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

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

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

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

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

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

⁵ Rule 67 was substituted for the original rule 67 by Notification *ibid*.

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

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

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

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

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

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

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

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

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

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

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

CHAPTER-X

Application for Review of Judgment

1. Chapter-IV applicable.- The provisions of Chapter-IV shall apply, so far as may be, to every application for review.

1[2. Grounds of review.- Every application for review of judgment shall set forth plainly and concisely the ground(s) on which a review is sought.]

3. Documents to be attached with review application.- Every application for review shall be accompanied by a certified copy of the judgment or order complained of, and of the decree, if necessary; and when the application proceeds on the ground of a discovery of ²[new and important matter or evidence], copies of the documents, if any, relied upon, shall be annexed to the application, together with an affidavit setting forth the circumstances under which such discovery has been made.

4. Presentation of review application to Stamp Reporter.- Every application for review of judgment shall be presented to the Stamp Reporter, who will certify thereon whether the ³[application is in accordance with these Rules, within time and properly stamped, or whether it is irregular, and shall return the application] with such certificate.

5. Presentation of review application as motion.- Within seven days of the return of the application by the Stamp Reporter, the applicant, either in person or by an Advocate, shall present the application by way of motion in open Court ⁴[to the

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

² The words "new and important matter or evidence" were substituted for the expression "fresh evidence, certified" by Notification *ibid*.

³ The expression "application is in accordance with these Rules, within time and properly stamped, or whether it is irregular, and shall return the application" was substituted for the expression "petition is in due form, within time and properly stamped, or that it is irregular, and shall return the petition" by Notification *ibid*.

⁴ The words "to the Bench" were substituted for the expression "(to the judge or judges)" by Notification *ibid*.

Bench] of whose judgment a review is sought, or if ¹[that Bench is not functioning, the application shall be submitted to the Secretary of the Chief Justice for necessary order by the Chief Justice].

6. Presentation of unheard application to Chief Justice.-If an application for review of a judgment cannot be heard in the manner provided in Order XLVII, ²[rule] 5, Civil Procedure Code, such application shall be presented by the applicant or his Advocate with the certificate of the Stamp Reporter, as required by ³[rule] 4 above, to the Chief Justice, who shall provide for the hearing of the application.

7. When review granted no return of decree etc.-No copy of a decree or judgment presented or filed with an application for review, which has been granted, shall be returned. No affidavit accompanying an application for review shall be returned, whether such application has been granted or not.

⁴[8. Notice of review.- If notice is issued to the other side, the applicant for review shall, before hearing, file a duplicate printed/typed copy of the application, together with two printed/typed copies of each of the following documents:-

- (a) the judgment or order complained of, and the decree, (if necessary);
- (b) when the application proceeds on the ground of discovery of new and important matter or evidence, the documents, if any, relied upon, together with an affidavit setting forth the circumstances under which such discovery has been made.]

9. Advocate competent to file review.-Except with the ⁵[***] leave of the Court no application for review shall be made by any Advocate other than the Advocate who appeared at the hearing of the case in which the Judgment or order, sought to be reviewed, was made.

¹ The expression "that Bench is not functioning, the application shall be submitted to the Secretary of the Chief Justice for necessary order by the Chief Justice" was substituted for the expression "such a Court is a division Court and if the Judges of such Court be not sitting together, to the senior of such Judges who may be then attached to the Court and present" by Notification No. 181-G dt. 22-10-2012.

² The word "rule" was substituted for the word "Rule" by Notification *ibid*.

³ The word "rule" was substituted for the word "Rule" by Notification *ibid*.

⁴ Rule 8 was substituted for the original rule 8 by Notification *ibid*.

⁵ The word "special" was omitted by Notification *ibid*.

CHAPTER-XI

Criminal Business

A- General

1. Chapter-IV applicable.- ¹[(1)] The ²[rules] in Chapter IV shall apply, as far as possible, to applications made under this Chapter.

³[(2)] The functions of the Registrar under this Chapter, except those mentioned in rule 18, may be performed by ⁴[the Assistant Registrar], who may from time to time, be placed in charge of the Criminal Section.

⁵[**2. Notice of appeal and reference to Solicitor and D.C.-**(1) A copy of every notice issued on admitting an appeal, the copies of notices issued on receipt of references under section 374, Criminal Procedure Code, or any other law, and in all other classes of criminal cases (except revision cases) in which the Court directs issuance of notice, shall be sent to the Solicitor of the Government of Bangladesh and the Deputy Commissioner of the concerned District.]

(2) In an appeal under the Foreign Exchange Regulation Act, 1947 (Act VII of 1947) a copy of such notice shall also be sent to the Governor of Bangladesh Bank and the Secretary of the Finance Division, Ministry of Finance, Government of Bangladesh.

(3) The appellant/petitioner in criminal matters shall file as many legible true copies of the petition of appeal/application as there are the respondent/opposite party, for service of notice of the appeal/application, and such copies shall be filed within a

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

² The word "rules" was substituted for the word "Rules" by Notification *ibid*.

³ Sub-rule (2) was re-numbered for sub-rule (b) by Notification *ibid*.

⁴ The words "the Assistant Registrar" were substituted for the words "any Gazetted Officer" by Notification *ibid*.

⁵ Rule 2 was substituted for the original rule 2 by Notification *ibid*.

period of 3 (three) working days from the date of admission of appeal/issuance of the rule/order, unless the Court directs otherwise.]

3 to 5. [Omitted by Notification No. 181-G dt. 22-10-2012.]

¹**[6. Time for service of notice and record.-** In every criminal appeal or revision, generally 10 days' time shall be given for calling for the records and service of notices, and in appropriate cases the concerned Bench may extend or shorten the time limit.]

²**[6A. Typed/printed deposition sheet from Subordinate courts.-** When records of the Subordinate Courts are called for, the concerned Presiding Judge shall ensure that the copies of the deposition of all witnesses are typed/printed and sent with records.

Note.- To ensure implementation of rule 6A, the Registrar shall, from time to time, issue circular letters that judges of subordinate courts should regularly maintain such typed/ printed copies.]

³**[7. Advance order without Judgment.-**(1) Where in a case-

- (a) an accused person is ordered by the High Court Division to be released from jail or discharged from bail bond or to surrender to the appropriate court to serve out the sentence of imprisonment imposed upon him on being convicted by the High Court Division on reference or on appeal, or on the dismissal of an appeal made by him; or
- (b) the capital sentence is confirmed, modified, set aside or imposed on an accused person by the High Court Division, necessary order shall be sent down to the subordinate court in Form No. I (Criminal), Appendix II, without waiting for the judgment to be signed.

¹ Rule 6 was substituted for the original rule 6 by Notification No. 181-G dt. 22-10-2012.

² Rule 6A along with the note was inserted by Notification *ibid*.

³ Rule 7 was substituted for the original rule 7 by Notification *ibid*.

(2) An order under sub-rule (1) shall not be communicated by telegram, telephone, radiogram, Fax or any other electronic method.]

¹[8. Notice to Solicitor in transfer cases.- In cases in which an accused person makes an application to the Court for the transfer of his case from one Subordinate Court to another, the accused person, or the Advocate acting on his behalf, shall file with the application a receipt showing that a notice of the application has been given to the Solicitor for the purposes of section 526(6), Criminal Procedure Code, and such receipt of notice must bear the signature of a responsible officer of the office of the Solicitor of the Government of Bangladesh, and also the office seal acknowledging receipt of the notice and noting the time of receipt.]

9. Application to be filed with Bench Officer.- Unless the Court otherwise directs, an application which is presented to the Court shall, in the first instance, be given to the ²[Bench Officer], who shall satisfy himself that it is properly stamped, and is in proper and regular form. If he is not so satisfied he shall return it at once to the Advocate concerned.

B - Cases involving Capital Sentences.

³[10. Notice of death reference/appeal involving death penalty.- On receipt of a reference under section 374 of the Criminal Procedure Code, or under any other law or on the admission of an appeal under section 417 of the Criminal Procedure Code against the acquittal of an accused on a charge of murder, the Registrar shall at once give notice in Form Nos. 3 and

¹ Rule 8 was substituted for the original rule 8 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 Rule 10 was substituted for the original rule 10 by Notification *ibid*.

4 (Criminal), Appendix II, to the prisoner or the accused (respondent) through the Chief Judicial/ Chief Metropolitan Magistrate, as the case may be, of the date fixed for hearing of such matter.]

11. Registration of death reference/appeal.-After notice ¹[is] given in the manner prescribed by rule 10 above ²], and the subordinate court record has been received], the Registrar shall cause the record to be examined and entered in the prescribed Register.

12. Preparation of Paper-book of death reference etc. by Registrar.-If the record is in order, the Registrar shall at once cause the ³[paper-book to be printed containing the materials as specified in rule 13] without delay for the use of the ⁴[Division Bench] at the hearing.

⁵[**Explanation:** In this rule the word "print" includes computer print or print by other means].

⁶[**13. Contents of Paper-book.**- The paper-book shall contain the following papers:

- (a) order-sheet;
- (b) the first information report or the petition of complaint;
- (c) statement under section 164, Cr.P.C. or similar provision of any other law, if any;

¹ The word "is" was substituted for the words "has been" by Notification No. 181-G dt. 22-10-2012.

² The expression ", and the subordinate court record has been received" was inserted by Notification *ibid*.

³ The expression "paper-book to be printed containing the materials as specified in rule 13" was substituted for the words "record of the Sessions Court to be printed" by Notification *ibid*.

⁴ The words "Division Bench" were substituted for the words "Division Court" by Notification *ibid*.

⁵ Explanation was added by Notification No. 11308-G, The Bangladesh Gazette, April 1, 2004.

⁶ Rule 13 was substituted for the original rule 13 by Notification No. 181-G dt. 22-10-2012.

- (d) police report, if any;
- (e) charge framed;
- (f) examination under sections 342, Cr.P.C. if any and any document or written statement produced by the accused, if submitted during such examination;
- (g) oral and documentary evidence including post mortem report, Chemical Examiner's report, inquest report (if any), injury report and Map (if any) admitted in evidence by the trial Court/ Tribunal;
- (h) the judgment of the trial Court/Tribunal;
- (i) petition of appeal (if any); and
- (j) the letter of reference in the case of a reference.]

14. 20 copies of Paper-book and distribution.-

Ordinarily 20 copies of the paper-book shall be printed, 8 copies of which shall be for the use in the ¹[High Court Division] and 12 copies to be preserved in a sealed cover in the Criminal Section for the use ²[in the Appellate Division in the event of an] appeal being filed. Immediately on receipt of the paper-book the Registrar shall cause two copies to be sent to the ³[Solicitor of the Government of Bangladesh]. If spare copies of the printed paper-books are available and parties, other than the accused, apply for them, they may be sold at the rate of ⁴[Tk.2/-] per page, subject to a maximum charge of ⁵[Tk.500/-] per paper-book.

15. Actions in case of confirmation of death sentence.-

In any case in which a sentence of death has been confirmed or passed by the ⁶[Division Bench], two copies of the printed paper-book of the case, together with two copies of the judgment of the ⁷[Division Bench] shall be forwarded to the

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 "in the Appellate Division in the event of an" were substituted for the words "of the Supreme Court in the event of a Supreme Court" by Notification *ibid*.

³ The words "Solicitor of the Government of Bangladesh" were substituted for the words "Superintendent and Remembrancer of Legal Affairs" by Notification *ibid*.

⁴ The expression "Tk.2/-" was substituted for the words "six annas" by Notification *ibid*.

⁵ The expression "Tk.500/-" was substituted for the expression "Rs.20" by Notification *ibid*.

⁶ The words "Division Bench" were substituted for the words "Division Court" by Notification *ibid*.

⁷ The words "Division Bench" were substituted for the words "Division Court" by Notification *ibid*.

¹[Solicitor] immediately after the issue of the warrant, confirming
²[or passing] the sentence.

C- Appeals ⁸[& Jail Appeals]

16. Appeal petition to be presented to Registrar.-A
³[petition of] criminal appeal, other than a jail appeal, shall be presented to the Registrar.

17. Registrar's duty when appeal petition presented.-The
 Registrar shall endorse on such petition of appeal, the date of presentation, and if the petition of appeal is not barred by limitation, is sufficiently stamped and is otherwise in order, he shall cause it to be registered and laid before the Bench without delay.

18. Return of time barred appeal petition etc.-If the
 Registrar finds that an appeal is barred by limitation, he shall forthwith ⁴[return the petition of appeal to the filing Advocate of the appellant or to the appellant]. If the Registrar finds that the ⁵[petition] of Appeal is insufficiently stamped, or is not in proper order, he shall ⁶[.] upon the matter being laid before him:

- (a) in the case of a ⁷[petition of appeal] which is insufficiently stamped, fix a period within which the additional fee required may be paid, provided that the period of limitation has not expired; or if such period

¹ The word "Solicitor" was substituted for the words "Provincial Government" by Notification No. 181-G dt. 22-10-2012.

² The words "or passing" were inserted by Notification *ibid*.

³ The words "petition of" were inserted by Notification *ibid*.

⁴ The words "return the petition of appeal to the filing Advocate of the appellant or to the appellant" were substituted for the words "lay the same before the Court for orders" by Notification *ibid*.

⁵ The word "petition" was substituted for the word "memorandum" by Notification *ibid*.

⁶ Comma was inserted by Notification *ibid*.

⁷ The words "petition of appeal" were substituted for the word "memorandum" by Notification *ibid*.

⁸ The Words "& Jail Appeals" were inserted by Notification *ibid*.

has expired, lay the ¹[petition of appeal] before the Court for orders;

- (b) in the case of a ²[petition of appeal] which is not in proper form, fix a period within which such ³[petition of appeal] must be amended or lay the same before the Court for orders.

4[19. Procedure after admission of appeal.]-(1) Where an appeal is admitted by the concerned Bench, the Registrar shall follow the following procedure:

- (a) cause notice(s) to be served upon the respondent(s) in Form No. 5 (Criminal), Appendix II, as directed by the said Bench;
- (b) upon receipt of the subordinate court record, if called for by the concerned Bench, the Registrar shall cause to be prepared by the concerned Section 3(three) copies of paper-book containing the documents mentioned in rule 13, so far as may be applicable;
- (c) after service of notice(s) upon the respondent(s) and preparation of the paper-book, the concerned Section shall record a note that the appeal is ready for hearing;
- (d) after recording the said note, the Registrar shall, if the appeal is not included in the list of a competent Bench for hearing, cause it to be included in the Quarterly List and shall place such List before the Monitoring Committee for the High Court Division, which will make necessary recommendation to the Chief Justice for inclusion of the appeal in the list of an appropriate Bench. Any competent Bench may on its own motion direct the Section to send ready cases for hearing and disposal.

¹ The words "petition of appeal" were substituted for the word "memorandum" by Notification No. 181-G dt. 22-10-2012.

² The words "petition of appeal" were substituted for the word "memorandum" by Notification *ibid*.

³ The words "petition of appeal" were substituted for the word "memorandum" by Notification *ibid*.

⁴ Rule 19 was substituted for the original rule 19 by Notification *ibid*.

(2) Where in an appeal the subordinate court record is not called for, the provisions of sub-rule (1) for preparation of paper-book shall not apply.

(3) Inclusion of an appeal for hearing in the Cause List shall constitute sufficient notice as required under section 422 of the Criminal Procedure Code.

(4) No paper-book will be necessary in a case where an Advocate does not appear or where the appeal is admitted on the question of sentence only; or in a case which may be heard by a Single Bench under sub-rule (2) of rule 7, Chapter II of these Rules.

(5) The appellant shall be entitled to get a copy of the paper-book free of cost. If more than one appeal arises from the same judgment, the appellant of the appeal which becomes ready at first shall be entitled to such copy. Other appellant(s) may, however get photocopies of the paper-book at their own cost.]

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

21. Receiving Jail appeals.- Jail appeals may be received by post. In the case of such appeals the Registrar shall cause a translation of the petition of appeal to be prepared ¹[in Bangla or English, if the petition is in any other language and shall submit it to the relevant Bench for orders within 30 days of receipt of petition].

22. Procedure after admission of Jail appeal.- If a Jail appeal is admitted, it shall be dealt with in the manner prescribed for appeals which are filed in Court.

¹ The expression "in Bangla or English, if the petition is in any other language and shall submit it to the relevant Bench for orders within 30 days of receipt of petition" was substituted for the expression "(if necessary) and shall submit it to the Bench for orders" by Notification No. 181-G dt. 22-10-2012.

¹[D- Revisions and applications under section 491.]

23. Mode of taking Criminal Revisions.—Cases (other than those mentioned in the preceding rules of this Chapter) may be taken up in revision in the following way:—

- (a) [Omitted by Notification No.181-G dt. 22-10-2012.]
- (b) Upon a petition presented to a Bench; and
- (c) Upon an information which otherwise comes to the knowledge of the Bench.

²[**24. Court's direction for report and its compliance.**—

Where the Court directs a subordinate court to send a report on any matter relating to the subordinate court records, the Registrar shall, on receipt of the report, examine the same and satisfy himself about the compliance with the direction and shall cause a notice to be recorded on the matter and in case of non-compliance or part-compliance with the direction, the Registrar shall place the matter before a competent Bench.]

³[**25. Typed/printed deposition sheet from subordinate court.**—

Where in a revision, the subordinate court's record is called for, the concerned subordinate court, shall send typed/printed copies of the deposition of witnesses recorded during trial.]

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

27. Provisions relating to appeal apply.—The Provisions of [rules 16-22] of this Chapter shall apply as far as possible to applications for revision ⁵[, except the preparation of paper-book].

¹ The heading "D- Revisions and Applications under Section 491" was substituted for the heading "D- Revisions and References" by Notification No. 181-G dt. 22-10-2012.

² Rule 24 was substituted for the original rule 24 by Notification *ibid*.

³ Rule 25 was substituted for the original rule 25 by Notification *ibid*.

⁴ The expression "rules 16-22" was substituted for the expression "of Part C" by Notification *ibid*.

⁵ The expression ", except the preparation of paper-book" was inserted by Notification *ibid*.

1[28. Habeas Corpus application to Division Bench.-

(1) All applications for orders or directions, under clauses (a), (b), (c) or (e) of section 491 of the Criminal Procedure Code, shall be made before the Division Bench taking the Criminal business in the High Court Division.

(2) Such applications shall be made through an Advocate or in person.

(3) The application shall be supported by a duly verified affidavit setting forth the circumstances under which the order/direction is sought.]

29 and 30. [Omitted by Notification No.181-G dt. 22-10-2012.]

2[31. Application regarding detained person and warrant.- Where the application is for an order under clause (c) of section 491 of the Criminal Procedure Code, it shall state the place at which the prisoner is detained, if known and the purpose for which his evidence is required, and whether that prisoner is necessary to be produced, and if the Court is satisfied about such production, and makes an order under that clause, a warrant shall be issued in Form No. 7 (Criminal), or Form No. 8 (Criminal), or Form No. 9 (Criminal) of Appendix II, as the case may be.]

32. Application by Court-martial etc. about detained person.-Where an order under clause (d) of ³[section] 491 of the Criminal Procedure Code is required⁴], the Court-martial or the Commissioners may send an application to this Court in writing and in such a case an affidavit shall not be required. The application shall be in the form of a letter addressed to the Registrar, stating the purpose for which the said Court-martial has been assembled or the authority under which the said Commissioners are acting, and also stating where the prisoner is

¹ Rule 28 was substituted for the original rule 28 by Notification No. 181-G dt. 22-10-2012.

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

³ The word "section" was substituted for the word "Section" by Notification *ibid*.

⁴ Comma was inserted by Notification *ibid*.

detained in custody, and when, where, and for what purpose he is required to be produced. It shall be the duty of the Registrar to submit the letter, as soon as possible after the receipt thereof to, and to obtain the order thereon, of the Judges presiding over the ¹[concerned Bench].

33. Notice to prisoner.-Where the application is for an order under clause (e) of ²[section] 491 of the Criminal Procedure Code, notice of the application shall be served on the prisoner and it shall be stated in the affidavit where the prisoner is detained in custody, to what other custody it is proposed to remove him and the reason for such change of custody.

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

35. Warrant for production of detained person.-In any case in which the Court ³[orders] a person in custody to be brought either before it, or before a Court-martial, or before Commissioners ⁴[.] or to be removed from one custody to another, a warrant ⁵[in Form No. 10 (Criminal), Appendix II] shall be prepared and signed by the Registrar and sealed with the seal of the Court.

36. Sending of warrant to jail authority etc.-⁶[A warrant] issued under rule 32 above, shall be forwarded by the Registrar to the Officer-in-Charge of the Jail in which the prisoner is confined; in every other case the warrant shall be served personally upon the person to whom it is directed or otherwise as the Court ⁷[orders].

¹ The words "concerned Bench" were substituted for the words "Criminal Bench of this Court" by Notification No. 181-G dt. 22-10-2012.

² The word "section" was substituted for the word "Section" by Notification *ibid*.

³ The word "orders" was substituted for the words "shall order" by Notification *ibid*.

⁴ Comma was substituted for semicolon by Notification *ibid*.

⁵ The expression "in Form No. 10 (Criminal), Appendix II" was inserted by Notification *ibid*.

⁶ The words "A warrant" were substituted for the words "Such warrant where" by Notification *ibid*.

⁷ The word "orders" was substituted for the word "order" by Notification *ibid*.

37. Copy of warrant/affidavit to be attached with.-

Where the application is ¹[for production before the Court of] a person in custody under a warrant to detain such person, a copy of the warrant under which he is detained, obtained from and authenticated by the signature of the person in whose custody the applicant is, shall be produced to the Court, or it shall be shown by affidavit that it has been asked for, and denied.

38. Issuance of Rule.-Where the Court is of opinion that a *prima facie* case ²[is made out, a Rule] may be issued calling upon the person, or persons against whom the order is sought to appear on a day to be ³[specified] therein to show cause why such order should not be made and at the same time to produce in Court the body of the person or persons alleged to be illegally or improperly detained then and there to be dealt with according to law.

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

40. Disposal of Rule.-(1) In disposing of any such rule the Court may, in addition to an order relating to the detainee or prisoner, make further order in its discretion for payment by one side or the other of the costs of the Rule.

(2) If the Rule is discharged and the prisoner or detainee is required to be sent back to appropriate custody, the said prisoner or the detainee shall be so sent back and for this purpose Form No. 11 (Criminal), Appendix-II shall be used.]

41. Form of warrants.-The ⁵[Forms of warrant] Nos. 7 to 11 (Criminal) in Appendix-II, shall be followed.

¹ The words "for production before the Court of" were substituted for the words "to bring up before the Court" by Notification No. 181-G dt. 22-10-2012.

² The expression "is made out, a Rule" was substituted for the expression "for granting the application is made out, a Rule *nisf*" by Notification *ibid*.

³ The word "specified" was substituted for the word "named" by Notification *ibid*.

⁴ Rule 40 was substituted for the original rule 40 by Notification *ibid*.

The words "Forms of warrant" were substituted for the words "forms of warrants" by Notification *ibid*.

¹[Chapter-XIA**Special Original Jurisdiction Under article 102 of the Constitution**

1. Form of application under article 102.- Every application /petition for a direction, order or declaration, under article 102 of the Constitution shall be in the form of a petition neatly typed on stout bluish/cartridge paper of A-3/legal size with a margin of two inches, containing about 20(twenty) lines on each full page and the application shall be divided into paragraphs, and numbered consecutively and shall be typed only on one side of the paper. In preparing the writ petition, the Form No.1 (Writ), Appendix IV shall be followed.

