

## CHAPTER XIV

### RECORDS

#### Preservation and destruction of Civil and Criminal Records.

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-

1. Every record, unless otherwise provided, shall consist of two parts, to be styled, respectively, 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. 26 and 27 (Civil) and 12 to 25 (Criminal), Appendices I and II respectively].

2. 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 a notice of such destruction giving a short description of the papers has been hung up in the General Notice-board.

3. The distribution of the papers to the appropriate Parts (I or II) of the record shall in all cases be made in the office before the record is deposited in the Record Room.

4. 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 Supreme Court, will be that of the decree or order of the Supreme Court.

5. All copies of paper-books (both bound and unbound) in excess of the number to be preserved permanently in Part I of the High Court 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

(i) **Bound copies**-All surplus copies of these 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 or in cases appealed to the Supreme Court, as many copies of the Supreme Court paper-book as may be available, shall be preserved for three years from the date of final decree or order of the Supreme Court for sale or use in any subsequent appeal, or for any other purpose authorised by the Registrar during the period.

(ii) **Unbound copies**-All such copies as may have been printed for use in the case of an appeal to the Supreme Court shall be preserved for two years from the date of the final decree or order of the High Court.

Note.-In the case of an appeal to the High Court against a preliminary time the unbound copies shall be preserved for five years, provided that at the time of filing his list under Rule 12, Chapter IX of these Rules the appellant records in writing on such list that the appeal is against a preliminary decree and asks that such unbound copies be preserved for a longer period.

(iii) Destruction of the surplus copies of bound and unbound copies of paper-books shall, as provided in sub-rules (i) and (ii) of this rule, be duly undertaken without any reference to litigants or Advocates concerned, provided, however, that where such litigants apply to the Registrar through their Advocates for the return of such copies, they may be returned to such Advocates, provided that the application for return is made at least one calendar month before the expiry of the periods prescribed for their preservation. No notice to take back such copies will be issued from the High Court.

6. If copies of printed paper-books are available and any person desires to purchase then he may be supplied with the copies at the rate of six annas per page subject to a maximum of Rs.20 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 Rs.10 per volume.

### **Civil Records.**

7. Part I of all civil records shall contain the following papers:

- (i) the order-books;
- (ii) the memorandum of appeal,
- (iii) the copies of the judgment and decree 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) Vakalatnamas;
- (vi) applications for substitution, addition or removal 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 Lower Court upon remand (if any),
- (x) final Judgment of the High Court;
- (xi) decree;
- (xii) applications for the return of documents when they have been rejected or on which special orders have been passed;
- (xiii) paper-books; two copies when printed and one copy when not printed;
- (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-sheets; and
- (xvi) applications for review, and orders relating to such applications. Part II shall contain all other papers.

*Note (i)*---Certified copies of the judgment and decree of the High Court filed with the application for leave to appeal to the Supreme Court shall be kept in Part II

*Note (ii)* -Copies of the judgment and decree filed with the memorandum of appeal which, or the translation of which, have been inserted in the paper-book, may, with the permission of the Registrar, be returned to the party after the disposal of the appeal.

*Note (iii)*,-Exhibited documents or any other paper not received with the Lower Court's record but filed in the High Court 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 they are not taken back before the despatch of Lower Court's record, they should be sent to the Lower 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.

*Note (iv)*.-Papers which are to be preserved under the rules 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 or are filed in the Lower Court and transmitted to the High Court 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 Accountant *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.

8. Rule 7 shall also apply, *mutatis mutandis*, to the records of all Civil Revision cases and References.

### **Criminal Records.**

9. Part I of the record in Criminal Appeals, Revision cases, References and Miscellaneous cases, shall contain the following papers:

- (i) the order-books;
- (ii) the judgment of the High Court;
- (iii) the memorandum of appeal (or petition for revision or letter of reference);
- (iv) Vakalatnamas;
- (v) applications for the return of documents when they have been rejected or on which special orders have been passed;
- (vi) the judgment of the Lower Court;
- (vii) paper-books; two copies when printed and one copy when not printed;
- (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.

Part II shall contain all other papers.

*Note (i)*.-Certified copies of orders or of judgments in criminal cases filed with applications for revision or memoranda of appeals which have been 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.

10. Applications for bail and 's pension of sentence and orders thereon which are treated as Miscellaneous cases shall be preserved for three years from the date of the order.

*Requisitions for records under Order XIII, Rule 10, Civil Procedure Code.*

11. (a) 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 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 (1) items (vi) and (xii) of rule 7 of this Chapter, (2) item (v) of rule 9 *ibid* and (3) provided the papers have been printed in the paper-book of the case-items (ii) and (iv) of rule 7 and item (iii) of rule 9 *ibid*.

(b) In 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.