2. Paper to be used for application etc. - Every such application/ petition shall be filed together with two unstamped plain copies thereof typed on stout paper of A-3/legal size.

3. Contents of application.- Every such application/petition shall set out concisely, the facts upon which the petitioner relies, the grounds upon which the Court is asked to issue the direction, order or declaration, his right in the matter in question, his demand of justice and the denial thereof and shall conclude with a prayer stating, as clearly as the circumstances permit, the exact nature of the relief or relieves sought for.

4. Statement about previous presentation of application.- Every such application/petition shall contain a statement at the end of the averments to the effect that the application/petition was not previously presented before any other Bench.

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

N.B. This Chapter contains more or less rules similar to the rules as contained in Appendix-IV before amendment by Notification *ibid*.

5. Application with affidavit and necessary documents.- (1) Every such application/petition shall be verified by an affidavit of the petitioner himself or the person injured or by any person who is competent to represent the aggrieved person with the prior leave of the Court on its being satisfied that the said aggrieved person is unable to swear such an affidavit personally.

(2) The following document(s) shall be annexed to such application:-

- (a) where objection is taken to an order of any person, authority or Government or an officer or department of Government, or a Tribunal, Board, Commission or other body, appointed by Government, an authenticated copy of the order or notification complained of;
- (b) where an objection is taken to any judgment or order of a Court or an officer thereof, a certified copy of such judgment or order, and where there has been an appeal or revision from such judgment or order also a certified copy of the judgment or order of the higher Court/authority.

6. Declaration in affidavit.- Such affidavit shall contain a declaration to the effect that the statements made in the petition are true to the best of the deponent's knowledge and belief. Every affidavit should clearly express how much the statement is of the deponent's knowledge and how much is a statement made on his information or belief and must also state the source or ground of the information or belief with sufficient particularity.

7. Presentation of application to Commissioner.- Every such application/petition, before presentation to the Court, shall be produced before the Commissioner of Affidavits as provided in Chapter IVA relating to Motion and Mention.

8. Presentation of application as motion.-Every such application/petition shall be presented as a Motion in accordance with chapter IVA before a Division Bench appointed by the Chief Justice from time to time.

9. Form of notice of Rule Nisi.- (1) Where the Court issues a Rule Nisi, the same shall be issued in the Form No.2(Writ), Appendix IV and notice of the Rule Nisi shall be served personally, if possible, upon the parties to whom the Rule Nisi is issued and such notice shall be issued for service simultaneously by process server and also by registered post with acknowledgement due. After 30 days of despatch of the notice by registered post, the notice may be deemed to have been duly served.

(2) Where the respondent does not appear, the Court shall, before fixing a case under this Chapter for hearing, satisfy itself about the service of notice upon the parties.

10. Notice and Rule Nisi on letter, news report etc.- (1) If a Motion Bench dealing with writ matters, on going through a letter, which is signed by any person with his address and sent to the Chief Justice or any other Judge or the Court or Registrar or, any report published in a newspaper or other media, is satisfied that a public wrong of grave nature has occurred or is occurring or is going to occur, the Bench may treat such letter or report as an application within the meaning of article 102 of the Constitution and may issue Rule Nisi upon such person(s) and/ or public authority and in such terms as the Bench considers appropriate.

(2) Where the Motion Bench issues a Rule Nisi under sub-rule (1), the Bench shall, for verifying the authenticity of the letter/report, simultaneously-

- (a) direct the office to send a notice to the sender of the letter or, as the case may be, to the maker of the report and also to the editor of the newspaper or the controlling person(s) of the media in which the report was published, and

(b) specify the date on which the matter is to be placed before the Court.

(3) In such a case, the provisions of these Rules relating to payment of Court fees on the application referred to in sub-rule (1) and swearing in an affidavit and putting in requisites for service of notice of such application shall not be applicable and the following procedure shall be applicable.

(4) After a *Rule Nisi* is issued under sub-rule-(1) the concerned Section shall register the letter/report as a Writ Petition (*Suo moto*), and shall immediately send a notice in Form No.3 (Writ), Appendix IV to the person(s) mentioned in sub-rule (2) (a) with a request to send, on or before the date specified by the Court, a verification in Form No. 4(Writ), Appendix IV, along with a copy of the Court's order.

(5) For service of notice of the *Rule Nisi* the office shall immediately send to the person(s) and public authority upon whom the *Rule Nisi* is issued, the notice(s) along with a copy of the letter/report and the Court's order. Service of notice shall be effected in normal course and by registered post with acknowledgement due receipt.

(6) Irrespective of receipt of a reply to the notice issued under sub-rule (5), the concerned Section shall, on the date specified in the order, place the matter before the Bench which passed the order or, if that Bench is not functioning for any reason, before an appropriate Bench dealing with Writ matters.

(7) The other provisions of these Rules shall apply to a proceeding under this rule *mutatis mutandis*.

11. Notice to be served on all the parties.-(1) Subject to the directions of the Court, notice of every application/petition shall be served on all parties upon whom *Rule Nisi* has been issued. For this purpose the petitioner shall file as many authenticated copies of the application/petition and affidavits and other documents required to be filed under rule 5(a) above, as there are parties to be served and shall also put in the requisites prescribed by rule 19 below.

(2) At the hearing of the application/petition, any person who desires to be heard in opposition to the petition and appears to the Court to be a proper person to be heard, shall be heard notwithstanding that he has not been served with a notice and subject to such conditions as to costs as the Court may deem fit to impose.

12. Court's direction to serve notice on other persons.- If at the hearing of the application/petition the Court is of opinion that any person ought to have been served with notice of the application/petition, but has not been so served, the Court may direct that notice may also be served on such person and adjourn the hearing upon such terms as the Court may consider proper.

13. Notice to a Court etc.-Where the application/petition relates to any proceeding in or before a Court and the object is-

(a) to compel the Court or an officer thereof to do any act in relation to such proceeding, or

(b) to declare the proceeding or any order made therein as nullity.

notice thereof shall also be served on such Court or officer as well as the other parties to such proceeding and where any objection is taken with respect to the conduct of a Judge, also on the Judge.

14. Respondent's affidavit in opposition.-(1) If the Respondent (s) intends to controvert any statement(s) made in the petition and/or any document(s) annexed thereto, he can do so by filing an Affidavit-in-opposition.

(2) In preparing the affidavit in opposition, the Form No.5 (Writ), Appendix IV shall be followed.

15. Supplementary affidavit of a party.- (1) If any of the parties, whether petitioner or respondent, intends to make statement in addition to the original writ petition or to the original affidavit in opposition, such party may make his additional statement by making the same in a supplementary affidavit.

(2) In preparing the supplementary affidavit the Form No.6(Writ), Appendix IV shall be followed.

16. Placement of Rule before Court for hearing.-

Where the Court has issued a Rule *Nisi* on the Respondent(s), the Rule shall, on the date fixed for its return, be placed for hearing before the appropriate Bench even if it is not ready for hearing.

17. Affidavit as evidence and other evidence.-

All disputes involved for determination by such application /petition shall be decided ordinarily upon affidavits, but the Court may direct that any question, as it may consider necessary, be decided on such other evidence and in such manner as it may deem fit and proper and in that case it may follow such procedure and make such orders as may appear to it to be just.

18. Difference in opinion of Division Bench.-

When the Judges of a Division Bench are equally divided in taking decision on a matter, it shall be referred to the Chief Justice by the Judges so divided and the Chief Justice shall appoint one or more of the other Judges and the said other Judge or Judges so appointed shall record his or their decision on the matter after giving the parties an opportunity of being heard. The decision of the majority of all the Judges, including those who first heard the matter, shall be the decision on the matter.

19. Chargeable court-fees and other fees.-

(1) Every application/ petition for a direction, order or declaration, other than a direction in the nature of Habeas Corpus, shall be chargeable with a court-fee of Tk.50/- and each annexure to such application/petition shall be chargeable with a court-fee of Tk.5/-.

(2) Every affidavit sworn in or affirmed before a Commissioner of this Court shall bear a Court-fee of Tk.5/-.

(3) For every notice, direction or order to be served within five miles of the Court's premises, there shall be deposited in the Court's Office, before such service, Tk.5/- for each person to be served, provided that where a number of persons are to be served at the same address the fee shall not exceed Tk.15/- in all, plus actual conveyance cost for the cheapest conveyance available in keeping with the grade of the employee effecting service.

(4) The fees chargeable for certified copies of documents shall be those laid down in Chapter XIII of these Rules.

(5) All other documents shall be chargeable with the same court-fee as would be charged thereon if they were presented or filed on the Appellate Side of the Court.

20. Costs.-Where costs are awarded to a party, such costs, unless otherwise directed by the Court, shall include the court-fees paid on the petition and other documents under these Rules, the costs of making copies of petition, affidavit etc., which are furnished to the Court and which by these Rules are required to be served on the respondent(s), the cost of service of notices, directions, orders or writs as prescribed by rule 19 above and the Advocate's fee.

21. Application for direction in the nature of Habeas Corpus.- Applications for the issue of direction under article 102(2) (b) (i) shall be governed by the rules relating to applications under section 491 of the Code of Criminal Procedure in Chapter XI of these Rules with suitable modifications where necessary.

22. Application of Chapter IV & IVA.- Subject to the provisions of this Chapter the rules contained in Chapter IV and IVA shall apply *mutatis mutandis* to an application/petition and an affidavit in opposition and supplementary affidavit made under this Chapter and also to service of notice of a Rule Nisi issued or other order passed in a proceeding under the Chapter.

23. Advance order.-If the Court in a proceeding under this Chapter, directs an order to be issued immediately, the Bench Officer shall at once draw up the order in Form No.7, Appendix IV, and after obtaining the signature of the Judge(s) in the Form, send it forthwith to the concerned Deputy Registrar for issuance of the order, without waiting for the full text of the order or the Judgment to be signed. The Deputy Registrar, shall under his signature, issue copy(ies) of the order upon payment of Tk.50/- by the applicant/petitioner.

Provided that if it is not possible to obtain the signature(s) of the Judge(s) on the day on which the order is passed, on the form as aforesaid, the matter should be brought immediately to the notice of the Registrar. If one Judge of the Bench has signed the order, the substance of it shall be communicated to the concerned Respondent/Person/authority or to the Subordinate Court immediately, with a note that the copy of the proper order will follow.]

¹[CHAPTER- XIB**REFERENCE****A - Reference under section 52 of the SA & T Act, 1950
(XXVIII of 1951)**

1. Presentation of reference to Registrar.-A reference made under section 52 (1) and an application under section 52(2) of the State Acquisition and Tenancy Act, 1950 shall be presented to the Registrar.

2. Contents of reference.- A reference under rule 1 shall contain a statement of the case drawn up by the Special Judge in the form of consecutively numbered paragraphs, setting out all the relevant facts and proceedings in chronological order and the question or questions of law on which the decision of the High Court Division is sought. The reference shall be accompanied by the connected records of the case pending before the Special Judge.

3. Party to prepare Paper-book.- Paper-books in respect of such a reference shall be prepared by the party at whose instance the reference has been made.

4. Special Judge to give notice of reference.-The Special Judge, when making a reference to the Court, shall forthwith give notice thereof to the party at whose instance the reference has been made and inform him to take necessary steps for the preparation and filing of the paper-book in accordance with the provisions of this Chapter. The Special Judge shall, together with the notice, send a copy of the statement of the case.

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

N.B. This Chapter contains more or less rules similar to the rules as contained in Appendix-IV before amendment by Notification *ibid*.

5. Numbers of Paper-books and distribution.-(1) Unless the Court otherwise directs, the paper-books shall be printed and six copies thereof shall be filed in the Court within two months, or within the next 30 days if allowed by the Registrar, after presentation of the reference.

(2) Four copies of the paper-book shall be supplied to the opposite party free of charge by the party responsible for the preparation of the paper-book. Further copies shall be supplied only upon payment of their proportionate cost and only if further copies are available.

(3) If paper-books are not filed within the time specified in sub-rule (1), the matter shall be laid before the concerned Bench for order.

6. Provision relating to Paper-books in First Appeals applicable.-Unless otherwise ordered, the paper-book shall, as far as possible, as regards form, size, typography and arrangement thereof, be prepared and printed in accordance with the directions contained in these Rules for the printing of paper-books in First Appeals.

7. Contents of Paper-books.-The paper-book shall contain the following:

- (a) the statement of the case;
- (b) the decision of the Special Judge under section 51 of the said Act;
- (c) the order of the Superior Revenue Authority under section 41 and/or the order of the Commissioner or other officer under section 49;
- (d) in a case commencing with a reference under section 60, the reference made by the Revenue Officer;
- (e) the application for reference under sub-section (1) of section 52;
- (f) the other party's reply thereto before the Special Judge, if any;

- (g) in the case of a reference made in pursuance of a direction under sub-section (2) of section 52, the decision made under the said sub-section and the judgment delivered, if any; and
- (h) such other documents on which the party preparing the paper-book seeks to rely and which may be necessary for understanding the point or points of law referred to.

8. Registrar to place Paper-books before Court.- Upon the paper-books being filed, the Registrar shall lay the matter before the concerned Bench for the purpose of fixing a date for hearing.

9. Notice of hearing.- Notice of the date fixed for the hearing shall be given by the Registrar to the parties to the reference or to their respective Advocates if the parties are represented by Advocates.

10. Application under section 52(2) of Act XXVIII of 1951 and necessary documents.- Every Application made under section 52(2) of Act No. XXVIII of 1951 should be titled "In the matter of The State Acquisition and Tenancy Act, 1950 (No. XXVIII of 1951)" and should be in the form of a petition divided into consecutively numbered paragraphs, setting out in chronological order all relevant facts and proceedings and should be supported by an affidavit of the applicant or some other person acquainted with the facts and should also be accompanied by a copy of the application made to the Special Judge, copies of the relevant orders and such other documents as may be necessary for understanding the point or points of law on which adjudication is desired or on which the applicant seeks to rely.

11. Placement of application before Court.- On presentation of such an application, the Registrar shall lay the same before the concerned Bench for the purpose of fixing a date for the hearing thereof.

12. Service of notice of Rule.-Whenever a Rule is issued by the High Court Division on such an application, the Rule, together with a copy of the petition and affidavit in respect of such an application shall be served upon the opposite party by the party obtaining the Rule, who shall file an affidavit of service immediately after such service.

13. Counter affidavit by opposite party.-The opposite party shall be at liberty to show cause by filing a counter affidavit.

14. Advocate to receive notice for client.- The advocate presenting an application under the said section 52(2) shall be bound to accept service on behalf of his client of any notice issued by the Court until the case has been finally disposed of or a change of advocate has been effected in the manner prescribed by the Rules of the Court.

15. Calling for record.- The Court may call for record of the Special Judge, if necessary.

B - Reference under section 160 of the Income Tax Ordinance, 1984 (XXXVI of 1984)

16. Reference to be presented to Registrar.- A reference under section 160 of the Income Tax Ordinance, 1984, herein after referred to as the said Ordinance in this Part-B, shall be presented to the Registrar by application.

17. Documents to be attached.- An application under rule 16 shall, in addition to the documents mentioned in section 160 (1) of the said Ordinance, be accompanied by the following:

- (a) such number of copies of the application, as there are respondent(s), for service;

(b) process fee as specified in rule 1 of Chapter XII.

18. Form of Notice.-The notice under rule 17 shall be issued in the following Form:

NOTICE

(Rule-18, Chapter-XIB, HCD Rules)

**SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION**

Reference Petition No-----

-----& others

-----Petitioner(s)

Vs.

Commissioner of Taxes-----

-----Respondent.

To

Commissioner of Taxes

Take notice that the reference petition under section 160 of the Income Tax Ordinance, 1984 has been filed in this Court on ----- and it has been set down for hearing on-----

Copy of the application is enclosed herewith. You yourself or your Advocate or your authorized agent has to submit written statement in respect of the question raised or any other matter in the Registrar's Office 7 days ahead of the said date fixed for hearing.

By Order of the Court.

Superintendent/Assistant Registrar

Enclose: Reference Petition- 1 Copy.

19. Registrar to send notice of hearing.- Notice of the date fixed for hearing shall be given by the Registrar to the Commissioner or to the concerned Advocate, or to the Assessee if the application is presented by the Assessee in person, as the case may be. The Registrar shall also cause such notice to be served on all other parties to the reference.

20. Cost.-Costs in a reference under the Income Tax Ordinance, 1984 are within the discretion of the Court, and will be paid by such party or parties as the Court may order. Unless otherwise ordered, costs of and incidental to a reference will be taxed in the same manner as in an appeal from a decree on the Appellate Side of the Court. The fee of Tk.2000/- paid by the Assessee under the sub-section (1) of section 160 of the said Ordinance shall, however, in all cases be adjusted against the costs or added thereto in the event of costs being awarded to the Assessee.

C-Reference under the Stamp Act, 1899

21. Reference to be presented to Registrar.-All statements of the case or/references under section 57 to 60 of the Stamp Act, 1899, shall be presented to the Registrar.

22. Contents of reference.- The statement of the case shall be in the form of numbered paragraphs, setting out all the relevant facts and proceedings in chronological order and then the question of law arising therefrom.

23. Preparation of Paper-books.- Paper-books in respect of each reference made by the Chief Controlling Revenue Authority (hereinafter in these Rules referred to as the Authority) shall be prepared by or on behalf of the Authority. Six copies of the paper-book shall be filed within one month (or within the next 30 days as the Registrar may allow) after the presentation of the reference. The paper-book shall be prepared in legible writing, either printed by electronic device or in type written form or in photocopy.

24. Office to prepare Paper-book when reference from a Court.- In case of a reference made by a court, such paper-books shall be prepared by the office of the High Court Division

25. Registrar to place reference before Chief Justice.- After the paper-books are filed, the Registrar shall lay the matter before the Chief Justice who will constitute a Bench consisting of not less than three Judges, under section 57(2) of the said Act to hear the reference.

26. Notice of hearing.- Notice of the day fixed for hearing by the Bench so constituted shall be given by the Registrar to the Chief Controlling Revenue Authority or to the Advocate, acting for him, and the Attorney-General as the case may be, and to such other person or persons as the said Bench may direct.

27. Cost.- The provisions of the rules made under the Income Tax Ordinance, 1984 shall apply as far as possible to costs and all other matters in proceedings in this Court under sections 57 to 60 of the Stamp Act, 1899.]

CHAPTER-XII**Fees and Costs.****A- Process Fees.**

1[1. Table of process fees.- (1) The fees referred to in section 20 of the Court-fees Act, 1870 for serving and executing processes issued by the High Court Division in its Appellate Jurisdiction shall be charged as specified in the Table below:

TABLE

	Taka
Article 1.- In every case in which personal or substituted service of any process on parties to the cause, or any persons who are not parties, is required, where not more than four persons are to be served with the same document, one fee:	20/-
When such persons are more than four in number, then the fee above mentioned and an additional fee of Tk.5/- for every such person in excess of four:	5/-
Provided that in the last mentioned case, where such persons reside in the same or immediately adjacent villages or other localities, the additional fee may be of such sum, not exceeding the amount of the fee prescribed as the High Court Division may, in the particular case, determine.	
Provided also that in analogous cases where the appellant is the same but the respondents are different but reside in the same or immediately adjacent villages or other localities the same rules shall apply.	

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

<p>Notwithstanding anything contained in the above two provisions to this Article, no prayer for reduction of the fee prescribed and determined by the High Court Division shall be considered unless it is made within the time laid down for the deposit of the fees for the issue of notice.</p>	
<p>No prayer for the acceptance of one process-fee for the service of notice both in an Appeal and a Rule arising therefrom, or in two or more analogous Appeals, shall be considered unless written notices both in that Appeal and in the said Rule or in the two or more analogous Appeals are filed at the time the prayer is made and can be served simultaneously.</p>	
<p>Article 2.-For the execution of a warrant for arrest of a person:</p>	20/-
<p>Article 3.-For service or execution of any process issued by the Court not specified in any preceding article:</p>	20/-
<p>Note.- Additional costs may be demanded to meet the costs of service of summons, process, etc., outside Bangladesh. Until further orders notices on persons outside Bangladesh may be served by registered post with acknowledgement due or by guaranteed post.</p>	

(2) The process fees specified in the Table of sub-rule (1) shall apply to all other processes issued by the High Court Division in exercise of its various jurisdiction, if not provided by any other specific provision of these Rules or other law.]

2. Exemption from process fees.-Notwithstanding rule-1 above, no fee shall be chargeable for serving or executing:

(i) any process, such as a notice, rule, summons, or warrant of arrest which may be issued by any court of its own motion, solely for the purpose of taking cognizance of and punishing any act done or words spoken in contempt of its authority or of taking action under sections 195 and 476 of the Criminal Procedure Code;

(ii) any process issued a second time in consequence of an adjournment made otherwise than at the instance of a party or an intervenor;

(iii) any copy of summons, notice, order, proclamation or other process posted in a Court house or in the office of the Collector;

(iv) any order intimating postponement of sale, withdrawal of attachment or directing restoration of attached property to the person in whose custody it was or its replacement where it was found at the time of seizure; and

(v) any order directing an Officer-in-Charge of a jail to detain or release a person committed to his custody.

3. Payment of advance fees.-The fees hereinbefore provided shall be payable in advance at the time when the petition for service or execution is presented, and shall be paid by means of stamps in addition to the stamps necessary for its own validity.

4. Executing Court to pay cost of ferry, toll etc.-In localities where, in order to serve any process, the peon has to cross a ferry, then the amount, if any, legally ¹[payable as cost thereof] shall be paid by the Court executing such process from its permanent advance.

¹ The words "payable as cost thereof" was substituted for the words "exigible as toll" by Notification No. 181-G dt. 22-10-2012.

Note.- The permanent advance mentioned in this rule is the special permanent advance sanctioned by the 1[***] Government for the purpose of the rules.

5. Sufficiency of fees paid by party.-The fees paid in pursuance of the foregoing rules must in all proceedings be deemed 2[***] as part of the necessary and proper costs of the party who pays them.

B- Other Fees

6. Court fee stamps to be affixed to application.-The following fees shall be charged on every application made in respect of the following matters and such fees shall be paid by means of Court-fee stamps affixed to such applications:

For every search in the office, record-room, books or registers of the Court, including searches consequent on applications for inspection, for information, for copies of 3[TK.10/-] documents, and for return of documents, or application, made by the parties for records, or documents under Order XIII, rule 10, Civil Procedure Code:

Provided that no searching-fee shall be charged in respect of applications for inspection, information, copies, or return of documents filed if the record of such appeal or proceeding have not been deposited in the record room.

On each application for a copy of any 4[Tk.5/-] document or record, whether the copy applied for is of a single document or more documents than one:

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

² The words "and treated" were omitted by Notification *ibid*.

³ The expression "Tk.10/-" was substituted for the words "One rupee" by Notification *ibid*.

⁴ The expression "Tk.5/-" was substituted for the words "Two annas" by Notification *ibid*.

Provided that this does not authorise an applicant to ask in a single application for copies of more than one ³[document or record], if required in more than one case. There must be a separate application, and, therefore, a separate stamp, for each case.

For swearing or affirming every affidavit, whether intended to be used in the High Court ¹[Tk.10/-] Division either in its Original Jurisdiction or its Appellate Jurisdiction, or in any other Court, except the Insolvency Court:

For inspection of records (exclusive of any searching-fee leviable under this rule):

(i) If the application is by a party to the appeal or other proceeding: ²[Tk.15/-]

(ii) If the application is not by a party to the appeal or other proceeding. ³[Tk.20/-]

Provided that no fee shall be levied from parties to appeals or other proceedings in the Court, or their Advocates, for inspecting the records of such appeals or proceedings, if the records relating thereto have not been deposited in the record room of the Court.

⁴[**Note-1.**- The Solicitor to the Government and the Editors of Law Journals approved by Registrar from time to time are exempted from payment of the searching fee and the inspection fee referred to above, if the application for copy is filed in

¹ The expression "Tk.10/-" was substituted for the words "Two annas" by Notification No. 181-G dt. 22-10-2012.

² The expression "Tk.15/-" was substituted for the words "One rupee" by Notification *ibid*.

³ The expression "Tk.20/-" was substituted for the words "Five rupees" by Notification *ibid*.

⁴ Note 1 was substituted for the original note 1 by Notification *ibid*.

accordance with the rule 12 of Chapter XIII of these Rules within 3 (three) months of the date of the disposal of the case.]

Note- 2. Where the fee for swearing ¹[in] or affirming an affidavit has been levied, no fee shall be levied for filing the same.

²**[Note-3.** Fees for swearing in affidavits or affirmations, shall be fixed as per rule 2 (IXA) of Chapter II of these Rules.]

³[***]

7. Translation fee.- Except as otherwise specially provided in these Rules, the following translation fee shall be charged in cases where a party to any suit or appeal, or his Advocate, or where a ⁴[subordinate court] requires a document to be translated by a ⁵[translator]:

⁶[Taka 2/-] for every 3 words for documents written in a language other than ⁷[Bangla] and for every 5 words for other documents (three figures being counted as one word) subject to a minimum charge of ⁸[Tk.15/-]..

⁹[***]

C- Costs

¹⁰**[8. Costs allowable to successful party.-(1)** The following scale of costs as specified in the following Table shall ordinarily be allowed to the successful party in appeals to the High Court Division in its Appellate Jurisdiction.

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

² Note 3 was substituted for the original note 3 by Notification *ibid*.

³ Provisions for Commission at any place other than the Court house was omitted by Notification *ibid*.

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

⁵ The word "translator" was substituted for the words "salaried translator of the Court" by Notification *ibid*.

⁶ The expression "Taka,2/-" was substituted for the words "One ana" by Notification *ibid*.

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

⁸ The expression "Tk.15/-" was substituted for the expression "Rs.2.00" by Notification *ibid*.

⁹ Note was omitted by Notification *ibid*.

¹⁰ Rule 8 was substituted for the original rule 8 by Notification *ibid*.

(2) When there are several parties to an appeal, review or application, one set of cost will generally be awarded, unless the Court, upon the application of the parties, orders otherwise.

Second Appeals (Pending)

SL No.	Value of Appeal	Heading of Cost	Cost
1.	Not exceeding Tk.500/-	{ Drawing grounds of appeal Hearing fee	Tk.500/- Tk.500/-
2.	Exceeding Tk.500/- and not exceeding Tk.1,000/-	{ Drawing grounds of appeal Hearing fee	Tk.500/- Tk.1,000/-
3.	Exceeding Tk.1,000/- and not exceeding Tk.2,000/-	{ Drawing grounds of appeal Hearing fee	Tk.1,000/- Tk.2,000/-
4.	Exceeding Tk.2,000/-	{ Drawing grounds of appeal Hearing fee	Tk.2,000/- Tk.5,000/-

Appeals from Decrees

SL No.	Value of Appeal	Heading of Cost	Cost
1.	Not exceeding Tk.5,000/-	{ Drawing grounds of appeal Hearing fee	Tk.1,000/- Tk.1,500/-
2.	Exceeding Tk.5,000/- and not exceeding Tk.10,000/-	{ Drawing grounds of appeal Hearing fee	Tk.1,500/- Tk.2,000/-

SL No.	Value of Appeal	Heading of Cost	Cost
3.	Exceeding Tk.10,000/- and not exceeding Tk.20,000/-	{ Drawing grounds of appeal Hearing fee	Tk.2,000/- Tk.2,500/-
4.	Exceeding Tk.20,000/- and not exceeding Tk.50,000/-	{ Drawing grounds of appeal Hearing fee	Tk.2,500/- Tk.3,000/-
5.	Exceeding Tk.50,000/- and not exceeding Tk.75,000/-	{ Drawing grounds of appeal Hearing fee	Tk.3,000/- Tk.3,500/-
6.	Exceeding Tk.75,000/- and not exceeding Tk.100,000/-	{ Drawing grounds of appeal Hearing fee	Tk.3,500/- Tk.4,000/-
7.	Exceeding Tk.1,00,000/- and not exceeding Tk.5,00,000/-	{ Drawing grounds of appeal Hearing fee	Tk.4,500/- Tk.5,000/-
8.	Exceeding Tk.5,00,000/-	{ Drawing grounds of appeal Hearing fee	Tk.5,000/- Tk.5,500/-

Appeals from Orders

SL No.	Value of Appeal	Heading of Cost	Cost
1.	Not exceeding Tk.5,000/-	{ Drawing grounds of appeal Hearing fee	Tk.500/- Tk.1,000/-
2.	Exceeding Tk.5,000/- and not exceeding Tk.10,000/-	{ Drawing grounds of appeal Hearing fee	Tk.1,000/- Tk.2,000/-

3.	Exceeding Tk.10,000/-	{ Drawing grounds of appeal Hearing fee	Tk.2,000/- Tk.3,000/-
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Civil Revision.

SL No.	Value of Revision	Heading of Cost	Cost
1.	Irrespective of Valuation	{ Preparing the application Hearing fee	Tk.2,000/- Tk.2,500/-

9. Cost in case of remand order.-¹[Where in a case,] an order of remand is passed, the court-fee paid ²[***] shall ordinarily be treated as costs ³[of the case]. But where an order of remand is made on any of the grounds mentioned in the first schedule, Order XLI, Rule 23 ⁴[***] of the Civil Procedure Code, for a second decision by the ⁵[Subordinate Court], this Court shall, on the verbal ⁶[prayer] of either party made at the time of making the order for remand, make an order authorizing the appellant to receive back from the Collector the full or proportionate amount, as the case may be, of the fee paid on the Memorandum of Appeal as provided in section 13 of the ⁷[Court-fees Act, 1870 (Act No. VII of 1870)].

Any such ⁸[prayer] for refund not made at the time of the passing of the order of remand, but made on a subsequent date may be entertained if made to the Court on a petition for amendment of the order of remand with the proper stamp.

SL No.	Value of Appeal	Heading of Cost	Drawing grounds of appeal
1.	Exceeding Tk.2,000/-	{ Drawing grounds of appeal Hearing fee	Tk.2,000/- Tk.3,000/-

¹ The expression "Where in a case," was substituted for the expression "In cases where, on appeal to the High Court Division from an Original or Appellate Decree" by Notification No. 181-G dt. 22-10-2012.

² The words "on the Memorandum of Appeal" were omitted by Notification *ibid*.

³ The words "of the case" were substituted for the words "in the appeal" by Notification *ibid*.

⁴ The expression "or 23A" was omitted by Notification *ibid*.

⁵ The words "Subordinate Court" were substituted for the words "Lower Court" by Notification *ibid*.

⁶ The word "prayer" was substituted for the word "application" by Notification *ibid*.

⁷ The expression "Court-fees Act, 1870 (Act No. VII of 1870)" was substituted for the expression "Court-fees Act VII of 1870" by Notification *ibid*.

⁸ The word "prayer" was substituted for the word "application" by Notification *ibid*.

CHAPTER-XIII

Copies

1. Right of appearing party to obtain copy.-A plaintiff or a defendant who has appeared at any stage ¹[is entitled] to obtain a copy of the record of the suit, including exhibits which have been put in and finally accepted by the Court as evidence.

2. Copy allowable to stranger after decree.-A stranger to a suit may, after decree, obtain a copy of the plaint ²[.] written statements, affidavits, and petitions filed in the suit, and may, for sufficient reasons shown to the satisfaction of the Registrar, obtain ³*** a copy of any such document before decree.

3. Copy of judgment etc. to stranger.-A stranger to a suit may also obtain a copy of any judgment, decree, or order at any time after it has been passed or made.

4. No copy of exhibits to stranger without party's consent.-A stranger to a suit has no right to obtain a copy of exhibits admitted in evidence, except with the consent of the person by whom they were produced or his successor-in-interest. He may obtain copies of other documents in which he has an interest including depositions for *bonafide* use in Courts and case-maps, at any time after they have been proved.

5. Advocate's right to obtain copy.-Every Advocate engaged in any case shall be entitled to obtain from the Court's office a copy of the whole or any part of the proceedings and evidence in the case on depositing the estimated cost of such copy.

¹ The words "is entitled" were substituted for the expression "of the suit," by Notification No. 181-G dt. 22-10-2012.

² Comma was inserted by Notification *ibid*.

³ Comma was omitted by Notification *ibid*.

6. Copy to be certified.-Every such copy shall be examined and certified as correct ¹[by the concerned Assistant Registrar] before it is issued from the Court.

2[7. Manner of preparing copy.-(1) Copies shall be prepared and delivered to an applicant either in sheets of offset paper of 100 gram, or in folios/stamp sheet sold by Government authorities for this purpose.

(2) A person entitled to a certified copy may apply for copies in Form No. 24(Civil), Appendix-I, with all particulars. He shall indicate in the application as to the nature of urgency of the copy and as to the kind of paper to be used *i.e.* whether in offset paper of 100 gm. legal size or folios.

(3) Where a copy is prepared in offset legal size paper each sheet shall contain not more than 18 lines, and the following vacant space shall be maintained:-

- (i) 2.50" on the top;
- (ii) 2" on the left and 2" on the right margin;
- (iii) 2.50" at the bottom.

(4) Every sheet of folio shall contain the following vacant space:-

- (i) 2.50"/or the Government mark of the stamp;
- (ii) 2" on the left and 2" on the right side;
- (iii) 2.50" at the bottom.

(5) The text of computer print of a copy shall ordinarily be 14 pt in font size in case of English and 12pt in case of Bangla. There may be variation in case of capital letters or in case of a Table etc.

(6) Each sheet of a copy shall be initialled by the concerned Assistant Registrar. The last page shall be signed by the person(s) preparing and comparing the copy with their full name and

¹ The words "by the concerned Assistant Registrar" were inserted by Notification No. 181-G dt. 22-10-2012.

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

designation. The last page must contain a certificate with the expression "Certified to be true copy as per section 76, Act I of 1872" or "আইন ১/১৮৭২ এর ৭৬ ধারা অনুযায়ী প্রত্যায়িত অবিকল অনুলিপি" under which the full name and designation of the officer shall be mentioned with space for signature.

(7) The Registrar shall specify the seal and issue necessary instruction from time to time for ensuring security of the seal. The seal shall be kept in personal custody and responsibility of the Assistant Registrar.]

¹[7A. Copy to Subordinate Court etc. under Court's order.- (1) Where a copy of a judicial decision is required by any Bench to be communicated to a subordinate court or other public authority or to a convict, the following procedure shall be followed.

(2) The concerned Section shall collect the computer copy of the judicial decision in plain/offset paper of legal size with endorsement by the concerned Bench Officer containing his initial on each page and his signature and a seal with his name, designation and date on the last page. Thereafter the concerned Assistant Registrar shall certify the copy as specified in rule 7(6) above and shall forward the copy with forwarding letter with issue No. and date.]

²[7B. Rates for copies, charge etc. (1) Subject to rule 38, copies shall ordinarily be prepared in typewritten form, whether by electronic device or otherwise. However, in special circumstance, copies may be prepared by hand writing also.

(2) Copies, whether certified or uncertified, and whether typed or hand written, shall be prepared in Government stamp sheets/folios and the charges for the copies shall be levied at the rates specified in the following Table:

¹ Rule 7A was inserted by Notification No. 181-G dt. 22-10-2012.

² Rule 7B was inserted by Notification *ibid*.

TABLE

SL No.	Purposes	Rate per page	Form of payment of charge
1	For every 150 English, or 200 Bangla words or Part thereof.	Tk.2/-	Stamp sheet/folio of Tk.2
2	For additional 150 English or 200 Bangla words, or part thereof	Tk.2/-	Court-fee of Tk.2 (adhesive stamp)
3	Authentication fee for each document	Tk.5/-	Court-fee of Tk.5 (adhesive stamp) to be fixed on the first page.]

8. Number of words in one page.-A ¹[page of a copy] shall consist of 150 English words, or 200 ²[Bangla] words, 3 figures ³[not being letters] counting as one word.

9. Searching fees for copy of record in Record Room.- In addition to the foregoing charges a searching-fee of ⁴[Tk.5/-] shall be charged on each application for copy if the record of the case has been deposited in the record room:

Provided that one searching-fee shall be charged for any number of copies taken from the same record and included in the same application.

10. No searching/examination fee for Government.- Copies of decrees, judgments or other papers required for ⁵[***]

¹ The words "page of a copy" were substituted for the word "folio" by Notification No. 181-G dt. 22-10-2012.

² The word "Bangla" was substituted for the word "vernacular" by Notification *ibid*.

³ The words "not being letters" were inserted by Notification *ibid*.

⁴ The expression "Tk.5/-" was substituted for the expression "Rs.1" by Notification No. 10259-G. The Bangladesh Gazette (Extraordinary), September 9, 1985.

⁵ The word "bonafide" was omitted by Notification No. 181-G dt. 22-10-2012..

Government purposes will be supplied to Government officers on payment of the usual charges for copying, no searching-fee being levied and no charge being made for examination.

11. Free plain paper copy for Government Officers in criminal cases.-Copies of judgments convicting Government Officers of criminal offences, as well as copies of judgments of acquittal and orders of discharge, will be supplied on plain paper free of charge on the application of the Head of the Department concerned.

¹[12. Copy to press and Law Journals.-(1) Copy of any judgment, may be supplied to the Press on formal application being made, after payment of the usual searching-fee and copying charges and under the same conditions and restrictions as those under which copies of judgments are supplied to parties.

(2) The Editors of the Dhaka Law Reports, the Bangladesh Legal Decisions, and such other Law Journals as may be approved by the Registrar from time to time, shall be allowed to take copies of judgments or orders at a flat rate of Tk.100/- per copy.

(3) On the requisition for a copy by the Editor of such Law Journal after 90 days of the disposal of the case, the Superintendent of the Copying Section shall supply him with a copy of the judgment or order of any case free of charge.]

13. Court-fee stamp to be affixed to copy.- In the case of certified copies, the Court-fee chargeable under the Court-fees Act shall be paid by affixing the necessary stamp to the first ²[page of the copy, or if necessary to the last page].

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

¹ Rule 12 was substituted for the original rule 12 by Notification No. 181-G dt. 22-10-2012.

² The expression "page of the copy, or if necessary to the last page" was substituted for the words "folio of the copy" by Notification *ibid*.

¹[15. Urgent copy.]-(1) When an applicant requires an urgent copy, i.e., copies before the expiry of three days of his application, an extra fee of Tk.10/- for each page shall be charged on all copies so furnished, and the charge shall be collected from him in the form of court-fee stamp which should be affixed to the application for the copy and be entered in the Register for Court-fee stamps.

(2) On receipt of an application for an urgent copy, the Superintendent of the Copying Section shall, after noting the time of the registration of the application, send the same to the Superintendent of the Section concerned or to the Bench Officer concerned, as the case may be, for estimate of the stamp and folios and the Superintendent or the Bench Officer concerned shall make the estimate of stamp and folios within 3 hours of receipt of the requisition from the Superintendent of the Copying Section noting therein the time when the same is sent to the Superintendent of the Copying Section.

(3) Where the Superintendent or the Bench Officer concerned, who is required to make the estimate, fails to furnish the estimate within three hours he shall state in writing the reasons for the delay when returning the requisition.

(4) If the Superintendent of the Copying Section does not get the estimate as required by him he shall report the matter to the concerned Assistant Registrar and the latter shall report the matter to the Deputy Registrar.

(5) On receipt of the estimate, the Superintendent of the Copying Section shall forthwith notify the full estimated costs and if the applicant complies by filing the necessary stamps and folios, the Copying Section shall ordinarily, except in very exceptional cases, supply the copy within 72 hours of the deposit of such estimate.

(6) It shall be the duty of the concerned Assistant Registrar to himself see from time to time and to satisfy himself at short intervals that the rules about supply of urgent copies are being strictly followed and to record a certificate to that effect in the register of applications for copies.]

16. [Omitted by Notification No.10259-G, The Bangladesh Gazette (Extraordinary), September 9, 1985.]

¹ Rule 15 was substituted for the original rule 15 by Notification No. 181-G dt. 22-10-2012.

17. Copy of map, plan etc.- In the case of maps and plans, the charge shall be fixed by the Assistant Registrar-in-Charge of the Copying Section with reference to the difficulty or intricacy of the work to be done. Two-thirds of the amount will be paid to the mappist and will include the cost of materials; and the remainder will be credited to Government on account of examination fees.

18. Time for application of copy.- Ordinary applications for copies shall be made to the Superintendent of the Copying Section on any Court day between the hours of ¹[10 a.m. and 4 p.m.]. Applications bearing the ²[urgent] fee prescribed in rule 15 above may be made at any time during office hours.

19. Application Form for copy.- Applications for copies shall be made in the prescribed Form No. 24 (Civil), Appendix 1, copies of which will be supplied at ³[Tk.4/-] per sheet and ⁴[at Tk.30/- per 100 sheets].

20. Incomplete application.- On receipt of an application for a copy, the Superintendent of the Copying Section shall inform the applicant that his application will not be considered complete, and that the preparation of the copy will not be commenced until he has supplied in full the court-fee stamps and the necessary number of ⁵[folios/100 gm. offset papers] which will be notified in due course in the manner prescribed by these rules.

21. Refusal and return of application.- In the event of an application for a copy being refused an endorsement to that

¹ The expression "10 a.m and 4 p.m" was substituted for the expression "11 a.m and 1 p.m on Saturdays" by Notification No. 181-G dt. 22-10-2012.

² The word "urgent" was substituted for the word "expeditious" by Notification *ibid*.

³ The expression "Tk.4/-" was substituted for the expression "30 paisa" by Notification *ibid*.

⁴ The expression "at Tk.30/- per 100 sheets" was substituted for the expression "100 sheets per Tk.10" by Notification *ibid*.

⁵ The expression "folios/100 gm. offset papers" was substituted for the word "folios" by Notification *ibid*.

effect shall be made on the application form which shall then be returned to the applicant.

22. Speedy assessment of court-fee stamp and folios etc.-On orders being passed granting an application for a copy, the Superintendent of the Copying Section shall, at once, if possible, or during the same day, but not later than the following day, ascertain the amount of Court-fee stamps payable for the copy applied for and the number of ¹[folios/100 gm. offset papers] required for its preparation.

23. Careful calculation of folio.- The number of ²[folios/100 gm. offset papers] required should be carefully calculated so as to obviate the necessity for obtaining additional folios from the applicant.

24. Difficulty in tracing document.-If, owing to insufficient or incorrect description, the document cannot be traced, the application should be so endorsed and submitted at once to the Assistant Registrar-in-Charge of the Copying Section for orders.

25. Duty of Copying Section after estimate.- On receipt of the estimate as to number of ³[folios/100 gm. offset papers] required, the Superintendent of the Copying Section shall enter the amount of Court-fee stamps and the other charges in the middle column of the application and shall notify the amount in ⁴[Form No. 25 (Civil), Appendix I] not later than the next following day.

¹ The expression "folios/100 gm. offset papers" was substituted for the word "folios" by Notification No. 181-G dt. 22-10-2012.

² The expression "folios/100 gm. offset papers" was substituted for the word "folios" by Notification *ibid*.

³ The expression "folios/100 gm. offset papers" was substituted for the word "folios" by Notification *ibid*.

⁴ The expression "Form No. 25 (Civil), Appendix I" was substituted for expression "the prescribed Register [Form No. 25 (Civil) Appendix I]" by Notification *ibid*.

26. Rejection of application for copy.-If the stamps and ¹[folios/100 gm. offset papers] are not filed within seven days of the notification in the prescribed Register, the application shall be rejected by the ²[concerned Assistant Registrar].

27. Fresh application after rejection.-If an application has been rejected under rule 26 above, and the copy is still required, fresh application must be filed and dealt with in the manner prescribed by these ³[Rules], as though the original application had not been made.

28. Noting of particulars on application.-When the stamps and ⁴[folios/100 gm. offset papers] are filed, a note to that effect and the date shall be entered in the place provided in the application for the purpose, and the applicant shall be required to sign this entry. The date on which the copy will be ready shall also be noted in the appropriate column of the application form and a corresponding entry shall be made by the Superintendent of the Copying Section in the counterfoil of the application. The applicant shall retain the counterfoil, and it shall be his duty to attend on the date fixed for the purpose of receiving the copy.

29. Additional court-fee, extra folio etc.-If and when it is ascertained that extra Court-fees or extra ⁵[folios/100 gm. offset papers] for copies are required, the amount of such Court-fees or ⁶[folios/100 gm. offset papers] should be immediately

¹ The expression "folios/100 gm. offset papers" was substituted for the word "folios" by Notification No. 181-G dt. 22-10-2012.

² The words "concerned Assistant Registrar" were substituted for the words "proper officer of the Court" by Notification *ibid*.

³ The word "Rules" was substituted for the word "rules" by Notification *ibid*.

⁴ The expression "folios/100 gm. offset papers" was substituted for the word "folios" by Notification *ibid*.

⁵ The expression "folios/100 gm. offset papers" was substituted for the word "folios" by Notification *ibid*.

⁶ The expression "folios/100 gm. offset papers" was substituted for the word "folios" by Notification *ibid*.

notified in ¹[Form No. 25 (Civil), Appendix I] and shall be put in within seven days of such notification.

30. Noting of particulars about extra folio, court-fee etc.- When the applicant complies with rule 29 above, a note should be made on the reverse of the counterfoil showing the date and number of extra ²[folios/100 gm. offset papers] and the date and number and the value of the extra Court-fees filed. This note shall be signed both by the applicant and by the Superintendent of the Copying Section.

³[31. Procedure for verifying correctness of copy.-(1) Every copy must bear the signature of the copyist making it and the date on which the copy is completed. It must also bear the signature of the clerk who examined the copy and the date on which such copy is examined.

(2) It shall be the duty of the Superintendent of the Copying Section to examine 10 per cent of the copies in order to ensure that the persons in charge of copying and comparing are doing their duties properly and the Assistant Registrar-in-Charge of the Section shall also examine 2 percent of these copies to see that the copyist and the comparing clerks are doing their duties properly; and if there be any negligence and carelessness on the part of the copyists and comparing clerks, the matter should be referred to the authorities concerned for necessary action.]

32. Time limit for furnishing copy.- In ordinary circumstances a copy shall be furnished not later than 1 p.m. on the fifth day after the necessary Court-fee stamps and ⁴[folios/100 gm. offset papers] have been put in.

¹ The expression "Form No. 25 (Civil), Appendix I" was substituted for the expression "the prescribed Register [Form No. 25 (Civil) Appendix I]" by Notification No. 181-G dt. 22-10-2012.

² The expression "folios/100 gm. offset papers" was substituted for the word "folios" by Notification *ibid*.

³ Rule 31 was substituted for the original rule 31 by Notification *ibid*.

⁴ The expression "folios/100 gm. offset papers" was substituted for the word "folios" by Notification *ibid*.

33. Time and manner of delivery of copy.-On receipt of the copies and unused ¹[folios/100 gm. offset papers], if any, from the copyists and the original application from the Section concerned, the Superintendent of the Copying Section shall keep them together. On the applicant's appearance with the counterfoil, the Superintendent of the Copying Section shall make over to him the copy and unused ²[folios/100 gm. offset papers], taking his receipt in the counterfoil of the application which he will retain in his custody.

34. Time for destruction of undelivered copy, unused folios etc.-³[If] the applicant, in any case, ⁴[fails] to appear to claim either the copy or the unused ⁵[folios/100 gm. offset papers] before the last day of the month succeeding that on which the copy was ready for delivery or ⁶[if he fails] to put in the extra Court-fees or extra ⁷[folios/100 gm. offset papers] within the period prescribed in rule 29 above, such copy and unused ⁸[folios/100 gm. offset papers] shall be destroyed.

35. Return of folio etc. in case of refusal.-In any case in which a copy is refused, or cannot be granted, the ⁹[folios/100 gm. offset papers] supplied by the applicant shall be returned to him when he is so informed.

¹⁰**36. Manner of certifying a copy.**-(1) Certified copies shall bear the seal of the Court and a certificate with words "Certified to be a true copy as per section 76, Act I of 1872" / "আইন

¹ The expression "folios/100 gm. offset papers" was substituted for the word "folios" by Notification No. 181-G dt. 22-10-2012.

² The expression "folios/100 gm. offset papers" was substituted for the word "folios" by Notification *ibid*.

³ The word "If" was substituted for the word "Should" by Notification *ibid*.

⁴ The word "fails" was substituted for the word "fail" by Notification *ibid*.

⁵ The expression "folios/100 gm. offset papers" was substituted for the word "folios" by Notification *ibid*.

⁶ The words "if he fails" were substituted for the words "should he fail" by Notification *ibid*.

⁷ The expression "folios/100 gm. offset papers" was substituted for the word "folios" by Notification *ibid*.

⁸ The expression "folios/100 gm. offset papers" was substituted for the word "folios" by Notification *ibid*.

⁹ The expression "folios/100 gm. offset papers" was substituted for the word "folios" by Notification *ibid*.

¹⁰ Rule 36 was substituted the for the original rule 36 by Notification *ibid*.

১/১৮৭২ এর ৭৬ ধারা অনুযায়ী প্রত্যায়িত অবিকল অনুলিপি" and be signed in full by an officer authorised to do so by the Registrar.

(2) As regards uncertified copies they shall be marked only with the word "examined" and initialled by the Examiner.]

37. Relevant date etc. to be recorded on copy.-

When a copy of a decree, judgment or order is granted, the following particulars shall be recorded on the copy itself, and in the form given below:

- (i) Date of application for copy.
- (ii) Date of notifying the requisite number of ¹[folios/100 gm. offset papers] and stamps.
- (iii) Date of delivery of the requisite- number of ²[folios/100 gm. offset papers] and stamps.
- (iv) Date on which the copy was ready for delivery.
- (v) Date of making over the copy to the applicant.

³**38. Certified Photostat copy.-**(1) Persons entitled to obtain copies of papers, records, Judgments, Decrees, Orders, exhibits and other documents under rules 1 to 5 ⁴[and 12] of this Chapter, may obtain photostat copies of the same subject to the fulfilment of the terms and conditions, and in the manner specified below.

(2) For such photostat copies offset paper shall be used. The applicant shall, within one week of the notification of the estimate by the office, supply the required number of sheet, and pay the fees under sub-rule (5). The supply of the paper and the payment of the fees shall be entered, in the relevant Register.

¹ The expression "folios/100 gm. offset papers" was substituted for the word "folios" by Notification No. 181-G dt. 22-10-2012.

² The expression "folios/100 gm. offset papers" was substituted for the word "folios" by Notification *ibid*.

³ Rule 38 was added by Notification No. 4735-G, The Bangladesh Gazette (Extraordinary), December 10, 1981.

⁴ The expression "and 12" was inserted by Notification No. 181-G dt. 22-10-2012..

(3) If the applicant fails to supply the estimated number of papers or to pay the requisite fees within the period of one week of the notification under sub-rule (2) the application shall be rejected by the ¹[concerned Assistant Registrar].

(4) An application for a photostat copy shall be made in Form No. 24A (civil), ²[Appendix I] which will be supplied on payment of ³[Tk.4/-] per form in Court-fee stamp.

⁴[(5) The following fees, payable in Court fee stamps, shall be chargeable for photostat copies:-

	Taka
(I) Application fee (Ordinary) ..	10/-
(II) Application fee (urgent)	15/-
(III) Charges of copies per page...	3/-
(IV) Authentication fee for judgment	5/-
(V) Authentication fee for decrees	10/-
(VI) Authentication fee for other documents	5/-
(VII) Searching fee, if the record is in deposit in the Record Section	5/-

(Note- Court fee stamps realized as charge fee copies shall be affixed on each page of the copy.)]

(6) A copy shall be supplied:-

- ⁵[against] an ordinary application within one week; and
- ⁶[against] an urgent application, within three days, of the filling of the papers and the payment of the requisite fees.

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

² The expression "Appendix I" was substituted for the expression "appended to these rules," by Notification *ibid*.

³ The expression "Tk.4/-" was substituted for the words "Taka one" by Notification *ibid*.

⁴ Sub-rule (5) was substituted for the original sub-rule (5) by Notification *ibid*.

⁵ The word "against" was substituted for the word "Against" by Notification *ibid*.

⁶ The word "against" was substituted for the word "Against" by Notification *ibid*.

(7) Other provisions of this Chapter shall, if and where necessary, *mutatis mutandis*, apply for the purpose of preparation and supply of copies under this rule.

1[(8) A photostat copy shall bear the seal of the Court and the expression "Certified to be a true copy as per section 76, Act I of 1872" or "আইন ১/১৮৭২ এর ৭৬ ধারা অনুযায়ী প্রত্যায়িত অবিকল অনুলিপি" and shall be signed in full by an officer authorized to do so by the Registrar.]

¹ Sub-rule (8) was substituted for the original sub-rule (8) by Notification No. 181-G dt. 22-10-2012.

CHAPTER-XIV

RECORDS

¹[Preparation,] Preservation and Destruction of Civil and Criminal Records.

2[***]

³[A- General]

1. Parts of Record.-Every record, unless otherwise provided, shall consist of ⁴[two parts to be styled Part I] and Part II. These two parts shall be maintained separately in stiff covers in the prescribed forms, the cover provided for Part I being coloured white and that for Part II being coloured blue [see Forms Nos. ⁵[26, 27, 27A and 27B (Civil) and 12 to 23] (Criminal), Appendices I and II respectively].

2. Preservation period of Part-I and Part-II.- ⁶[Unless otherwise provided in relation to particular type of case] Part I shall be preserved for ever, and Part II for three years, after the expiry of which it shall be destroyed 14 days after ⁷[publication of notice] of such destruction giving a short description of the papers ⁸[in the General Notice-board and also in the Website].

3. Proper inclusion of paper in appropriate part.-The distribution of the papers to the appropriate ⁹[Part] (I or II) of the record shall in all cases be made in the office before the record is deposited in the Record Room.

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

² The expression "In suppression of all previous rules made in this behalf, the following rules have been prescribed by the High Court with the approval of the Provincial Government, to take effect from the date of the constitution of this High Court-" was omitted by Notification *ibid*.

³ The expression "A- General" was inserted by Notification *ibid*.

⁴ The expression "two parts to be styled Part I" was substituted for the expression "two parts, to be styled, respectively, Part I" by Notification *ibid*.

⁵ The expression "26, 27, 27A and 27B (Civil) and 12 to 23" was substituted for the expression "26 and 27 (Civil) and 12 to 25" by Notification *ibid*.

⁶ The words "Unless otherwise provided in relation to particular type of case" were inserted by Notification *ibid*.

⁷ The words "publication of notice" were substituted for the words "a notice" by Notification *ibid*.

⁸ The words "in the General Notice-board and also in the Website" were substituted for the words "has been hung up in the General Notice-board" by Notification *ibid*.

⁹ The word "Part" was substituted for the word "Parts" by Notification *ibid*.

4. Calculation of preservation period for Part-II.- The period of three years mentioned in rule 2 above shall be calculated from the date of the final decree or order which, in cases of appeals to the ¹[Appellate Division], will be that of the decree or order of ²[that Division].

³[5. Preservation of Paper Books.- All copies of paper-books in excess of the number to be preserved permanently in Part I of the High Court Division records, as directed in these Rules, shall be kept separate from the records to which they relate and be destroyed on the expiry of the periods prescribed for their preservation as under:

- (a) All surplus copies of paper-books in Civil Appeals and Death Reference Cases shall be preserved for three years from the date of the final decree or order of the High Court Division;
- (b) In case of appeals to the Appellate Division, from such decree or order, the copies of the paper-books prepared for the Appellate Division, shall be preserved for three years from the date of final decree or order of the Appellate Division;
- (c) Destruction of the surplus copies of paper-books shall, as provided in clauses (a) and (b), be undertaken without any reference to litigants or Advocates concerned. However, where such litigants apply to the Registrar through their Advocates for the return of such copies, they may be returned to

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

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

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

such Advocates, if the application for return is made at least one calendar month before the expiry of the periods prescribed for their preservation. No notice shall be issued from the High Court Division for returning surplus copies.]

6. Sale of surplus Paper-books.—If copies of ¹[surplus] printed paper-books are available and any person desires to purchase ²[,] he may be supplied with the copies at the rate of ³[Tk.2/-] per page subject to a maximum of ⁴[Tk.200/-] per volume and paper-books in Criminal Cases will also be charged for at that rate. Typewritten paper-books of first appeals will be charged for at the rate of ⁵[Tk.200/-] per volume.

⁶[B-] **Civil Records**

⁷[**6A. Classification of Civil record.**—(1) Records of Civil Cases shall be classified as under;

- (a) First Appeals;
- (b) First Miscellaneous Appeals;
- (c) Civil Revisions;
- (d) Miscellaneous Cases which are not included in any of the above three classes, such as, transfer of cases under section 24 of the Civil Procedure Code.

(2) Records of cases instituted in the original jurisdiction under special laws will be separately classified with indication to such laws.

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

² Comma was substituted for the word "them" by Notification *ibid*.

³ The expression Tk.2/- was substituted for the words "six annas" by Notification *ibid*.

⁴ The expression Tk.200/- was substituted for the expression "Rs.20" by Notification *ibid*.

⁵ The expression Tk.200/- was substituted for the expression "Rs.10" by Notification *ibid*.

⁶ The expression "B-" was inserted by Notification *ibid*.

⁷ Rule 6A was inserted by Notification *ibid*.

(3) The record of cases shall be prepared as provided in rule 7 for civil records and for the purpose of preservation and destruction other rules shall be followed.]

1[7. Contents of Civil records.-(1) Part I of all civil records shall contain the following papers:

- (i) the order-book(s);
- (ii) the memorandum of appeal/application;
- (iii) the copies of the judgment and decree or impugned order filed with the memorandum of appeal and not inserted in the paper-book of the case;
- (iv) the memorandum of cross-objection (if any);
- (v) wokalatnama;
- (vi) applications for substitution, addition or striking out of parties, and the affidavits filed therewith;
- (vii) award of arbitrators or petitions of compromise, if given effect to in the decree: also in the case of minors or lunatics, the order of the Court sanctioning compromise;
- (viii) remand order of the Court (if any);
- (ix) copy of the finding of the Subordinate Court upon remand (if any);
- (x) final Judgment of the High Court Division;
- (xi) decree;
- (xii) applications for the return of documents when they have been rejected or on which special orders have been passed;

¹ Rule 7 was substituted for the original rule 7 by Notification No. 181-G dt. 22-10-2012.

(xiii) one copy of paper-book:

(xiv) any paper the preservation of which may be directed by the presiding Judge or Judges, or by the Registrar;

(xv) orders of the Court other than those recorded on the order-book(s); and

(xvi) applications for review, and orders relating to such applications.

(2) Part II shall contain all other papers.

(3) Certified copies of the judgment and decree of the High Court Division filed with the application for leave to appeal to the Appellate Division shall be kept in Part-II.

(4) Copies of the impugned judgment and decree or order filed with the memorandum of appeal/application may, with the permission of the Registrar, be returned to the party after disposal of the appeal/case on furnishing distinct and legible photostate copy attested by the filing advocate and verified by the concerned Assistant Registrar.

(5) Exhibited documents or any other paper not received with the Subordinate Court's record but filed in the High Court Division under special orders should not be deposited in the Record Room but returned to the parties after the disposal of the cases in which they were filed. If these documents are not taken back before the despatch of Subordinate Court's record, those should be sent to the Subordinate Court along with its record together with a copy of the order under which such papers were filed and with instructions to that Court to return the same when returning other documents to the parties.

(6) Papers which are to be preserved under the provisions of this Chapter shall be repaired, where necessary, at the expense of the Court; but the documents which are filed by the parties in the High Court Division or are filed in the Subordinate Court and transmitted to the High Court Division and which are ultimately returned to them after the disposal of the case in which they are

filed shall be repaired, if and when necessary, at the expense of the party filing such documents. An estimate of the costs of repairs shall be prepared and served on the Advocate for the party and the amount due under the estimate shall be deposited with the Accounts Section of the Court within seven days from the date of service. All cases of default as regards the deposit are to be reported to the Registrar.]

¹[**7A. Second Judge's file.**-Where a case is dealt with by a Division Bench, a separate file shall be maintained. This file shall be called the Second Judge's file and it shall contain copies of all documents of Part I of the record as mentioned in rule 7 or 9 for Civil or Criminal cases respectively, except the order-book or order sheet.]

8. Application of Rule-7 to other civil cases.-Rule 7 shall also apply, *mutatis mutandis*, to the records of all ²[other cases of civil nature].

³[C-] **Criminal Records**

⁴[**8A. Classification of Records.**- (1) Records of Criminal cases shall be classified as under :

- (a) Criminal Appeals;
- (b) Jail Appeals;
- (c) Criminal Revisions (under section 439, Cr. PC);
- (d) Criminal Miscellaneous Cases which are not included in any of the above classes, such as, application under section 426 (2), 491, 497(5), 498, 526, 561A of the Criminal Procedure Code.

¹ Rule 7A was inserted by Notification No. 181-G dt. 22-10-2012.

² The words "other cases of civil nature" were substituted for the words "Civil Revision cases and References" by Notification *ibid*.

³ The expression "C-" was inserted by Notification *ibid*.

⁴ Rule 8A was inserted by Notification *ibid*.

(2) Records of cases instituted in the original jurisdiction of the Court under special laws will be separately classified with indication to such laws.

(3) The record of all criminal cases shall be prepared as provided in rule 9 and for the purpose of preservation and destruction other rules shall be followed.]

1[9. Contents of Criminal records.-(1) Part I of the record in Criminal Appeals, Revision cases and Miscellaneous cases, shall contain the following papers:

- (i) the order-book (s);
- (ii) the judgment of the High Court Division;
- (iii) the Petition of appeal, application for revision or letter of reference or other application on which the case is instituted;
- (iv) wokalatnamas;
- (v) applications for the return of documents when they have been rejected or on which special orders have been passed;
- (vi) the impugned judgment or order of the Subordinate Court;
- (vii) one copy paper-book;
- (viii) any paper the preservation of which may be directed by the presiding Judge or Judges or by the Registrar; and
- (ix) orders of the Court other than those recorded on the order sheets.

(2) Part II shall contain all other papers.

¹ Rule 9 was substituted for the original rule 9 by Notification No. 181-G dt. 22-10-2012.

(3) Certified copies of impugned order or judgment in criminal cases filed with petitions of appeals or other application on which the case is instituted and which is inserted in the paper-books of such cases may, with the permission of the Registrar, be returned to the parties filing them after the disposal of cases on furnishing distinct and legible photostat copy attested by the filing Advocate and verified by the concerned Assistant Registrar.]

1[9A. Record of Jail Appeal.-(1) Part I of the record of Jail Appeals shall contain the following papers:

- (i) the order book(s);
- (ii) the Judgment of the High Court Division;
- (iii) forwarding letter of the Jail Authority ;
- (iv) petition of appeal ;
- (v) impugned judgment and order of conviction.

(2) Part II shall contain all other papers.]

2[9B. Second Judge's file in criminal cases.-(1) Where a case is dealt with by a Division Bench, a separate file shall be maintained. This file shall be called the Second Judge's file and it shall contain copies of all documents of Part I of the record as mentioned in rule 9 for Criminal cases respectively, except the order-book or order sheet.

(2) In case of Jail appeals, photocopies of the contents of Part I as specified at clauses (iii) to (v) shall be prepared by the Office of the Court for use of the Second Judge of a Division Bench.]

10. Preservation of Miscellaneous Criminal Cases.-Applications for bail and suspension of sentence and orders thereon which are treated as Miscellaneous Cases shall be preserved for three years from the date of the order.

¹ Rule 9A was inserted by Notification No. 181-G dt. 22-10-2012.

² Rule 9B was inserted by Notification *ibid*.

Requisitions for records

Under Order-XIII, rule-10, Civil Procedure Code

1[11. Certified copies of originals from Part-I of Civil record.-(1) Ordinarily certified copies are to be filed in respect of original papers, civil or criminal, requisitioned at the instance of the parties under Order XIII, rule 10, Civil Procedure Code, from Part I of a High Court Division record. Such certified copies shall be returned with the original documents called for when the requisition is complied with. Certified copies, may, however, be dispensed with in respect of the following:

- (a) items (vi) and (xii) of rule 7 of this Chapter;
- (b) item (v) of rule 9 *ibid*; and
- (c) the papers printed in the paper-book of the case-- items (ii) and (iv) of rule 7 and item (iii) of rule 9 *ibid*.

(2) With regard to papers of Part II of both Civil and Criminal records, no certified copy need be demanded except under the orders of the Registrar.]

¹ Rule 11 was substituted for the original rule 11 by Notification No. 181-G dt. 22-10-2012.

CHAPTER-XV

Inspection and Information

¹[1. Removal of record generally prohibited.]-No record of any case shall be removed from the Court building, except under an order in writing of a Judge, the Registrar, Additional Registrar, Deputy Registrar or an Assistant Registrar. Such order shall be recorded in Part II of the record:

Provided that if any Judge or the Registrar, requires a record at his residence, he may take charge of it. If any other officer intends to take a record to his residence, he shall take written permission from the Registrar or the Additional Registrar.]

2. Application for inspection of record.- Inspection of records shall only be allowed upon an application being made in ²[Form No. 28 (Civil), Appendix I] which will be obtainable from the Forms Clerk at ³[Tk.2/-] per copy or ⁴[Tk.100/-] for 100 forms. ⁵[The same form may be used for inspection of any other records].

3. Particulars of record or paper to be inspected.- Every application for inspection shall specify the record or paper of which inspection is desired and the name of the person or persons by whom the inspection will be made, and shall be accompanied, where necessary, by the fee prescribed in ⁶[rule 6 of Chapter XII].

4. Persons entitled to inspect.-No record or paper of any department shall be inspected by any person other than a Judge or an Officer of the Court, except upon an order in writing of a Judge,

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

² The expression "Form No. 28 (Civil), Appendix I" was substituted for the expression "the form prescribed for the purpose (see Form No. 28(Civil), Appendix I)" by Notification *ibid*.

³ The expression "Tk.2/-" was substituted for the expression "6 pies" by Notification *ibid*.

⁴ The expression "Tk.100/-" was substituted for the expression "Rs.2" by Notification *ibid*.

⁵ The words "The same form may be used for inspection of any other records" were inserted by Notification *ibid*.

⁶ The expression "rule 6 of Chapter XII" was substituted for the expression "Chapter XII of these rules" by Notification *ibid*.

the Registrar, ¹[Additional Registrar or the concerned Deputy Registrar or Assistant Registrar]:

Provided that a party appearing in person in an appeal or other proceeding, or an Advocate duly authorised by a party to a case, may, upon filing an application in the prescribed form, inspect a record in the space set apart for inspection, without a formal order in writing obtained under this rule.

5. Procedure for inspection by stranger.- A stranger to an appeal or other proceeding shall not be entitled as of right to inspect any record or document. He may, however, apply for an order to inspect such record or document, provided that he shall not be allowed to inspect exhibits put in evidence, except ²[in presence of the concerned Deputy Registrar or] with the consent of the person by whom they were produced or his successor-in-interest. Every such application shall be in writing in the ³[Form specified in rule 2 above], shall specify the paper or papers which ⁴[he desires] to inspect, shall clearly state the reason for the inspection and shall be accompanied by the fee prescribed in ⁵[rule 6 of Chapter XII].

6. Time for inspection.- Every application for inspection shall be made between the hours of ⁶[10-00 a.m. and 4 p.m. on a working day] and inspection shall be allowed only in the Inspection Room or in the space allotted for the purpose, between the hours of 10-45 a.m. and 4-30 p. m. on ⁷[working days] and such inspection may be made on any working day or days but must be completed within ⁸[15] days from the date of receipt of the record by the

¹ The expression "Additional Registrar, Deputy Registrar or Assistant Registrar" was substituted for the words "or other Gazetted Officer" by Notification No. 181-G dt. 22-10-2012.

² The words "in presence of the concerned Deputy Registrar or" were inserted by Notification *ibid*.

³ The expression "Form specified in rule 2 above" was substituted for the expression prescribed form (see rule 2 above)" by Notification *ibid*.

⁴ The words "he desires" were substituted for the words "it is desired" by Notification *ibid*.

⁵ The expression "rule 6 of Chapter XII" was substituted for the expression "Chapter XII of these rules" by Notification *ibid*.

⁶ The expression "10-00 a.m. and 4 p.m. on a working day" was substituted for the expression "10-45 a.m. and 4 p.m. on a Court day and between the hours of 11 a.m and 1 p.m on Saturdays;" by Notification *ibid*.

⁷ The words "working days" were substituted for the expression "Court days and between the hours of 11 a.m. and 1 p.m. on Saturdays" by Notification *ibid*.

⁸ The figure "15" was substituted for the figure "10" by Notification *ibid*.

¹[concerned Superintendent of the Section]; and such inspection may be made only by person or persons whose names are mentioned in the order allowing inspection.

Note.- (1) Requisition for the record shall be made by the ²[concerned Superintendent of the Section] on the day the application is filed and the record shall, except for special reasons to be stated in writing, be made available for inspection by the day following and in any case not later than the third day from the date of application. If the requisition is not complied with within three days the matter shall be submitted with an explanation to the ³[concerned Assistant Registrar] for orders.

Note.- (2) This rule shall not apply to pending Criminal cases inspection of which will be allowed in the Criminal Section.

Note.- (3) In no case should the ⁴[concerned Superintendent of the Section] retain any records in the room or space for inspection for more than 10 days from the date of receipt of the record in that room or space.

7. Procedure on receipt of application.-Immediately upon receipt of an application for inspection the ⁵[concerned Superintendent of the Section] shall send a requisition to the Superintendent of the Section in which the record or paper mentioned in the application is, and the latter upon being satisfied that the application is in order and that the person named therein is entitled to inspect under rule 4 above, or has been allowed inspection under rule ⁶[4 or] 5 above, shall make

¹ The words "concerned Superintendent of the Section" were substituted for the words "Clerk-in-Charge of Inspection" by Notification No. 181-G dt. 22-10-2012.

² The words "concerned Superintendent of the Section" were substituted for the words "Clerk-in-Charge of Inspection" by Notification *ibid*.

³ The words "concerned Assistant Registrar" were substituted for the words "Gazetted Officer-in-Charge" by Notification *ibid*.

⁴ The words "concerned Superintendent of the Section" were substituted for the words "Clerk-in-Charge of Inspection" by Notification *ibid*.

⁵ The words "concerned Superintendent of the Section" were substituted for the words "Clerk-in-Charge of Inspection" by Notification *ibid*.

⁶ The expression "4 or" was inserted by Notification *ibid*.

over such record or paper to the ¹[concerned Superintendent of the Section] by 10-45 a.m. on the date noted in the application.

8. Restriction during inspection.-²[(1)] No person inspecting a record or paper shall make any mark on, or in any respect mutilate ³, or otherwise cause any damage to,] any record or paper which is being inspected.

⁴[(2)] He may make short notes ⁵[in his own paper] but shall on no account be allowed to make a copy or translation of any paper on the record or to compare a copy or translation already made.

Note.- (1) The words "short notes" in this rule mean such brief notes or memoranda with respect to the date and nature of the documents, names of parties, etc., as may be necessary to identify the document or record, in case a copy is required or a list of papers for inclusion in the paper-book of an appeal is to be filed.

Note.- (2) A notice in terms of this rule and Note (1) shall be hung up in a prominent place near the space set apart for inspection and a breach of the rule should be forthwith reported to the ⁶[concerned Assistant Registrar, who shall with the approval of the Registrar, initiate criminal proceeding].

9. Restriction on access to place of inspection.- Only ⁷[employees of the concerned Section] and persons authorised to inspect either under rule 4 or rule 5 above shall be allowed into the room or space set apart for inspection:

¹ The words "concerned Superintendent of the Section" were substituted for the words "Clerk-in-Charge of Inspection" by Notification No. 181-G dt. 22-10-2012.

² Sub-rule (1) was re-numbered for sub-rule (i) by Notification *ibid*.

³ The expression ", or otherwise cause any damage to," was inserted by Notification *ibid*.

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

⁵ The words "in his own paper" were inserted by Notification *ibid*.

⁶ The expression "concerned Assistant Registrar, who shall with the approval of the Registrar initiate criminal proceeding" was substituted for the words "Gazetted Officer-in-Charge" by Notification *ibid*.

⁷ The words "employees of the concerned Section" were substituted for the words "officers of the Court" by Notification *ibid*.

Provided that parties or their agents as mentioned in the order for inspection may accompany the Advocate, but the number of such persons shall not exceed two.

10. Restriction on inspection of register.- No one other than a Judge, the Registrar, ¹[the Additional Registrar,] the Deputy Registrar, or an Assistant Registrar, shall be allowed to inspect any register of the Court or of the office, except on an order in writing of the Registrar ²[, the Additional Registrar, the Deputy Registrar, or an Assistant Registrar] and in presence of the officer whose duty it is to keep such register.

11. Application for information.- Applications for information shall be made in ³[Form No. 29 (Civil), Appendix I] copies of which will be supplied at ⁴[Tk.2/-] per sheet or 100 sheets for ⁵[Tk.100/-], to the Deputy Registrar or such other officer of the Court as the Registrar may depute for the purpose, on any ⁶[working day between the hours of 10-00 a.m. and 4-00 p.m]. That form may be used as application for information in respect of ⁷[all] other records.

12. Procedure after filing of application for inspection.-An applicant for information will submit his application with the necessary particulars as shown in Form No. 29 (Civil), Appendix I. The officer receiving the application shall, if the information is available, fill in the information both in the upper and lower halves of the form in their proper places. If the information is not immediately available he shall state in the appropriate place the date on which the applicant should call for the information and

¹ The expression "the Additional Registrar." was inserted by Notification No. 181-G dt. 22-10-2012.

² The expression ", the Additional Registrar, the Deputy Registrar, or an Assistant Registrar" was substituted for the words "or other Gazetted Officer" by Notification *ibid*.

³ The expression "Form No. 29 (Civil), Appendix I" was substituted for the expression "the prescribed form [see Form No. 29 (Civil), Appendix I]." by Notification *ibid*.

⁴ The expression "Tk.2/-" was substituted for the expression "6 pies" by Notification *ibid*.

⁵ The expression "Tk.100/-" was substituted for the expression "Rs.2" by Notification *ibid*.

⁶ The expression "working day between the hours of 10-00 a.m and 4-00 p.m" was substituted for the expression "Court day between the hours of 11 a.m and 4 p.m and between the hours of 11 a.m and 1 p.m on Saturdays" by Notification *ibid*.

⁷ The word "all" was inserted by Notification *ibid*.

shall make over the lower portion of the form to the applicant. Upon the applicant calling for the information on the date stated ¹[, the officer] shall supply the information in the appropriate place, an acknowledgment for the same being obtained on the upper portion of the form which shall be preserved in the office for ²[six months].

Note.- Searching-fee shall be levied on application for information as in the case of application for copies (see Chapter XII): An application will not be considered as complete till the searching-fee, as necessary under the rules, has been paid.

13. Supply of information.-Information shall ordinarily be supplied on the next ³[working day after the application is filed].

Note.- (1) Any delay in complying with the provisions of these ⁴[Rules] should be brought to the immediate notice of the Registrar.

Note.- (2) Information ⁵[shall be given in short answer form]. If any extract from the record or the substance of any order or decree or other document is desired, the proper course is to apply for a copy.

Note.- (3) Defective applications ⁶[,] and applications in which the information asked for cannot for any reason be given ⁷[,] shall be rejected subject to the orders of the Registrar.

¹ The expression “, the officer” was substituted for the word “he” by Notification No. 181-G dt. 22-10-2012.

² The words “six months” were substituted for the words “the period prescribed from time to time” by Notification *ibid*.

³ The words “working day after the application is filed” were substituted for the words “open day after application” by Notification *ibid*.

⁴ The word “Rules” was substituted for the word “rules” by Notification *ibid*.

⁵ The words “shall be given in short answer form” were substituted for the words “requiring anything but short answers shall not be given” by Notification *ibid*.

⁶ Comma was inserted by Notification *ibid*.

⁷ Comma was inserted by Notification *ibid*.

CHAPTER-XVI

Deposit and Payment of Money

1. Challan form and hour for deposit/payment.-All money required to be paid or deposited under these Rules ¹[***] shall be paid to the ²[Accounts Section] of the Court with a *challan* in Form No. 30 (Civil), Appendix I, before 1-30 p. m. on any working day.

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

3. Time for tendering Challan to Accounts Section.-The *challan* before it is tendered at the Bank must be placed by 11-30 a.m. in the box provided for the purpose at the counter in the Accounts ³[Section]. If the *challan* is found to be in order, it shall be numbered serially and entered in the *Challan* Register and then signed ⁴[and issued by the Office Assistant] and the Accountant.

⁵[4. Duty of Accounts Section about Challan.]-(1) All *challans* tendered shall be made ready for delivery to the Advocates or the parties concerned so as to enable them to deposit the money in the Bank on the day on which the *challan* is issued. If the person concerned fails to tender the *challan* at the Bank on the day of issue, a fresh *challan* must be taken out on the following working day, unless the time within which the deposit should be made under the Rules of the Court has expired, in which case the deposit will not be accepted without the order of concerned Assistant Registrar.

(2) If for some sufficient cause beyond his control, as to which he shall satisfy the Registrar by a proper application setting out the reasons, an Advocate or party is prevented from tendering

¹ The words "other than paper-book costs" were omitted by Notification No. 181-G dt. 22-10-2012.

² The words "Accounts Section" were substituted for the word "Accountant" by Notification *ibid*.

³ The word "Section" was substituted for the word "Department" by Notification *ibid*.

⁴ The words "and issued by the Office Assistant" were substituted for the words "by the Challan Clerk" by Notification *ibid*.

⁵ Rule 4 was substituted for the original rule 4 by Notification *ibid*.

money under rule 1, and the deposit, if made on the following day, is out of time, the Registrar may direct the money to be received by an officer of the Court and such acceptance shall be deemed to be a valid deposit on the day on which it is accepted.]

1[5. Variation of time by the Chief Justice.- The time specified in rule 1 and 3 above may be varied from time to time by the Chief Justice having regard to the Court's office hours and those observed by the Sonali Bank Ltd.]

6. Communication of Bank advice to Section.-On receipt of the advice of payment from the Bank, the fact that a deposit has been made should be communicated to the 2[***] Section concerned.

7. Sale Proceeds of Paper-book etc.-Money received in connection with the sale of paper-books, 3[cause lists and] forms must be forwarded by the Accountant to the 4[Bangladesh Bank], together with a *challan* for credit to Government as soon as 'the total amount reaches 5[Tk.2000/-].

8. Restriction on payment of money out of Court.-No money should be paid out of Court, except under an order of a Judge, the Registrar, 6[Additional Registrar.] the Deputy Registrar or an Assistant Registrar.

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

11. Certificate of Accountant on application for refund.- No application for 7[refund] of money shall be presented unless it bears upon it certificate in writing, dated and signed by the Accountant of the Court, that there is no stop-order in force affecting such money, or any part thereof, and stating the precise amount for the payment of which out of Court an order may be made.

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

² The word "Appeal" was omitted by Notification *ibid*.

³ The words "cause lists and" were substituted for the words "of cause lists and of" by Notification *ibid*.

⁴ The words "Bangladesh Bank" were substituted for the words "State Bank of Pakistan" by Notification *ibid*.

⁵ The expression "Tk.2000/-" was substituted for the expression "Rs.300" by Notification *ibid*.

⁶ The expression "Additional Registrar." was inserted by Notification *ibid*.

⁷ The word "refund" was substituted for the word "returned" by Notification *ibid*.

12. Application for payment out of Court.- Every application for the payment of money out of Court shall state-

- (i) the name of the Advocate making the application, or the description and address of the applicant claiming to be entitled to the money (if the application is made by the party in person);
- (ii) the capacity in which such applicant claims to be entitled to the money;
- (iii) the cause, appeal, matter or proceeding in which, or the date of the order under which, the money to which the application relates, was paid into Court; and
- (iv) the precise amount for the payment of which an order is applied for.

13. Presentation of application for payment of money.- Every application for the payment of money shall be presented by the applicant claiming to be entitled to receive such money, or by an Advocate acting on behalf of the applicant, or by the recognised clerk of such Advocate. In all cases in which the application is not presented by the applicant it must be signed by the Advocate claiming to be entitled to receive such money.

14. Refusal of application.- If an application for refund appears to be defective, a Judge or the Registrar may make such orders thereon as he considers proper, refuse to make an order thereon or order that notice to show cause shall issue to any person or persons concerned in such application.

15. Payment order to be signed by Registrar.- No payment shall be made under an order made under rule 14 above, except upon a repayment order signed by the Registrar.

16. Application for refund of security.- When an application is made for the refund of Government Promissory Notes deposited as security in an Appeal to the ¹[Appellate Division], the applicant shall deposit with the ²[Accounts Section] a withdrawal fee of ³[50 paisa per 100/- Taka].

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

² The words "Accounts Section" were substituted for the word "Accountant" by Notification *ibid*.

³ The expression "50 paisa per 100/- Taka" was substituted for the words "four annas percent" by Notification *ibid*.

¹[Chapter-XVIA

Miscellaneous

1. Decorum to be maintained in Court.-

(1) All Advocates, staff of the Court and any other person present in Court shall behave in such a manner that the proceeding of a Court is in no way affected.

(2) Without prejudice to the generality of sub-rule (1) the following acts are prohibited:

- (a) use of cell phone or similar device, and for this purpose the holder of cell phones or similar device must switch it off before he enters into the Court-room;
- (b) smoking, drinking, eating, chewing or puffing anything;
- (c) gossiping with or talking to others;
- (d) dressing up, combing, using make up materials;
- (e) using any sound generating device, except the microphone kept reserved for Judges and Advocates on leg;

Explanation:-(I) Laptop or similar device may be used for rendering assistance to a proceeding.

(II) Voice recording device may be used by a Judge or by a staff with the permission of the Judge.

- (f) taking still or movie photograph by using any device, except for security purpose maintained by Court Administration;
- (g) carrying any bag, umbrella, stick, heavy articles or any sort of weapon;
- (h) putting on shoes, sandals which are likely to generate sound;
- (i) sleeping, dosing.

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

(3) Advocates or any other person addressing the Court must do so with utmost respect to the Court and in a disciplined manner maintaining the tradition so long prevailing and mode of address to the Judge shall be the same irrespective of the gender of the Judge.

(4) It shall be the responsibility of the Judge(s) to ensure that the above rules are complied with.

(5) In an urgent situation the Judge may allow any person to take water or medicine.

2. Dress of Judges and Advocates.-

(1) The dress of Judges shall be as follows:

- (a) white shirt with turned up white collar and white bands;
- (b) Judge's coat without lapel, fully buttoned and full sleeved;
- (c) trousers of black or white or light coloured materials;
- (d) Judge's gown.

(2) The dress of Advocates shall be as follows:

- (a) a coat or sherwani of black material;
- (b) white shirt with turned up white collar and white bands;
- (c) trousers of black or white or light coloured materials;
- (d) Advocate's gown (half sleeved of black colour).

(3) Female Advocates may wear white or light coloured shari or shalower kamiz of white colour materials. All female Advocates shall wear black coat. Female Advocates using shari or shalower kamiz shall also wear white collar with white band. A female Advocate shall wear the Advocate's gown specified above.

(4) Advocates enrolled with the Appellate Division may wear the dress prescribed for the Appellate Division.

3. Maintenance of security.- (1) For ensuring smooth functioning of the Court and its office, the Chief Justice may take all or any of the following measures:

- (a) to install proper electronic and other security devices at appropriate places including the entry point(s) of the Court premises and the Court Building;
- (b) to display necessary caution/notifications/ instructions;
- (c) to issue necessary directions/instructions to any person or class of persons;
- (d) other measures as the Chief Justice considers appropriate in a particular situation.

(2) Any person whether he is a member of the Bar or member of the staff of the Court or a law clerk or other person, entering into the Court premises or into Court Building or into any part thereof shall pass through the security process.

(3) If the person(s) in-charge of security of a particular place of the Court premises or Court Building finds any material with a person which is likely to endanger the security of other people or the Court Building or the Court premises, he may temporarily detain the material and unless the possession thereof is prohibited by law, he will return it to the person carrying the material when that person leaves the entry point. In case of finding a material the possession of which is prohibited by law, the person in-charge of the particular entry point shall immediately inform the Security-in-Charge/Court-keeper for taking appropriate action in accordance with law.

(4) No person whether he is a member of the Bar or a law clerk or a member of the Court staff or other person, shall hold or arrange any procession or chant slogan or engage in a meeting or engage in demonstration in the Court premises or any part of the Court Building.

(5) No person shall take photograph of the proceedings of a Court Room nor shall make any audio recording. Every person before entering a court room must switch off his mobile phone.]

APPENDIX-I

Forms (Civil)

(2) Any person whether a member of the staff of the Court or a law clerk or other person, entering into the Court premises or into Court Building or into any part thereof shall pass through the process.

(3) If the person(s) in charge of security of a particular place of the Court premises or Court Building finds any material with a person which is likely to obstruct the security of other people or the Court Building or the Court premises, he may temporarily detain the material and unless the possession thereof is prohibited by law, he will return it to the person carrying the material when that person leaves the entry point. In case of finding a material the possession of which is prohibited by law, the person in charge of the particular entry point shall immediately inform the Security in Charge/Courts/Department for taking appropriate action in accordance with law.

(4) No person whether he is a member of the Bar or a law clerk or a member of the Court staff or other person shall hold or arrange any possession or receipt station or entrance in a meeting or entrance in the Court premises or into Court Building or into any part thereof.

(5) No person shall take photograph of the premises of a Court room nor shall take photograph of the proceedings before entering a Court room. It is hereby notified that no person shall

¹[Form No. 2 (Civil), Appendix I
(Rule-33, Chapter-V, HCD Rules)]

**SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(Civil Appellate /Revisional Jurisdiction)
Notice
Subordinate Court's Record**

Memo No -----

Date -----

Notice of:

----- (State case No.)

-----& others,
Appellant(s)/Petitioner(s).

Vs.

-----& others,
Respondent(s)/Opposite Party(s).

Against: Judgment/Decree/Order dt. -----
Passed in----- (Case No.) of-----
-----Court.

To:

----- Court.

The abovementioned case has been fixed on-----
for preliminary hearing in this Court:

And it has been ordered that the Court abovenamed shall, within
----- weeks from the receipt of this notice, transmit to
this Court the record of the case noted above.

So it is requested that the said record be sent on or before -----

Date -----

By order of the Court,
Assistant/Deputy Registrar.

Memo No.-----

Date-----

Copy for Information and Guidance:

1. ----- Court

N.B. Irrelevant words may be penned through, if not necessary.]

¹ Form No.2 (Civil), Appendix I was substituted for the original Form No. 2 (Civil), Appendix I
by Notification No.181-G dt. 22.10.2012.

Form No. 3 (Civil), Appendix I

(Rule-37, Chapter-V, HCD Rules)

[Omitted by Notification No.181-G dt. 22.10.2012]

¹[Form No. 4 (Civil), Appendix I
(Rule 40(1), Chapter-V, HCD Rules)]

**SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION**

(Civil Appellate/ Revisional Jurisdiction)

Notice to Respondent/Opposite party about the day fixed for appearance and hearing.

Memo No.-----

Date:-----

Notice of:

----- (State case No.)

----- & ----- others,

Appellant(s)/Petitioner(s).

Vs.

----- & ----- others,

Respondent(s)/Opposite Party(s).

Against: Judgment/Decree/Order dt. -----

Passed in----- (Case No.) of -----

----- Court.

Date of appearance: -----

To:

Mr./Ms.----- (Res. /O.P No. -----)

Take notice that the abovementioned Appeal/Revision case has been presented and that the -----/----- (Date) has been fixed for your appearance for the purpose of preliminary hearing.

The case will be heard as soon thereafter as the business of the Court may permit, but no notice of such further date shall be given.

If no appearance is entered by yourself, or your Advocate or by some one by law authorized to act for you in this case on or before the date abovementioned, or before such later date as may be fixed, the matter will be heard and decided *ex parte* in your absence.

By order of the Court,

Date-----

Assistant/Deputy Registrar

Memo No.-----

Date-----

For information and necessary action, copy forwarded to:

1. -----]

¹ Form No.4 (Civil), Appendix I was substituted for the original Form No.4 (Civil), Appendix I by Notification No. 181-G dt. 22.10.2012.

1[Form No. 4A (Civil), Appendix I
(Rule 40(1), Chapter-V, HCD Rules)

বাংলাদেশ সুপ্রীম কোর্ট

হাইকোর্ট বিভাগ।

(দেওয়ানী আপীল/রিভিশন এখতিয়ার)

মামলা শুনানীর উদ্দেশ্যে উপস্থিতির জন্য নির্ধারিত দিনের বিষয়ে রেসপন্ডেন্ট/প্রতিপক্ষকে নোটিশ

মেমো নং

তারিখ.....

নোটিশের বিষয়ঃ

..... নং...../.....(মামলার নম্বর লিখুন)

.....জেলার..... আদালতের

.....নং মামলায়..... তারিখ প্রদত্ত রায়/ডিক্রী/আদেশের অসম্মতিতে দায়েরকৃত।

.....এবং অপর.....জন } আপীল্যান্ট,
বনাম

.....এবং অপর.....জন } রেসপন্ডেন্ট।

উপস্থিতির তারিখঃ

প্রতিঃ

জনার/বেগম.....(.....নং রেসপন্ডেন্ট/প্রতিপক্ষ)।

আপনাকে জানানো যাইতেছে যে, উপরোক্ত আপীল/রিভিশন/মামলাটি প্রাথমিক শুনানীর জন্যতারিখ ধার্য হইয়াছে। উক্ত তারিখে কিংবা পরবর্তী নির্ধারিত তারিখে মামলাটির শুনানী হইবে। এইরূপ পরবর্তী তারিখের নোটিশ আপনাকে দেওয়া হইবে না।

যদি আপনি স্বয়ং বা আপনার আভ্যভোকেট বা আপনার পক্ষে আইনানুসারে ক্ষমতাপ্রাপ্ত কোন ব্যক্তি উক্ত তারিখে উপস্থিত না হন, তাহা হইলে আপনার অনুপস্থিতিতে উহা একতরফাভাবে শুনানী ও নিষ্পত্তি হইবে।

তারিখ

আদালতের আদেশক্রমে,

সহকারী রেজিস্ট্রার/ডেপুটি রেজিস্ট্রার
(সীল)

মেমো নং

তারিখ.....

অবগতি ও প্রয়োজনীয় পদক্ষেপের জন্য অনুলিপিঃ

১।

1 Form No.4A (Civil), Appendix I was substituted for the original Form No. 4A (Civil), Appendix I by Notification No.181-G dt. 22.10.2012.

[Form No. 5 (Civil), Appendix I
(Rule 77, Chapter-V, HCD Rules)]

**SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION**

**(Civil Appellate / Revisional Jurisdiction)
Copy of Urgent Order**

-----of-----
(Case No.)

-----& others,
Appellant(s)/Petitioner(s).

Vs.

-----& others,
Respondent(s)/Opposite Party(s).

Present: Mr. Justice -----
Mr. Justice -----

Order dated -----

We direct that-----

(Or as in separate sheet annexed)

Formal order follows.

Signed by

1.-----
2.-----

[Name(s) of Judge(s)]

Memo No.-----

Date-----

For information and necessary action,

Copy forwarded to:

1.-----
2.-----

By order of the Court,
Deputy Registrar.]

¹ Form No.5 (Civil), Appendix I was substituted for the original Form No.5 (Civil), Appendix I by Notification No.181-G dt. 22.10.2012.

¹[Form No. 6 (Civil), Appendix I
(Rule 23 (1), Chapter-VI, HCD Rules)]

SUPREME COURT OF BANGLADESH

HIGH COURT DIVISION

(Civil Appellate/Revisional Jurisdiction)

Notice for Grant of Certificate for appeal to Appellate Division

[Notice under Order XLV, rule 3(2), C.P.C.]

For an Appeal from Judgment/order dated-----
passed in-----by High Court Division.

(Mention case No. of High Court Division)

-----& others,
Petitioner(s) for Certificate.

Vs.

-----& others,
Opposite Party(s).

To:-----

Take notice that the abovenamed petitioners have applied to this Division for a certificate that, as regards amount, or value and nature, the above case fulfils the requirements of section 110 of the Code of Civil Procedure, 1908, or that it is otherwise a fit one for appeal to the Appellate Division.

----- (Date) is fixed for you to show cause why the Court should not grant the certificate prayed for.

By order of the Court,

Date ----- Assistant Registrar
(Seal)

প্রতি:-----

এতদ্বারা জানান যাইতেছে যে, উপরোক্ত দরখাস্তকারী এই মর্মে আবেদন করিয়াছেন যে, উপরোক্ত মামলার মূল্যমান ও প্রকৃতি বিষয়ে আপীল বিভাগে আপীল করার জন্য দেওয়ানী কার্যবিধির ১১০ ধারায় বর্ণিত শর্ত পূরণ হইয়াছে, অথবা উক্ত মোকদ্দমা উক্তরূপ আপীল করার জন্য অন্যবিধ পর্যাপ্ত কারণ আছে এবং তদানুসারে তাহাকে একটি সার্টিফিকেট দিতে হইবে।

প্রার্থিত এই সার্টিফিকেট কেন দেওয়া হইবে না, তাহার কারণ আপনি আগামী ----- তারিখের মধ্যে দর্শাইবেন।

আদালতের আদেশক্রমে,

তারিখ:----- সহকারী রেজিস্ট্রার
(সীল)

¹ Form No.6 (Civil), Appendix I was substituted for the original Form No.6 (Civil), Appendix I by Notification No.181-G dt. 22.10.2012.

Form Nos. 7 to 9 (Civil), Appendix I

[Omitted by Notification No.181-G dt. 22.10.2012]

HIGH COURT DIVISION
(Civil Appellate / Revisional Jurisdiction)

Notice

উচ্চ আদালত বিভাগ (সিভিল আপিলেট / রিভিশনাল জুরিসডিকশন)

নোটিশ

নাম

নাম

(যদি কোন ক্ষেত্রে)

আবেদন/রিভিশন

বিবাদী

আবেদন/রিভিশন

(যদি কোন ক্ষেত্রে)

Judgment/Decree/Order of

Court No. of

নাম

নাম

Court

The above mentioned case has been fixed on

for preliminary hearing in this Court.

উপরে উল্লিখিত মামলা এই আদালতের প্রাথমিক শ্রবণের জন্য নির্ধারিত হয়েছে।

উপরে উল্লিখিত মামলায় উক্ত আদালতের প্রাথমিক শ্রবণের জন্য নির্ধারিত হয়েছে।

উপরে উল্লিখিত মামলায় উক্ত আদালতের প্রাথমিক শ্রবণের জন্য নির্ধারিত হয়েছে।

Court

নাম

উপরে উল্লিখিত মামলায় উক্ত আদালতের প্রাথমিক শ্রবণের জন্য নির্ধারিত হয়েছে।

নাম

নাম

Form No. 10 (Civil/Criminal/Writ), Appendix I
(Rule 75B, Chapter V, HCD Rules)

বাংলাদেশ সুপ্রীমকোর্ট
হাইকোর্ট বিভাগ

(দেওয়ানী/ফৌজদারী/আদি অধিক্ষেত্র)

নিযুক্ত এ্যাডভোকেট ওকালতি না করার বিষয়ক নোটিশ

----- (মামলা নম্বর লিখুন)

আপীলকারী

আবেদনকারী।

বনাম

প্রতিবাদী

প্রতিপক্ষ

প্রাপক : জনাব/বেগম -----

যেহেতু জনাব/বেগম
এ্যাডভোকেটকে আপনি উপরোক্ত মামলায় নিযুক্ত করিয়াছিলেন, কিন্তু তিনি পরলোকগত হইয়াছেন/
আর অত্র কোর্টে ওকালতি করেন না, সেহেতু আপনাকে এতদ্বারা জানানো যাইতেছে যে, আপনি উক্ত
মামলা কোন এ্যাডভোকেটের মাধ্যমে পরিচালনা করিতে চাহিলে এই নোটিশ জারীর তারিখ হইতে
..... দিনের মধ্যে আপনি স্বয়ং অথবা উক্ত মামলার বিষয়ে আপনার নির্দেশপ্রাপ্ত
এ্যাডভোকেটের মাধ্যমে অথবা মামলাটির সম্পর্কে ওয়াকিবহাল ও আপনার নিকট হইতে ক্ষমতাপ্রাপ্ত
মাধ্যমে উপস্থিত হইবেন। উপরোক্ত সময়ের মধ্যে আপনি উপস্থিত হইতে ব্যর্থ হইলে আপনার
অনুপস্থিতিতে মামলাটি নিষ্পত্তি করা হইবে।

তাং.....

সহকারী রেজিস্ট্রার।

Form Nos. 11 to 14 (Civil), Appendix I

[Omitted by Notification No.181-G dt. 22.10.2012]

Costs paid by the Official	Cost estimated	Estimate of cost to be incurred by Applicant Respondent.
1. Estimate of cost of preparation of pleadings and other documents.	1. Estimate of cost of preparation of pleadings and other documents.	1. Estimate of cost of preparation of pleadings and other documents.
2. Estimate of cost of preparation of affidavits and other documents.	2. Estimate of cost of preparation of affidavits and other documents.	2. Estimate of cost of preparation of affidavits and other documents.
3. Estimate of cost of preparation of exhibits and other documents.	3. Estimate of cost of preparation of exhibits and other documents.	3. Estimate of cost of preparation of exhibits and other documents.
4. Estimate of cost of preparation of depositions and other documents.	4. Estimate of cost of preparation of depositions and other documents.	4. Estimate of cost of preparation of depositions and other documents.
5. Estimate of cost of preparation of interrogatories and other documents.	5. Estimate of cost of preparation of interrogatories and other documents.	5. Estimate of cost of preparation of interrogatories and other documents.
6. Estimate of cost of preparation of answers to interrogatories and other documents.	6. Estimate of cost of preparation of answers to interrogatories and other documents.	6. Estimate of cost of preparation of answers to interrogatories and other documents.
7. Estimate of cost of preparation of cross-examination and other documents.	7. Estimate of cost of preparation of cross-examination and other documents.	7. Estimate of cost of preparation of cross-examination and other documents.
8. Estimate of cost of preparation of re-examination and other documents.	8. Estimate of cost of preparation of re-examination and other documents.	8. Estimate of cost of preparation of re-examination and other documents.
9. Estimate of cost of preparation of evidence and other documents.	9. Estimate of cost of preparation of evidence and other documents.	9. Estimate of cost of preparation of evidence and other documents.
10. Estimate of cost of preparation of cross-examination and other documents.	10. Estimate of cost of preparation of cross-examination and other documents.	10. Estimate of cost of preparation of cross-examination and other documents.
11. Estimate of cost of preparation of re-examination and other documents.	11. Estimate of cost of preparation of re-examination and other documents.	11. Estimate of cost of preparation of re-examination and other documents.

[Form No. 15 (Civil), Appendix I
(Rule 5(3), Chapter-IX, HCD Rules)]

SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION

**Detailed statement of costs incurred in the
preparation of Paper-book**

-----Appeal/Revision No.-----of-----.

Valued at Tk. -----

-----& others, Appellant(s)

Versus

-----& others, Respondent(s)

Estimate of cost to be incurred by Appellant/ Respondent.	Cost estimated	Costs passed by the Taxing Officer
1	2	3
1. Estimating-----words, per 10,000 words @ Tk.100/-	Tk.	Tk.
2. Estimating maps/photos @ 12.5 per cent of the costs of tracing/of producing the negative.		
3. Postal cost for service of estimate and final account by registered post.		
4. Examining words of manuscript, per 1,200 words, @ Tk. 20.		
5. Editing-----pages @ Tk.3/ per page.		
6. Editing -----maps -----pages @ Tk.100 (per page).		
7. Translating-----words, per 150 Bangla/..... words @ Tk. 20/, three figures counted as one word.		
8. Examining translations,-----words, per 300 Bangla/.....words @ Tk. 20/-, three figures counted as one word.		

Form No.15 (Civil), Appendix I was substituted for the original Form No.15 (Civil),
Appendix I by Notification No.181-G dt. 22.10.2012.

9. Copying -----words @ the rates specified in rule 7B (2), Chapter-XIII.				
10. Printing 12 or preparing 12 type-written copies of paper-book ----- pages @ Tk. 5/- per page (actual charge).				
11. Tracing maps @ Tk. 2/- for each foolscap sheet.				
12. Photocopy/scanning copy of sheets of maps @ Tk. 2/- for each foolscap sheet.			_____	_____
13. Cost of photos (actual charge).			_____	_____
Total:				
..... Court Editor. Date..... Advocate (who has filed the declaration under Rule 37, Chapter IX, High Court Division Rules.) Date..... Assistant Registrar in-charge of Paper- books. Date.....		

- Notes:** (1) The above rates are liable to alteration by the Rule Committee, formed under rule 7A, Chapter-IA.
- (2) The charge for editing includes the charge for indexing if the paper-book is printed and that for stationery if the paper-book is typewritten or printed by any electronic device.
- (3) If the document to be translated in any language other than Bangla, the rates prescribed by Rule 7 and the rate thereunder in Chapter-XII will apply.
- (4) Each item of cost in the preparation of the paper-book at the rates specified above is calculated to the nearest Taka.

Form No. 15A (Civil), Appendix I
(Rule 5, Chapter IX, HCD Rules)

[Omitted by Notification No.181-G dt. 22.10.2012]

¹[Form No. 16 (Civil), Appendix I
(Rule 13, Chapter-IX, HCD Rules)]

SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
APPELLANT'S LIST
(Of documents for Paper-book)

-----Appeal No.-----of-----

Arising From: Decree/order dt. ----- passed in -----
-----by ----- Court.

-----& others, Appellant(s)

Vs.

-----& others, Respondent(s)

List filed by Appellant No. -----

PART-I

Papers (other than exhibits) as specified in rule 11(1) .11(2) and 62(1), Chapter IX of the High Court Division Rules, upon which the decision of the appeal depends and which the appellant desires to have included in Part I of the paper-book at his expense.

Serial Number	Number on the record	Description and date of paper	Whether the whole or portion to be included, and, if a portion, what portion to be included.	Remarks

¹ Form No. 16 (Civil), Appendix I was substituted for the original Form No.16 (Civil), Appendix I by Notification No.181-G dt. 22.10.2012.

(Form No. 16 (Civil), Appendix I contd.)

PART -II**(The list of exhibits to be included in Part II of the
Paper-book at the expense of the Appellant)**

The list of exhibits should follow the order of the exhibit mark.
A correct and full description of such documents must be given.

Serial Number	Exhibit mark on the record	Description and date of document	Whether the whole or portion to be included, and, if a portion, what portion to be included	Remarks

I,-----Advocate for the
Appellant, having Supreme Court Bar Association membership
No.-----, do hereby certify that I have carefully examined
this list with reference to the provisions of the High Court Division
Rules and declare that, in my judgment, it is necessary to include
in the Paper-book of this appeal every document or portion of a
document included in this list in order to arrive at a proper
decision of the appeal.

Date----- (Signature of Advocate for the Appellant)

Particulars of Appellant:

Appellant No. -----

Name: -----

Address(with Post office): -----

Mobile phone No. -----

Note: Under rules 16(1)/62(2), Chapter IX of the HCD Rules this list should be filed by
the Appellant within three/two weeks after service of the notice required by rule 12,
Chapter IX, HCD Rules.

¹[Form No.17 (Civil), Appendix I (Rule 20, Chapter-IX, HCD Rules)]

(Form No. 17 (Civil), Appendix I contd.)

PART-II**(The list of exhibits to be included in Part II of the paper-book at the expense of the Respondent)**

The list of exhibits should follow the order of the exhibit marks. A correct and full description of such documents must be given.

Serial No.	Number on the record	Description and date of paper	Whether the whole or portion to be included, and, if a portion, what portion to be included	Remarks

I,-----Advocate for the Respondent, having Supreme Court Bar Association membership No.-----, do hereby certify that I have carefully examined this list with reference to the provisions of Rule 24, Chapter IX of the High Court Division Rules, and declare that, in my judgment, it is necessary to include in the paper-book of this appeal every document or portion of a document included in this list in order to arrive at a proper decision of the appeal.

Date----- (Signature of Advocate for the Respondent)

Particulars of Respondent:

Respondent No. -----

Name-----

Address (with Post-office)-----

Mobile phone No. -----

Note: Under Rule 20/62(2), Chapter IX of the High Court Division Rules this list should be filed by the Respondent within three /two weeks after service of the notice required by rule 18, Chapter IX, and should contain the papers to be included at the cost of such Respondent, in the paper-book.

¹[Form No. 18 (Civil), Appendix I
(Rule 26(1), Chapter-IX, HCD Rules)]

**SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION**

Estimated cost of Paper-book as per Appellant's List

-----Appeal No.-----of -----

-----& others, Appellant(s)

Vs.

-----& others, Respondent(s)

Appeal valued at Tk.-----

Estimate of cost for translating and printing, etc., the papers to be included in Parts I and II of the paper-book of the above appeal, i.e., the papers specified in Rule 11(1) /11(2)/11(3)/62(1), Chapter IX of the High Court Division Rules, and the papers as per lists filed on behalf of the appellant.

Items of Estimate	Approved amount
1. Estimating-----words, per 10,000 words @ Tk.100/-.	<u>Tk.</u>
2. Estimating maps/photos @ 12.5 per cent of the costs of tracing/of producing the negative.	
3. Postal cost for service of estimate and final account by registered post.	
4. Examining words of manuscript, per 1,200 words, @ Tk. 20.	
5. Editing-----pages, @ Tk. 3/ per page.	
6. Editing -----maps -----pages @ Tk.100 (per page).	
7. Translating-----words, per 150 Bangla/..... words @ Tk. 20/. three figures counted as one word.	

¹ Form No. 18 (Civil), Appendix I was substituted for the original Form No.18 (Civil), Appendix I by Notification No. 181-G dt. 22.10.2012

8. Examining translations,-----words, per 300 Bangla/..... words @ Tk 20/-, three figures counted as one word.	
9. Copying -----words, @ the rates specified in rule 7B (2), Chapter-XIII.	
10. Printing 12 or preparing 12 type-written copies of paper-book ----- pages @ Tk. 5/- per page (actual charge).	
11. Tracing maps @ Tk. 2/- for each foolscap sheet.	
12. Photocopy/scanning copy ofsheets of maps @ Tk. 2/- for each foolscap sheet.	
13. Cost of photos (actual charge).	
Grand Total=	

Notes: (1) The above rates are liable to alteration by the Rule Committee.

formed under rule 7A, Chapter-IA, HCD Rules.

(2) The charge for editing includes the charge for indexing if the paper-book is printed and that for stationery if the paper-book is typewritten or printed by any electronic device.

(3) If the document to be translated in any language other than Bangla the rates prescribed by Rule 7 and the rate thereunder in Chapter-XII, HCD Rules will apply.

(4) Each item of cost in the preparation of the paper-book at the rates specified above is calculated to the nearest Taka.

Date-----

Assistant Registrar

To

Mr.-----, Advocate for the Appellant.

Signature of Advocate for the Appellant -----

Date of service -----

The expression "HIGH COURT DIVISION RULES, CHAPTER-XVI, Deposit and Payment of Money" and direction thereunder at the end of Form No. 18 omitted by Notification No.181-G dt. 22.10.2012.

Estimated cost of Paper-book as per Respondent's List

of 20

Appeal No.

by him or any other person or persons on his behalf or on behalf of the Respondent(s) or the Appellant(s).

As

Respondent(s)

Estimate of cost for translating and printing the papers to be included in Part I and II of the paper-book as per list on behalf of the Respondent(s).

Amount	Approved
1. Estimate of cost for translating and printing the papers to be included in Part I and II of the paper-book as per list on behalf of the Respondent(s).	
2. Estimate of cost for translating and printing the papers to be included in Part I and II of the paper-book as per list on behalf of the Respondent(s).	
3. Estimate of cost for translating and printing the papers to be included in Part I and II of the paper-book as per list on behalf of the Respondent(s).	
4. Estimate of cost for translating and printing the papers to be included in Part I and II of the paper-book as per list on behalf of the Respondent(s).	
5. Estimate of cost for translating and printing the papers to be included in Part I and II of the paper-book as per list on behalf of the Respondent(s).	
6. Estimate of cost for translating and printing the papers to be included in Part I and II of the paper-book as per list on behalf of the Respondent(s).	
7. Estimate of cost for translating and printing the papers to be included in Part I and II of the paper-book as per list on behalf of the Respondent(s).	
8. Estimate of cost for translating and printing the papers to be included in Part I and II of the paper-book as per list on behalf of the Respondent(s).	
9. Estimate of cost for translating and printing the papers to be included in Part I and II of the paper-book as per list on behalf of the Respondent(s).	
10. Estimate of cost for translating and printing the papers to be included in Part I and II of the paper-book as per list on behalf of the Respondent(s).	

[Form No. 19 (Civil), Appendix I
(Rule 26(1), Chapter-IX, HCD Rules)]

**SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION**

Estimated cost of Paper-book as per Respondent's List

Appeal No.-----of 20-----

-----& others,
Appellant(s)
Vs.
-----& others

Respondent(s)

Estimate of cost for translating and printing, etc., the papers to be included in Part I and II of the paper-book as per list filed on behalf of the Respondent.

Items of Estimate	Approved amount
1. Estimating-----words, per 10,000 words @ Tk.100/-.	
2. Estimating maps/photos @ 12.5 per cent of the costs of tracing/of producing the negative.	
3. Postal cost for service of estimate and final account by registered post.	
4. Examining words of manuscript, per 1,200 words, @ Tk.20.	
5. Editing-----pages, @ Tk.3/ per page.	
6. Editing -----maps -----pages @ Tk.100 (per page).	
7. Translating-----words, per 150 Bangla/..... words @ Tk.20/, three figures counted as one word.	
8. Examining translations,-----words, per 300Bangla/..... words @ Tk20/-, three figures counted as one word.	
9. Copying ----words, @ the rates specified in rule 7B (2), Chapter-XIII.	
10. Printing 12 or preparing 12 type-written copies of paper-	

¹ Form No. 19 (Civil), Appendix I was substituted for the original Form No.19 (Civil), Appendix I by Notification No. 181-G dt. 22.10.2012.

book ----- pages @ Tk.5/- per page (actual charge).	
11. Tracing maps @ Tk.2/- for each foolscap sheet.	
12. Photocopy/scanning copy of sheets of maps @ Tk.2/- for each foolscap sheet.	
13. Cost of photos (actual charge).	
Total=	

- Notes:** (1) The above rates are liable to alter from time to time by the Rule Committee, formed under rule 7A, Chapter-IA.
- (2) The charge for editing includes the charge for indexing if the paper-book is printed and that for stationery if the paper-book is typewritten or printed by any electronic device.
- (3) If the document to be translated in any language other than Bangla the rates prescribed by Rule 7 and the rate there under in Chapter-XII will apply.
- (4) Each item of cost in the preparation of the paper-book at the rates specified above is calculated to the nearest Taka.

Date-----

Assistant Registrar

To:

Mr.-----, Advocate for the Respondent.

Signature of Advocate for the Respondent-----

Date of service-----

The expression "HIGH COURT DIVISION RULES, CHAPTER-XVI, Deposit and Payment of Money" and direction thereunder at the end of Form No. 19 Omitted by Notification No.181-G dt. 22.10.2012.

Notes: (i) The above rules are liable to alter from time to time by the Rule Committee, formed under rule 1A, Chapter 1A.

(2) The charge for editing includes the charge for indexing if the paper-book is printed and that for stationery if the paper-book is typewritten or printed by any electronic device.

(3) If the document is to be translated in any language other than Bangla the rates prescribed by Rule 7 and the rate there under in Chapter XII will apply.

(4) Each item at cost in the preparation of the paper-book at the rates specified above is calculated in the nearest taka.

5. The amount paid for stationery and postage is to be paid by the respondent.

6. The amount paid for printing is to be paid by the respondent.

7. The amount paid for the preparation of the paper-book is to be paid by the respondent.

8. The amount paid for the preparation of the paper-book is to be paid by the respondent.

9. The amount paid for the preparation of the paper-book is to be paid by the respondent.

10. The amount paid for the preparation of the paper-book is to be paid by the respondent.

11. The amount paid for the preparation of the paper-book is to be paid by the respondent.

12. The amount paid for the preparation of the paper-book is to be paid by the respondent.

13. The amount paid for the preparation of the paper-book is to be paid by the respondent.

14. The amount paid for the preparation of the paper-book is to be paid by the respondent.

15. The amount paid for the preparation of the paper-book is to be paid by the respondent.

16. The amount paid for the preparation of the paper-book is to be paid by the respondent.

17. The amount paid for the preparation of the paper-book is to be paid by the respondent.

18. The amount paid for the preparation of the paper-book is to be paid by the respondent.

Form Nos. 20 to 23 (Civil), Appendix I

[Omitted by Notification No.181-G dt. 22.10.2012]

FORM OF APPLICATION FOR COPY

Signature of Applicant	Signature of Court Officer	Signature of Officer-in-Charge
------------------------	----------------------------	--------------------------------

Serial No. _____ Date _____

Plaintiff (Ordinary) (Applicant to make -)

Defendant (Respondent)

Copy of the following documents of which _____

1. _____

2. _____

3. _____

4. _____

Date when received _____

From file of High Court Division, respondent's copy (Respondent's)

Applicant's signature and date _____

Address _____

Mobile phone No.-----

(Form No.24(Civil), Appendix I, HCD Rules contd.)

Estimate of costs for copy

(In court-fee stamps).

Office report.		Office notes
Number of folio paper required-----	Stamps Tk.-----	Estimated Stamps etc. Tk.-----
Searching fee is/is not required.	Stamps Tk.----- for authentication. Searching fee Tk.----- in stamps. Total:-----	Applicant notified on----- Estimated stamps supplied on----- Record received on----- Copy will be ready on----- Copy actually ready on----- Copy delivered on-----
Superintendent Copying Section.	Superintendent. Copying Section	Superintendent. Copying Section

Copy delivered to me on-----
with unused stamps and sheet valued at Taka-----

Applicant's signature
with date

----- (Perforation) -----

(This portion to be delivered to applicant)

Serial No-----

Date-----

Received application for copy of
documents of Case No.-----

Estimated sheets Valued at
Tk.-----to be supplied on-----

Stamps to be supplied on-----

Date-----

Superintendent
(Signature & seal)

Note—The application will not be considered as complete until stamps and folios have been supplied in full, which must be done within a week of the date of the

estimate. All enquiries and complaints shall be accompanied by this counterfoil.

This receipt will have to be given back to office when the copy is delivered.

¹[Form No. 24A (Civil), Appendix I

(Rule 38 (4), Chapter-XIII, HCD Rules)

SUPREME COURT OF BANGLADESH HIGH COURT DIVISION

APPLICATION FOR PHOTOSTAT COPY

Space for searching fee	Court fee stamp on application	Space for expedition Fee
-------------------------	--------------------------------	--------------------------

Urgent /Ordinary (Applicant to mark).

Serial No.-----Date----- (Office to record).

-----No.----- of 20-----.

(Here applicant to state No. of Case)

-----Appellant(s)/Petitioner(s)

Vs.

-----Respondent(s)/Opposite party(s)

Description of document of which,
copy is wanted:

- 1.-----
- 2.-----
- 3.-----
- 4.-----

Date when necessary:-----

From file of High Court Division/subordinate court. Disposed of/pending on -----

(Pen through unnecessary word)

(Applicant's signature with date)

Father's /Mother Name-----

Address-----

Mobile phone No.-----

¹ Form No. 24A (Civil), Appendix I was substituted for the original Form No.24A (Civil).
Appendix I by Notification No. 181-G dt. 22.10.2012.

(Form No.24A(Civil), Appendix I. HCD Rules contd.)

Estimate of costs for copy

(In court-fee stamps).

Office report.		Office notes
Number of sheets of paper required-----	Stamps Tk.-----	Estimated Stamps etc. Tk.-----
-----	Stamps Tk. for authentication.	Applicant Notified on-----
Searching fee is/is not required.	Searching fee Tk.---- in stamps.	Estimated stamps supplied on-----
-----	Total:-----	Record received on-----
-----	-----	Copy will be ready on-----
-----	-----	Copy actually ready on-----
-----	-----	Copy delivered on-----
Superintendent Copying Section.	Superintendent. Copying Section	Superintendent. Copying Section

Photocopy delivered to me on-----
 with unused stamps and sheet valued at Taka-----

Applicant's signature
 with date

----- (Perforation) -----

(This portion to be delivered to applicant)

Serial No-----

Date-----

Received application for photo copy of documents of Case No.-----

Estimated sheets valued at

Tk.-----to be supplied on-----

Stamps to be supplied on-----

Date-----

Superintendent
 (Signature & seal)

Note—The application will not be considered as complete until stamps and sheets have been supplied in full. which must be done within a week of the date of the estimate. All enquiries and complaints shall be accompanied by this counterfoil.

This receipt will have to be given back to office when the copy is delivered.

1[Form No. 25 (Civil), Appendix I
(Rules 25 and 29, Chapter-XIII, HCD Rules)

SUPREME COURT OF BANGLADESH HIGH COURT DIVISION

Register of application for copy, stamps, folios and information application.

Date of entry in this Register	Serial number of applications	Case number	Name of applicant	To be supplied within 7 days								Remarks
				Number of impressed stamp-sheets at Tk. 2.00	Number of adhesive stamps at Tk. 2.00	Fee for authentication	Sear ching fee	Urgent fee	Whether applicant informed	Extra Folio	Date of actual Delivery of copy	
						Tk.---	Tk.--	Tk.---				

Form No. 25 (Civil), Appendix I was substituted for the original Form No.25 (Civil).
Appendix I by Notification No. 181-G dt. 22.10.2012.

¹[Form No. 26 (Civil), Appendix I
(Rule 1A, Chapter-XIV, HCD Rules)]

SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(Civil Appellate Jurisdiction)

TITLE PAGE

PART -I

(This file must be preserved forever)

F.A No.-----of-----

F.A T. No.-----of-----

District-----

Arising from:----- Case No.-----of-----
judgement/order dt.-----of-----
----- Court-----

-----Appellant(s)
Vs.
-----Respondent(s)

Date of decision of High Court Division -----

Date of decision of the Appellate Division-----

¹ Form No. 26 (Civil), Appendix I was substituted for the original Form No.26 (Civil), Appendix I by Notification No.181-G dt. 22.10.2012.

¹[Form No. 27 (Civil), Appendix I

(Rule 1A, Chapter -XIV, HCD Rules)

SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(Civil Appellate Jurisdiction)

District -----

TITLE PAGE

PART-II

(This file must be destroyed at the end of 3 years.)

F.A No. ----- of -----

F.A T. No. ----- of -----

Arising from: ----- Case No. ----- of -----
 judgement/order dt. ----- of -----
 ----- Court -----

The above period of 3 years to be calculated from the date of the decree or order, which, in case of appeal to the Appellate Division, will be that of the decree or order of the Appellate Division.

-----Appellant(s)
 Vs.
 -----Respondent(s)

Date of decision of High Court Division

Date of decision of Appellate Division

¹ Form No. 27 (Civil), Appendix I was substituted for the original Form No.27 (Civil), Appendix I by Notification No.181-G dt. 22.10.2012.

¹[Form No. 27A (Civil), Appendix I
(Rule 1A, Chapter -XIV, HCD Rules)]

**SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(Appeal/Revisional Jurisdiction)**

District -----

Miscellaneous Case No.-----of-----

-----& Others, Petitioner (s)

Vs.

-----& Others, Opposite Party (s)

Arising from: ----- Case No. ----- of -----
judgement/order dt.----- of -----
----- Court-----

TITLE PAGE

PART-I

This file must be preserved forever

or

This file must be preserved for 3 years in case of transfer of cases/bail matter.

The above period of 3 years to be calculated from the date of the final order.

Date of decision of High Court Division-----

Date of receipt in the Record Room-----]

¹ Form No. 27A (Civil), Appendix I was inserted by Notification No.181-G dt. 22.10.2012.

¹[Form No. 27B (Civil), Appendix I
(Rule 1A, Chapter -XIV, HCD Rules)]

**SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(Civil Miscellaneous Jurisdiction)**

District -----

Miscellaneous Case No.-----of-----

-----/ & Others Petitioner (s)

Vs.

-----/ & Others Opposite Party (s)

Arising from: ----- Case No. ----- of -----
judgement/order dt ----- of -----
----- Court -----

TITLE PAGE

PART-II

This file must be destroyed at the end of 3 years.

The above period of 3 years to be calculated from the date of order of disposal of the case.

Date of decision of High Court Division-----

Date of receipt in the Record Room-----]

¹ Form No. 27B (Civil), Appendix I was inserted by Notification No. 181-G dt. 22.10.2012.

¹[Form No. 28 (Civil), Appendix I

(Rule 2, Chapter -XV, HCD Rules).

SUPREME COURT OF BANGLADESH**HIGH COURT DIVISION****(Civil Appellate Jurisdiction)****Application for inspection**Serial No.-----Date-----*(Office to record)*Requisition sent to Section on-----*(Office to record)*Record received on-----*(Office to record)*Inspection made on-----*(Office to record)*

Searching-fee Tk.10.00 in Court-fee stamp, vide Rule 6, Chapter XII, HCD Rules.

Inspection fee Tk.15.00 or Tk.20.00 as the case may be, vide Rule 6, Chapter XII, HCD Rules.

Description of case	Number	Year	Papers to be inspected	Name of person(s) intending to inspect record (not exceeding three including the Advocate)
1	2	3	4	5

Intended date of inspection-----*(Applicant to record)**(Signature of Applicant/ his Advocate)*

Full Name:-----

Address :-----

Mobile phone No.-----

Decision of Registrar: Allowed/ Disallowed (with reasons)-----

Signature & seal

-----*Perforation*-----*(Office to fill up)*Serial No.-----Date-----*(Office to record)*

Record, if available in Section, as in application: Yes/No.

Requisition sent to-----on-----

Record received on-----

Inspection made on-----

Note: If the applicant is a stranger or a party appearing in person in a case, he must state the first in the application.]¹ Form No. 28 (Civil), Appendix I was substituted for the original Form No.28 (Civil), Appendix I by Notification No.181-G dt. 22.10.2012.

¹[Form No. 29 (Civil), Appendix I
(Rules 11 and 12, Chapter-XV, HCD Rules)]

**SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION**

Application for Information

Space for searching court-fee
stamp Tk/-

Serial No.-----Date-----

(Applicant to fill in)

*Ref.-----No-----of-----

(Mention case No.)

District-----

1.* Nature of information required:

Signature of applicant*

Full Name:-----

Address :-----

Mobile phone No.-----

2. Date when the Applicant will call for the information:-----

3. Office report regarding information:-----

Date-----

Signature & seal of Officer
supplying the information

4. Information received on-----

Date-----

Signature of applicant.

(Perforation)

* Ref. (Case No.)----- of-----

5. Date by which information is to be ready -----

Signature of Officer supplying
the information

Note- A searching-fee will be charged on all applications, if the information required will necessitate a search in the record room, the record of the appeal or proceedings from which the information can be obtained.]

¹ Form No. 29 (Civil), Appendix I was substituted for the original Form No.29 (Civil), Appendix I by Notification No.181-G dt. 22.10.2012.

Form No. 30 (Civil), Appendix I
(Rule 1, Chap. XVI, HCD Rules)

Receipt Chalan

Accounts/Code No.

Supreme court of Bangladesh
High Court Division

Date/তারিখ

By whom deposited কাহার মারফত।	On what account কি বাবদ	Amount টাকা। Tk...
	Total Taka (in figures) Total Taka (in words) মোট টাকা।	

Cashier/খাজপী।

Examined and entered---Accountant

Form No. 30 (Civil), Appendix I
(Rule 1, Chap. XVI, HCD Rules)

Duplicate Chalan

Accounts/Code No.

Supreme court of Bangladesh
High Court Division

Date/তারিখ

By whom deposited কাহার মারফত।	On what account কি বাবদ	Amount টাকা। Tk...
	Total Taka (in figures) Total Taka (in words) মোট টাকা।	

Cashier/খাজপী।

Examined and entered---Accountant

[Form No. 30 (Civil), Appendix I
(Rule 1, Chap. XVI, HCD Rules)]

Original Chalan

Accounts/Code No.

Supreme court of Bangladesh
High Court Division

Date/তারিখ

By whom deposited কাহার মারফত।	On what account কি বাবদ	Amount টাকা। Tk...
	Total Taka (in figures) Total Taka (in words) মোট টাকা।	

Cashier/খাজপী।

Examined and entered-----Accountant

¹ Form No. 30 (Civil), Appendix I was substituted for the original Form No.30 (Civil), Appendix I by Notification No.181-G dt. 22.10.2012.

Form No. 31 and 32 (Civil), Appendix I
[Omitted by Notification No.181-G dt. 22.10.2012]

(Form No. 31 and 32 (Civil), Appendix I)

Mr. Justice
Mr. Justice

SUPREME COURT OF BANGLADESH HIGH COURT DIVISION (Criminal Jurisdiction) Criminal Appeal (to review) (to revise) (to transfer) (to remit) (to set aside) (to quash) (to annul) (to nullify) (to void) (to annul) (to nullify) (to void) (to annul) (to nullify) (to void)		Criminal Appeal (to review) (to revise) (to transfer) (to remit) (to set aside) (to quash) (to annul) (to nullify) (to void)	
Case No. 1 of 2012		Case No. 2 of 2012	

Receipt Stamp
Criminal Appeal
(to review)
(to revise)
(to transfer)
(to remit)
(to set aside)
(to quash)
(to annul)
(to nullify)
(to void)

Present: Mr. Justice
Mr. Justice

Order dated.....		18/11/2012	
Criminal Appeal (to review) (to revise) (to transfer) (to remit) (to set aside) (to quash) (to annul) (to nullify) (to void)		Criminal Appeal (to review) (to revise) (to transfer) (to remit) (to set aside) (to quash) (to annul) (to nullify) (to void)	
Case No. 1 of 2012		Case No. 2 of 2012	

Receipt Stamp
Criminal Appeal
(to review)
(to revise)
(to transfer)
(to remit)
(to set aside)
(to quash)
(to annul)
(to nullify)
(to void)

Mr. Justice
Mr. Justice

Order dated.....		18/11/2012	
Criminal Appeal (to review) (to revise) (to transfer) (to remit) (to set aside) (to quash) (to annul) (to nullify) (to void)		Criminal Appeal (to review) (to revise) (to transfer) (to remit) (to set aside) (to quash) (to annul) (to nullify) (to void)	
Case No. 1 of 2012		Case No. 2 of 2012	

Receipt Stamp
Criminal Appeal
(to review)
(to revise)
(to transfer)
(to remit)
(to set aside)
(to quash)
(to annul)
(to nullify)
(to void)

APPENDIX-II

Forms (Criminal)

28

¹[Form No. 1 (Criminal), Appendix II (Criminal), Appendix I
(Rule-7(1)(b), Chapter-XI, HCD Rules) No. 181-G dt. 22.10.2012]

**SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(Criminal Jurisdiction)**

Copy of Advance Order

Death Ref/Cr. Appeal/-----No. -----of-----
(Case No. to be mentioned)

Mr-----Advocate for Accused/
Petitioner(s)/Appellant(s).
Mr-----Advocate for Opposite Party/
the State.

Present: Mr. Justice -----
Mr. Justice -----

Order dated.....

- (a) The Reference is accepted/rejected.
- (b) The Appeal is allowed/disallowed/partly allowed.
- (c) Rule is made absolute/discharged/disposed of.

We direct that the accused/petitioner(s)/Appellant(s) named-----
----- (full name & address in separate
sheet annexed and signed):

- (a) be at once released and, if on bail, be discharged from the bail bond;
- (b) be at once released on bail on furnishing bail bond to the satisfaction
of-----;
- (c) be called upon to surrender forthwith to his/their bail to serve out the
rest of the sentence of----- (years/months/days) imposed upon
him/them;
- (d) be informed-

(1) that he/they has/have been sentenced to death;

(2) that the sentence of death passed on him/them has been
confirmed;

¹ Form No.1 (Criminal), Appendix II was substituted for the original Form No. 1 (Criminal),
Appendix II by Notification No.181-G dt. 22.10.2012.

[Form No. 1 (Criminal), Appendix II contd.]

- (3) that the sentence of death passed on him/them has/have been altered to imprisonment for life;
- (4) that the sentence of death passed on him/them has been altered to rigorous imprisonment for..... years;
- (5) that he has/they have been sentenced to-----;
- (6) that the sentence (s) passed on him/them has/have been confirmed;
- (7) that the sentence (s) passed on him/them has/have been altered to.

We further direct that-----

Judgment follows.

Signed by:

1. -----
2. -----
3. -----

(Name of Judges)

Memo No. -----

Date. -----

Copy forwarded for information and necessary action, with reference to his letter No.-----date-----to:

1. The Sessions Judge/Judge of-----
2. CMM/CJM/District Magistrate of-----
3. -----

* An acknowledgment of the receipt of the Court's order by Fax/telegraph is requested.

* The actual date of release or surrender must be reported within a week of the receipt of this letter or of surrender.

By order of the Court,
Assistant Registrar

Date-----

[Note: Strike down the inappropriate words]

Form No. 2 (Criminal), Appendix II

(Rule-10, Chapter-XI, HCD Rules)

[Omitted by Notification No.181-G dt. 22.10.2012]

¹[Form No. 3 (Criminal), Appendix II
(Rule-10, Chapter-XI, HCD Rules)]

**SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION**

Notice of Reference/Appeal involving Death Penalty

Memo No. -----

Date -----

To:

The Chief Judicial/Chief Metropolitan Magistrate,

Ref: Death Ref/Cr. Appeal/-----**No.** -----**of** -----
(Case No. to be mentioned)

Hearing date: ----- or a date fixed thereafter.

Sir,

The Sessions Judge of/Judge-----
Court/Tribunal has under section 374 of the Criminal Procedure
Code/section-----of-----Act. submitted to this Court
the proceedings of his Court in Sessions Case No.-----
-----convicting:

1. -----, son of-----
*(vide separate sheet) for murder/for the offence-----
and sentencing him/them to death under section 302 of the Penal
Code/section-----of-----Act.
2. I request that you will inform the convict prisoner(s)-----
that the Reference has been set down for hearing on -----,
or as soon thereafter as the business of the Court will permit and
along with the Reference the appeal which has been/may be preferred
by -----will also be heard and disposed of.
3. You are also requested to intimate to me that notice has been served as directed.

***N.B.-** (Names are stated in separate sheet)

Sincerely Yours,
Assistant Registrar.

Memo No: -----

Date -----

Copy forwarded for information:

1. The Solicitor, Government of Bangladesh.
2. District Magistrate, -----
3. -----

By order of the Court.

Date: -----

Assistant Registrar]

¹ Form No.3 (Criminal), Appendix II was substituted for the original Form No.3 (Criminal).
Appendix II by Notification No. 181-G dt. 22.10.2012.

¹[Form No. 4 (Criminal), Appendix II
(Rule-10, Chapter-XI, HCD Rules)]

**SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION**

Notice of hearing of appeal against acquittal

Memo No. -----

Date -----

To:

The Chief Metropolitan/Chief Judicial Magistrate,

Ref: Cr. Appeal No. ----- of -----

Government of Bangladesh-----Appellant

Vs.

Respondent

**Arising from: Judgment dated ----- passed by -----
(Court) in ----- (Case No.).**

Hearing date-----

Sir,

With reference to the accompanying copy of the petition of appeal, filed by the Solicitor, Government of Bangladesh, on behalf of the Government of Bangladesh, under section 417 of the Criminal Procedure Code, in connection with the case noted above, I am directed to forward herewith a copy of Court's order, dated the and to inform you under section 422 of the said Code that the appeal has been set down for hearing on the or as soon thereafter as the business of the Court will permit, and to request that you will cause notice thereof served upon the respondent(s) No.....(name) and that you will intimate me that you have done so.

Annexed-(1) Order dt.-----

(2) Notices-----sheets.

Sincerely yours,
Assistant Registrar

Memo No.-----

Date -----

Copy, together with a copy of the Court's order, dated----- forwarded for his information:

1. The Sessions Judge, -----
2. -----Tribunal-----
3. -----
4. Solicitor, Government of Bangladesh.
5. District Magistrate, -----.

Date-----

By order of the Court,
Assistant Registrar]

¹ Form No.4 (Criminal), Appendix II was substituted for the original Form No. 4 (Criminal), Appendix II by Notification No.181-G dt. 22.10.2012.

¹[Form No. 5 (Criminal), Appendix II
(Rule-19(1)(a), Chapter-XI, HCD Rules)

**SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION**

Notice of Appeal hearing and for LCR

Memo No.-----

Date-----

To:

The Chief Metropolitan/Chief Judicial Magistrate,

Ref: Cr. Appeal No. -----of-----

-----Appellant(s)

Vs.

-----Respondent(s)

**Arising from: Judgment dated. ----- passed by. -----of-----
(Court) in----- (Case No.).**

Hearing date: ----- or a date fixed thereafter.

Sir

Under section 422 of the Criminal Procedure Code, I am directed to forward herewith, a copy of the Court's order, dated----- and to inform you that the above noted criminal appeal is set down for hearing on ----- or as soon thereafter as the business of the Court permits and to request that you will cause notice thereof to be served upon respondent(s) No.----- (name) and intimate me that you have done so.

Annexed: (1). Order dt.-----
(2). Notices----- (sheet).

Faithfully Yours,
Assistant Registrar

Memo No.-----

Date-----

Copy, together with a copy of the Court's order, dated----- forwarded for information and with a request that he will forward the papers of-----

Case no. -----of----- including the Magistrate's record, at once. Should they not be despatched so as to reach this office on or before----- (date), an explanation of the delay should be given. The material exhibits of the case, if any, need not be sent until called for by the Court:

1. The Sessions Judge-----
2. -----Tribunal-----
3. Chief Judicial/Chief Metropolitan Magistrate -----
4. Solicitor, Government of Bangladesh.
5. District Magistrate, -----

By order of the Court,
Assistant Registrar

Date-----

¹ Form No.5 (Criminal), Appendix II was substituted for the original Form No. 5 (Criminal), Appendix II by Notification No.181-G dt. 22.10.2012.

Form No. 5A and 6 (Criminal), Appendix II
[Omitted by Notification No. 181-G dt. 22.10.2012]

To:

The Chief Metropolitan Magistrate, Dhaka

Ref. Cr. Appeal No. _____ of _____

Arising from Judgment dated _____

passed by _____
(Court in _____ Case No. _____)

Heard date: _____ or a date fixed hereafter.

Higher section 322 of the Criminal Procedure Code I am directed to forward herewith a copy of the Court's order dated _____ and to inform you that the above noted criminal appeal is set down for hearing on _____ at _____ as the business of the Court permits and to request that you will cause notice thereof to be served upon respondent(s) No. _____ (insert and inform me that you have done so).

Yours faithfully,
Assistant Magistrate

Enclosed herewith a copy of the Court's order dated _____ is forwarded for information and with a request that he will forward the paper of _____ Case No. _____ to _____ inasmuch as the respondent(s) No. _____ should not be heard on or after _____ as an explanation of the delay should be given. The material exhibits in the case if any, need not be sent until called for by the Court.

1. The respondent(s) No. _____
2. _____
3. Chief Metropolitan Magistrate, Dhaka
4. _____
5. District Magistrate, _____
By order of the Court
Assistant Magistrate

¹[Form No. 7 (Criminal), Appendix II
(Rule 31, Chapter-XI, HCD Rules)]

SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(Criminal Appellate/Miscellaneous Jurisdiction)

PRODUCTION WARRANT FOR DETENUE

To:

The Officer-in-Charge,

----- (Name of jail).

Ref: Cr. Misc. Case No.----- **of**-----

Name & Address of detainee : -----

You are required to produce the body of the above named detainee now
detained in your custody or in the custody of -----

----- before the High Court Division, on -----

at ----- a.m/p.m. so that he may be dealt with according to law, and

you shall abide by such order as may be made by the said Court, and

unless the said ----- (Name of detainee) is ordered

to be released, you shall, after the said Court dispenses with his further

attendance, cause him to be conveyed under safe and secured condition

back to the ----- Jail/Asylum/Custody.

By order of the Court,

Date -----

Deputy Registrar]

¹ Form No.7 (Criminal), Appendix II was substituted for the original Form No. 7 (Criminal),
Appendix II by Notification No. 181-G dt. 22.10.2012.

[Form No 8 (Criminal), Appendix II
(Rule-31, Chapter-XI, HCD Rules)]

SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(Criminal Miscellaneous Jurisdiction)

**PRODUCTION WARRANT FOR
PRISONER/DETENUE**

To:

1. The Officer-in-Charge, ----- (Name of jail)
2. Person-in Charge, ----- (Name of asylum)
3. ----- (Other custody)

Ref: Cr. Misc Case No. ----- of -----

Name & Address of detainee/prisoner : -----

You are required to produce the body of the above named prisoner/detenué now in your custody as a prisoner/alleged lunatic, or as -----, before the High Court Division, on ----- at ----- a.m/p.m. so that he may be dealt with according to law, and you shall abide by such order as may be made by the said Court, and unless the said detainee/prisoner is ordered to be released, you shall, after the said Court dispenses with his further attendance, cause him to be conveyed, under safe and secured condition back to the -----

----- Jail/Asylum/Custody.

By order of the Court,

Date -----

Deputy Registrar]

¹ Form No.8 (Criminal), Appendix II was substituted for the original Form No. 8 (Criminal), Appendix II by Notification No.181-G dt. 22.10.2012.

¹[Form No. 9 (Criminal), Appendix II
(Rule-31, Chapter-XI, HCD Rules)]

SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(Criminal Miscellaneous Jurisdiction)

PRODUCTION WARRANT OF DETENUE /PRISONER
TO GIVE TESTIMONY

To:

The Officer-in-Charge,

-----Name of jail).

Ref: Cr. Misc. Case No. ----- of -----

Name & Address of detainue/ prisoner : -----

You are required to produce the body of the above named detainue/prisoner now detained in your custody/ or now in your custody as prisoner before the High Court Division, on ----- at ----- a.m/p.m. so that he may be dealt with according to law, and you shall abide by such order as may be made by the said Court, and unless the said ----- (Name of detainue) is ordered to be released, you shall, after the said Court dispenses with his further attendance, cause him to be conveyed under safe and secured condition back to the ----- Jail/Asylum/Custody.

By order of the Court,

Date -----

Deputy Registrar]

¹ Form No.9 (Criminal). Appendix II was substituted for the original Form No. 9 (Criminal). Appendix II by Notification No. 181-G dt. 22.10.2012.

¹[Form No. 10 (Criminal), Appendix II
(Rule-35, Chapter-XI, HCD Rules)]

SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(Criminal Miscellaneous Jurisdiction)

**Warrant for Production of person in custody before
High Court Division/Court-martial/Commissioner.**

To:

The Officer-in-Charge,

----- (Name of jail).

Ref: Cr. Misc. Case No. ----- of -----

Name & Address of detainee/ prisoner : -----

You are required to produce the body of the above named detainee/prisoner now detained in your custody/ or now in your custody as prisoner or otherwise before the High Court Division/ Court-martial/Commissioner, on ----- at ----- a.m/p.m, so that he may be dealt with according to law, and you shall abide by such order as may be made by the said Court/ Court-martial/Commissioner, and unless the said ----- (Name of detainee/prisoner) is ordered to be released, you shall, after the said Court dispenses with his further attendance, cause him to be conveyed, under safe and secured condition back to the ----- Jail/Asylum/Custody.

By order of the Court.

Date -----

Deputy Registrar]

¹ Form No. 10 (Criminal), Appendix II was substituted for the original Form No. 10 (Criminal), Appendix II by Notification No.181-G dt. 22.10.2012.

¹[Form No. 11 (Criminal), Appendix II
(Rule 40(2), Chapter-XI, HCD Rules)]

SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(Criminal Miscellaneous Jurisdiction)

Custody Warrant

To:

1. The Officer-in-Charge, ----- (Name of jail)
2. Person-in Charge, ----- Name of asylum)
3. ----- (Other custody)

Ref: Cr. Misc. Case No. ----- of -----

Name & Address of detainee/ prisoner : -----

You are required to cause the body of above named detainee/prisoner
now a prisoner/detenué in the ----- (Name of
Jail/Asylum) ----- custody, to be conveyed, under
secured condition, to the custody of ----- for
keeping him in intermediate custody for the purpose of trial/hearing
before the High Court Division in ----- (Case No.)
on ----- at ----- a.m/p.m.

By order of the Court,

Deputy Registrar]

Date -----

¹ Form No. 11 (Criminal), Appendix II was substituted for the original Form No. 11
(Criminal), Appendix II by Notification No. 181-G dt. 22.10.2012.

¹[Form No. 12 (Criminal), Appendix II
(Rule-1A, Chapter-XIV, HCD Rules)]

SUPREME COURT OF BANGLADESH

HIGH COURT DIVISION

(Criminal Appellate Jurisdiction)

**(Appeal against Conviction/Acquittal/
Inadequate Sentence/ Order.)**

District -----

Cr. Appeal No.-----of-----

-----/ & Others

Appellant (s)

Vs.

-----/ & Others

Respondent (s)

Arising from: ----- Case No. ----- of -----
judgement/order dt. ----- of -----
----- Court -----

TITLE PAGE

PART-I

This file must be preserved for ever.

Or

This file must be preserved for 3 years, in case of appeal against orders
other than disposal orders.

The above period of 3 years to be calculated from the date of the final
order.

Date of decision of High Court Division-----

Date of receipt in the Record Room-----]

¹ Form No. 12 (Criminal), Appendix II was substituted for the original Form No. 12 (Criminal), Appendix II by Notification No.181-G dt. 22.10.2012.

[Form No. 13 (Criminal), Appendix II
(Rule-1A, Chapter-XIV, HCD Rules)]

**SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION**

(Criminal Appellate Jurisdiction)

**(Appeal against Conviction/Acquittal/
Inadequate Sentence/ Order)**

District -----

Cr. Appeal No. ----- of -----

Vs.

/& Others

Appellant (s)

/& Others

Respondent (s)

Arising from: ----- Case No. ----- of -----
judgement/order dt. ----- of -----
Court -----

TITLE PAGE

PART -II

This file must be destroyed at the end of 3 years

The above period of 3 years to be calculated from the date of the final order.

Date of decision of High Court Division -----

Date of receipt in the Record Room -----

¹ Form No. 13 (Criminal), Appendix II was substituted for the original Form No. 13 (Criminal), Appendix II by Notification No.181-G dt. 22.10.2012.

¹[Form No. 14 (Criminal), Appendix II
(Rule-1A, Chapter-XIV, HCD Rules)]

SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(Criminal Revisional Jurisdiction)

District -----

Cr. Revision No.-----of-----

-----/ & Others
Petitioner (s)

Vs.

-----/ & Others
Opposite Party (s)

Arising from: ----- Case No. -----of -----
judgement/order dt ----- of -----
----- Court -----

TITLE PAGE

PART - I

This file must be preserved for ever

Date of decision of High Court Division-----

Date of receipt in the Record Room-----]

¹ Form No. 14 (Criminal), Appendix II was substituted for the original Form No. 14 (Criminal), Appendix II by Notification No.181-G dt. 22.10.2012.

¹[Form No. 15 (Criminal), Appendix II
(Rule-1A, Chapter-XIV, HCD Rules)]

SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(Criminal Revisional Jurisdiction)

District -----

Cr. Revision No.-----of-----

-----/ & Others
Petitioner (s)

Vs.

-----/ & Others
Opposite Party (s)

Arising from: ----- Case No. ----- of -----
judgement/order dt ----- of -----
----- Court -----

TITLE PAGE

PART -II

This file must be destroyed at the end of 3 years

The above period of 3 years to be calculated from the date of the final order.

Date of decision of High Court Division-----

Date of deposit in the Record Room-----]

¹ Form No. 15 (Criminal), Appendix II was substituted for the original Form No. 15 (Criminal), Appendix II by Notification No.181-G dt. 22.10.2012.

Form No. 16.17 (Criminal), Appendix II
[Omitted by Notification No.181-G dt. 22.10.2012]

SUPREME COURT OF BANGLADESH

HIGH COURT DIVISION

(Criminal Revisional Jurisdiction)

District

Session

Cr. Revision No. _____
of _____
ON _____

(Appellant)
Petitioner (a)

VS

(Respondent)
Opposite Party (a)

Arising from _____
Judgment/Order of _____
of _____
Court _____

TITLE PAGE

PART-II
I. TRAF

This the trial is to be held at the end of 3 years

The above period of 3 years to be calculated from the date of the final order.

trial process with an appeal to the

Date of decision of High Court Division

Date of deposit in the Record Room

Form No. 16.17 (Criminal), Appendix II, is to be used for the purpose of filing an appeal against a judgment or order of a court of law.

¹[Form No. 18 (Criminal), Appendix II
(Rule-1A, Chapter-XIV, HCD Rules)]

SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(Criminal Miscellaneous Jurisdiction)

District -----

Cr. Miscellaneous Case No.-----of-----

Under section -----of Act/Ord. No. -----of ----- year)
against Conviction/Acquittal/for Bail/Quashment/Transfer.

-----/& Others
Petitioner (s)

Vs.

-----/& Others
Opposite Party (s)

Arising from: ----- Case No. -----of -----
judgement/order dt ----- of -----
----- Court -----

TITLE PAGE

PART-I

This file must be preserved for ever
or

This file must be preserved for 3 years in case of transfer of cases/bail
matter.

The above period of 3 years to be calculated from the date of the final
order.

Date of decision of High Court Division-----

Date of receipt in the Record Room-----]

¹ Form No. 18 (Criminal), Appendix II was substituted for the original Form No. 18
(Criminal), Appendix II by Notification No.181-G dt. 22.10.2012.

¹[Form No. 19 (Criminal), Appendix II
(Rule-1A, Chapter-XIV, HCD Rules)]

SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(Criminal Miscellaneous Jurisdiction)

District -----

Cr. Miscellaneous Case No.-----of-----

Under section -----of Act/Ord. No. -----of ----- (year)
against Conviction/Acquittal/for Bail/Quashment/Transfer.

-----/& Others Petitioner (s)

Vs.

-----/& Others Opposite Party (s)

Arising from: ----- **Case No.** ----- **of** -----
judgement/order dt----- **of** -----
----- **Court**-----

TITLE PAGE

PART-II

This file must be destroyed at the end of 3 years.

The above period of 3 years to be calculated from the date of order of disposal of the case.

Date of decision of High Court Division-----

Date of receipt in the Record Room-----

¹ Form No.19 (Criminal), Appendix II was substituted for the original Form No.19 (Criminal), Appendix II by Notification No.181-G dt. 22.10.2012.

Form No. 20 and 21 (Criminal), Appendix II

[Omitted by Notification No.181-G dt. 22.10.2012]

High Court Division
(Criminal Appellate Jurisdiction)

Case No.

District

Death Reference under section 374 Cr. P.C. section

vs.

(Appellant)

with reference to section 374 Cr. P.C.

Death Ref. No.

And

Cr. Appeal No.

Arising from: Judgement/Order of the Court

Case No. of Court

TITLE PAGE

PART-I

Date of decision of High Court Division

Date of receipt in the Record Room

(Criminal) Appendix II by Notification No. 181-G dt. 22.10.2012. Omitted by Notification No. 23 of 2012.

¹[Form No. 22, (Criminal), Appendix II
(Rule-1A, Chapter-XIV, HCD Rules)]

SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(Criminal Appellate Jurisdiction)

District -----

Death Reference under section 374, Cr. PC/section -----
-----Act/Ord.

Death Ref. No. -----of -----

And

Cr. Appeal No. -----of -----

-----The State

Vs.

-----Accused

Arising from: ----- Case No. -----of -----
judgement/order dt ----- of -----
----- Court -----

TITLE PAGE

PART-I

This file must be preserved forever.

Date of decision of High Court Division-----

Date of receipt in the Record Room-----]

¹ Form No. 22 (Criminal), Appendix II was substituted for the original Form No. 22 (Criminal), Appendix II by Notification No.181-G dt. 22.10.2012.

¹[Form No. 23 (Criminal), Appendix II
(Rule-1A, Chapter-XIV, HCD Rules)]

**SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(Criminal Appellate Jurisdiction)**

District -----

Death Reference under section 374, Cr. PC/section -----
-----Act/Ord.

Death Ref. No.-----of -----

And

Cr. Appeal No.-----of -----

-----The State

Vs.

-----Accused

Arising from: ----- Case No. -----of -----
judgement/order dt-----of -----
-----Court-----,

TITLE PAGE

PART-II

This file must be destroyed at the end of 3 years.

The above period of 3 years shall be calculated from the date of order of disposal of the case.

Date of decision of High Court Division-----

Date of receipt in the Record Room-----]

¹ Form No. 23 (Criminal), Appendix II was substituted for the original Form No. 23 (Criminal), Appendix II by Notification No.181-G dt. 22.10.2012.

Form No. 24 and 25 (Criminal), Appendix II
[Omitted by Notification No.181-G dt. 22.10.2012]

SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(Criminal Appellate Jurisdiction)

District: _____
Death Reference under section 374, Cr. P.C. Section: _____
(Criminal Appellate Jurisdiction)

Death Ref. No. _____ of _____
And Cr. Appeal No. _____ of _____

Arising from Case No. _____ of _____
Judgment/Order of _____
Court _____

TITLE PAGE

PART-II

The above period of 3 years shall be calculated from the date of order of disposal of the case.

Date of receipt in the Record Room _____
Date of decision of High Court Division _____

Form No. 24 and 25 (Criminal), Appendix II was substituted for the original Form No. 24 and 25 by Notification No. 181-G dt. 22.10.2012.

APPENDIX-III

FORMS

(CONTEMPT OF COURT)

[Form No.1 (contempt), Appendix III
(Rule-9, Chapter-IVA, HCD Rules)]

**SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION**

Present:

*Particulars of
matter in which
the contempt
has been
committed

Mr. Justice -----
And
Mr. Justice -----
Date-----

*In the matter of-----
------(Complainant)

Vs.

----- (Contemner)

Warrant of Arrest of Contemner

To:

1. The District Magistrate /Police Commissioner/Superintendent of Police-----
2. The Officer-in-Charge of-----P.S-----

We command you to arrest-----

----- (Name and address of contemner)
and produce him before us in the High Court Division, on----- (Date)
at-----a.m/p.m to answer to us about a contempt which he, it
is alleged, has committed against us/court as also such other matters as
shall be then and there laid to his charge, and further to perform and
abide such order as our said Court shall make in this behalf; and hereof
fail not, and bring this Writ with you.

Witness-----Chief Justice of Bangladesh this-----day
of ----- in the year -----

1.-----

2.-----

Signature of Judges

Date : -----

Memo No. -----

Forwarded for information:

1. District Magistrate/Police Commissioner/Superintendent of Police,

Forwarded for compliance:

1. The Officer-in-Charge of-----P.S. He is directed to forthwith arrest-----
-----and produce him in custody before this Court on the aforesaid date.

By order of the Court,
Registrar]

¹ Form No.1(contempt), Appendix III was substituted for the original Form No.1 (contempt),
Appendix III by Notification No.181-G dt. 22.10.2012.

¹[Form No. 2 (contempt), Appendix III
Rule-9, Chapter-IVA, HCD Rules)

**SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION**

Present:

Mr. Justice-----

And

Mr. Justice-----

* Particulars of
matter in which
con-tempt has
been
committed.

* In the matter of-----

----- (Complainant)

Vs.

----- (Contemner)

And in the matter of contempt committed by-----

----- in-----

(nature of contempt)

Order for Committal

This Court being of opinion that -----has, by the conduct as
hereinbefore appears, been guilty of a contempt of the Court of-----
-----doth order that the said ----- do
stand committed to the Central Jail, ----- for his said contempt for a
period of ----- from this date in simple imprisonment and the
Superintendent of the said Jail do receive the said ----- in his custody
together with this warrant and him safely to keep in the said Jail for the said
period of -----unless he should in the meantime be lawfully
ordered to be released and thus carry the aforesaid sentence into execution
according to law and to return the warrant with an endorsement certifying the
manner of its execution.

Witness----- Chief Justice of Bangladesh, this-----
day of ----- In the year-----

1. -----

2. -----

Signature of Judges.

Memo No. -----

Date : -----

Forwarded for information:

1. District Magistrate/Police Commissioner/Superintendent of Police,

Forwarded for compliance:

1. The Officer-in-Charge of-----P.S. He is directed to forthwith detain
the Contemner in the custody for a period of ----- months-----.

By order of the Court,

Registrar]

¹ Form No.2(contempt), Appendix III was substituted for the original Form No.2 (contempt),
Appendix III by Notification No.181-G dt. 22.10.2012.

**SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION**

(Criminal Appeal)

Mr. Justice

And

Mr. Justice

vs.
(Complainant)

(Contemner)

And in the matter of contempt committed by

(Nature of contempt)

APPENDIX - IV

FORMS

(WRIT PETITION)

This Court being of opinion that the Court of the said Contemner has been in contempt of the Court of the said Contemner for his said contempt for a period of more than three months in the custody of the said Jail to receive the said Contemner together with this warrant and him solely to keep in the said Jail for the said period of more than three months in the meantime he should be lawfully ordered to be released and thus carry the necessary sentence into execution according to law and to return the warrant with an endorsement certifying the manner of its execution.

Witness my hand and seal at the Court of the said Contemner this _____ day of _____ in the year _____

1. _____
2. _____
Signature of Judge

Date: _____

FORWARDED

Memo No. _____

Forwarded for information

1. District Magistrate/Police Commissioner/Superintendent of Police.

Forwarded for compliance

1. The Officer in Charge, District Jail, is requested to forthwith detain the Contemner in the custody for a period of _____ months.

2. The Officer in Charge, District Jail, is requested to forward to the Court the Contemner's record and to the Record Room.

3. The Officer in Charge, District Jail, is requested to forward to the Court the Contemner's record and to the Record Room.

¹[Form No.1(Writ), Appendix IV
(Rule -1, Chapter XIA, HCD Rules)]

(Form of Writ Petition)

**SUPREME COURT OF BANGLADESH,
HIGH COURT DIVISION
(Special Original Jurisdiction)**

Writ Petition No-----of-----

In the matter of an application under Article 102 of the
Constitution of the People's Republic of Bangladesh
AND

In the matter of-----*Impugned cause of the petition of writ.*

To,
Mr. Justice-----the Hon'ble Chief Justice of Bangladesh
and his companion Justices of the Supreme Court of Bangladesh.

-----Name (s) and identity] Petitioner(s)

Vs.

-----Name (s) and identity]
Respondent(s)

The petitioner(s) above named most respectfully seweth as follows:-

1. The petitioner(s) is/are (give description and address)
2. The address(es) of the petitioner(s) for service of all notices is/are--

3. The respondent(s) is/are-----*(give description and address)*
4. Facts on which the petitioner relies-----
5. The grounds on which the relief is sought-----
6. For the reasons set out above, the petitioner prays that-----
(set out the relief sought).

AFFIDAVIT

[Contents must conform to Rule 6, Chapter XIA)

Prepared in my office

(Statement where prepared)

Signature of Advocate

Signature of deponent

Identified by the Advocate
(if not in person)

(Signed)

Advocate for the Petitioner]

¹ Form No.(Writ). Appendix IV was substituted for the original Form No.1(Writ). Appendix IV
by Notification No.181-G (C). 22.10.2012.

¹[Form No. 2 (Writ), Appendix IV
(Rule-9, Chapter-XIA, HCD Rules)]

(Form of Rule Nisi)

**SUPREME COURT OF BANGLADESH,
HIGH COURT DIVISION
(Special Original Jurisdiction)**

The-----in the year of 20-----

Writ Petition No-----of-----

Present:

Mr. Justice -----

And

Mr. Justice -----

In the matter of

----- & others

Petitioner (s)

Vs.

----- & others

Respondent (s)

To.

1. -----Respondent.

2. -----Respondent.

3. -----Respondent.

Whereas the abovementioned Writ Petition has been preferred by the petitioner (s) abovenamed to this Court-----.

Now, upon hearing Mr./Ms.----- (name(s) of Advocate) for the petitioner/the petitioner (in person) and AG/Adl. AG/DAG/ AAG for the Government (if heard), and upon consideration of the said petition, this Court orders and issues a Rule Nisi calling upon you the aforesaid respondent(s) to show cause on or before-----
-----as to why -----.

Witnessed by Mr. Justice----- Hon'ble Chief Justice of Bangladesh, this the ----- day of ----- in the year of -----

Type by: ----- Superintendent ----- Assistant Registrar

Read by:

Exd.by:

¹ Form No.2 (Writ), Appendix IV was substituted for the original Form No.2 (Writ), Appendix IV by Notification No.181-G dt. 22.10.2012.

¹[Form No.3 (Writ), Appendix IV
(Rule 10(4), Chapter-XIA, HCD Rules)]

(Form of Notice for verification of letter/report etc.)

**SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION**

Memo.No-----

Date-----

To:

Subject: Notice about verification for your letter dated-----/report published in the-----
(name of newspaper or media, if applicable) of date-----

Ref: W.P. (Suo moto) No.-----of-----

Last date for sending verification etc.-----

Dear Sir,

Please take notice that your letter/report noted above has been treated by the Court as an application under Article 102 of the Constitution and accordingly order dated-----has been passed in the case noted above.

As per direction of the Court, I am sending to you the copies of (1) your letter/report as noted above, (2) copy of Court's order dated----- and (3) a verification form to be filled in by you or your authorized agent.

Photocopy of your or your agent's identification document i.e. National ID Card or passport or other identification document containing photograph, for example certificate issued by the Chairman of the Union Parishad or Pouroshova or by the City Corporation Ward Commissioner, must be sent with the verification form and such photo copy must be attested by you/ your agent.

In case of engaging an agent, the original authorization document signed by you must be sent with the verification Form to be signed by the agent.

So you are requested to send your verification in the Form annexed. You may also explain your position in a plain paper in respect of the letter/report so that the Court may consider the letter/report and your verification and explanation, if any and pass necessary order.

You must send your verification and/or explanation (if any) on or before the last date mentioned above.

By order of the Court

Assistant Registrar]

¹ Form No.3 (Writ), Appendix IV was substituted for the original Form No.3 (Writ), Appendix IV by Notification No.181-G dt. 22.10.2012.

¹[Form No.4 (Writ), Appendix IV
(Rule-10 (4), Chapter-XIA, HCD Rules)]

**SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(Special Original Jurisdiction)**

Verification Form

To:

The Honourable Chief Justice of Bangladesh & his Companion Judges.

Reference: Court's Memo No.----- Date-----
(Office to fill up)

In the Mater of: W.P. (Suo muto) No.-----of-----

I have seen the copy of the court's order dated.....passed in the above noted case and the copy of the letter/report sent to me and the memo under reference.

I solemnly affirm that the said letter has been signed by me/
Mr(s)-----/the report is made by me/
Mr(s)-----/my reporter Mr(s)-----
-----and that the contents of the said letter/report
is true/authentic to the best of my knowledge.

I am annexing photocopy of my identification document attested by me. I am also sending the original of the letter of authority signed by me and my agent, Mr.-----
(if an agent is engaged).

Date-----

Signature

Full name: -----

Address: -----

Mobile phone No.-----

Annexed: ID documents

- (1) -----
- (2) -----
- (3) -----
- (4) -----

¹ Form No. 4 (Writ), Appendix IV was substituted for the original Form No. 4 (Writ), Appendix IV by Notification No.181-G dt. 22.10.2012.

Form No. 4A (Writ),

[Omitted by Notification No.181-G dt. 22.10.2012]

SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(Special Original Jurisdiction)

Writ Petition No. _____ of _____
Respondent(s) _____
Petitioner(s) _____

AFFIDAVIT IN OPPOSITION

On behalf of Respondent(s) No. _____
I, _____
do hereby solemnly affirm and say as follows:

1. That I am Respondent No. _____ in the above captioned writ petition and I am duly conversant with the facts and circumstances of the case and as such competent to swear this affidavit in opposition.

2. That I have come across the Writ Petition and I have understood the contents and I hereby solemnly affirm and swear for the purpose of disposal of the writ petition that the statements which are contained in the City Corporation and the City Corporation are true and correct and I have no objection to the same.

3. That the statements made in this affidavit are true to the best of my knowledge and belief and I have deposited the same in the official record of the Court and I have signed the same in the presence of the Magistrate and the Magistrate has signed the same and I have deposited the same in the official record of the Court.

Signature of Advocate/Respondent(s) _____
Identified by the Advocate _____
Signature of Advocate _____
The Magistrate No. _____

¹[Form No. 5 (Writ), Appendix IV]

(Rule-14, Chapter-XIA, HCD Rules)

(Form of Affidavit-in-Opposition)**SUPREME COURT OF BANGLADESH,
HIGH COURT DIVISION
(Special Original Jurisdiction)****Writ Petition No.-----of -----**-----& others
Petitioner(s)**Vs.**-----& others
Respondent(s)**AFFIDAVIT-IN -OPPOSITION**

On behalf of Respondent (s) No. -----

I-----Son/daughter
of -----

----- (address),

by faith----- (if any)-----by nationality-----

do hereby solemnly affirm and say as follows:

1. That I am respondent No. -----/duly authorized by a letter of authority/power of attorney given by respondent No. -----and I am conversant with the facts and circumstances of the case and as such competent to swear this affidavit in opposition.
2. That I have gone through the Writ Petition and I have understood the same and I hereby controvert/ have been advised to controvert only those statements which are relevant for the purpose of disposal of the Writ Petition.
3. That it is stated that -----
4. -----
5. That it is submitted that -----

That the statements made in this affidavit are true to the best of my knowledge/(or in appropriate case) which I have derived from the official record.

Prepared in my office-----

(Signature of Deponent)

Signature of Advocate-----

(Name of Deponent)

Advocate's name:-----

Identified by the Advocate

Bar Assoc. ID No. -----

(Signature of Advocate)

Bar Assoc. ID No.-----

¹ Form No.5 (Writ), Appendix IV was substituted for the original Form No.5 (Writ), Appendix IV by Notification No.181-G dt. 22.10.2012.

¹[Form No. 6 (Writ), Appendix IV
(Rule-15, Chapter-XIA, HCD Rules)]

(Form of Supplementary Affidavit)

**SUPREME COURT OF BANGLADESH,
HIGH COURT DIVISION
(Special Original Jurisdiction)**

Writ Petition No.-----of-----

-----& others
Petitioner(s)

Vs.

-----& others
Respondent(s)

SUPPLEMENTARY AFFIDAVIT (1st/2nd/3rd -----)

In the matter of -----
(Purpose to be briefly stated)

Petitioner/Respondent No.-----

On behalf of -----

(In preparing the Supplementary Affidavit the format of the Affidavit in-
opposition, (Form No. 2), Appendix IV shall be followed *mutatis*
mutandis)

¹ Form No.6 (Writ), Appendix IV was substituted for the original Form No.6 (Writ).
Appendix IV by Notification No.181-G dt. 22.10.2012.

¹[Form No.7 (Writ), Appendix IV
(Rule-23, Chapter-XIA, HCD Rules).

(Form of Advance Order)
SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(Special Original Jurisdiction)

W.P. No.-----of-----

-----& others
Petitioners

Vs.

-----& others
Respondents

Present: Mr. Justice -----
Mr. Justice -----

We direct (as in separate sheet annexed) that

Formal order follows.

sd/-

1. -----

2. -----

(Judges)

Memo No.-----

Date-----

For information and necessary action, copy forwarded to:

1.-----

2.-----

3.-----

By order of the Court,

Deputy Registrar]

¹ Form No.7(Writ), Appendix IV was substituted for the original Form No.7 (Writ), Appendix-IV by Notification No.181-G dt. 22.10.2012.