

CHAPTER VI.

Appeals to the Supreme Court.

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-

A. *Criminal Appeals under Articles 157 and 159 of the Constitution*

1. Subject to the provisions of Articles 157 and 159 of the Constitution and the Rules framed by the Supreme Court, the following rules shall govern the procedure.

2. The provisions of Chapter IV shall apply, so far as may be, to all applications made to this Court in connexion with appeals to the Supreme Court:

Provided that in Criminal Proceedings no security for costs shall be required to be deposited and no court-fee, process fee or searching-fee shall be charged and no copying charges shall be made except for copies other than the first to any party to the proceedings.

3. Matters connected with appeals to the Supreme Court other than those with which the Registrar is authorised to deal, shall be heard at such time as the Division Court appointed to deal with such matters shall fix.

4. Matters relating to (i) service of notices or other processes; (ii) preparation of paper books; (iii) return of documents and (iv) matters not expressly required to be laid before the Division Court for orders, shall be dealt with and disposed of by the Registrar:

Provided that where the decision of the appeal is likely to turn exclusively on question of law and the appellant desires to print such parts only of the record as may be necessary for the discussion of the same application shall be made to the Division Court taking Supreme Court matters.

5. (I) Upon receipt from the Registrar of the Supreme Court of copies of petition of appeal for record-

- (a) the record of the case if it has been returned to the Lower Court; shall be called for; and
- (b) the appellant to the Supreme Court shall be called upon to furnish within a fortnight or such other time as the Court may allow, a court-fee of Rs.10 for drawing up an estimate of the expense of preparing and forwarding to the Registrar of the Supreme Court records of the case.

6. On receipt of copy of the petition of appeal to the Supreme Court, the Advocates of the parties shall be notified of the arrival of the record as soon as it is received or of the fact that the record is available in the Court's office.

7. The appellant shall take steps in the High Court to have the records prepared and printed in such manner as may from time to time be directed by the Supreme Court or in the absence of such directions, according to the rules embodied in the Fifth Schedule to the Appendix to this Chapter and the rules and provisions contained in Part B of this Chapter, shall *mutatis mutandis* apply to such appeals.

Note-Rules 30(ii) and 40 to 59 in Part B of this Chapter shall not apply to class A appeals to the Supreme Court.

8. As soon as the record has been got ready the Registrar shall despatch to the Registrar of the Supreme Court not less than 12 copies, one of which copies he shall certify to be correct by signing his name, on, or initialing, every eight 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 it shall form part of the record meant for the Supreme Court along with such additional printed or typewritten records as may be necessary and shall be despatched to the Supreme Court within a period of 30 days after the receipt of the intimation from the Registrar of the Supreme Court of the filing of the petition of appeal.

B. Civil Appeals to the Supreme Court under Articles 157 and 158 of the Constitution.

9. Subject to the provisions of Order XL V of the Civil Procedure Code and the Rules framed by Supreme Court, the following rules shall govern the procedure.

10. The provisions of Chapter IV shall apply so far as may be, to petitions under Order XLV, rule 2, Civil Procedure Code.

11. Matters connected with Appeals to the Supreme Court, other than those with which the Registrar is authorised to deal, shall ordinarily be heard at such time as the Division Court appointed to deal with such matters shall fix.

12. Matters relating to (i) service of notices or other processes; (ii) substitution of parties and appointment or discharge of next friend or guardian ad-litem of minors or persons of unsound mind, before the admission of an appeal; (iii) preparation of paper books; (iv) return of documents, and (v) matters not expressly required to be laid before the Division Court for orders, shall be dealt with and disposed of by the Registrar:

Provided that if the appellant desires to print a part only of the record on the ground that the decision of the appeal is likely to turn exclusively on a question of law he shall apply for permission to the Division Court appointed to take Supreme Court matters after notice to the respondent.

13. Applications for an order (i) to transmit orders of the Supreme Court for execution to the Lower Courts, where no special directions are required, (ii) to transmit securities to the Mufassil Courts for investigation as to their sufficiency; and (iii) for refunds 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 other than inclusion in the daily cause list.

14. In all other applications regarding matters connected with appeals to the Supreme Court, or petition for leave to appeal, notice under rule 15 of this Chapter is necessary in addition to any other notice prescribed.

15. Notice of an application under the preceding rule shall be given by the applicant or his Advocate by delivering to the proper person (ordinarily the Advocate for the appearing opposite party) a copy of the petition, together with a notice, in the following form-

"Take notice that this application will be filed with officer of the Court, and that you are required to attend and show cause against the application at the hearing if you desire to do so."

16. Every petition under Order XLV, rule 2, Civil Procedure Code, shall be presented to the Stamp Reporter. Such petition shall be accompanied by-

- (i) a court-fee of Rs.10 for drawing up an estimate of the expense of preparing and forwarding to the Registrar of the Supreme Court the record of the case;
- (ii) the fee for the issue of the notice of the application for leave to all the respondents who did not enter appearance in the High Court at the hearing of the appeal;
- (iii) forms of notices to all respondents duly filled up in the manner prescribed in rule 23; and
- (iv) Certified copies of the judgment and decree complained of.

Note- A petition presented without copies of the judgment and decree appealed from shall forthwith be returned to the Advocate or party presenting it, who shall refile it with the copies within the period of limitation, and in case it is sought to be refiled after the period of limitation it shall be presented to the Division Court.

17. If the Stamp Reporter finds that the petition is barred by limitation he shall forthwith return the same. If it is filed within the prescribed period of limitation he shall lay it before the Registrar with a report whether it has been filed in accordance with the rules of the High Court and whether the stamps filed therewith are sufficient.

18. (1) Upon receipt of such petition with the Stamp Reporter's report, the Registrar shall, in case the petition is not in proper form or is not accompanied by the requisite court-fee stamps, fix a period within which the additional fees may be paid or within which the petition may be amended; or lay the same before the Court for orders.

(2) If such petition is sufficiently stamped and complies with the provisions of the rules, he shall, upon receipt of such petition, direct notice to be served on all the opposite parties.

(3) Such notice shall call upon the opposite party to show cause why the certificate should not be granted.

(4) As soon as the Registrar has directed notices to issue under sub-rule (2) such notices shall be served, those to be served on opposite parties who appeared at the hearing of the case before the High Court being served upon the Advocate or Advocates who appeared for such opposite parties.

19. (1) Where more than one such application is made by the same party at the same time relating to decrees or final orders made in pursuance of the same judgment and only one record is required to be printed, the Registrar may, upon a proper stamped application made in that behalf, order that only one court-fee of Rs.10 be paid, or that one certified copy of the judgment be accepted or may refer the matter to the Court for orders.

(2) Save in exceptional cases the Registrar may direct that petitions relating to decree or final orders made in pursuance of the same judgment put up for hearing together.

20. As soon as the Registrar has directed notice to be served under rule 18 of this Chapter, the Clerk-in-charge of the Supreme Court Appeals shall forthwith proceed to issue notice of the application for leave to appeal to all the respondents who did not appear at the hearing of the appeal before the High Court. He shall also serve notices of the application for leave to appeal on the Advocates for the respondents who appeared at the hearing before the High Court.

21. A notice which it is necessary to serve under this division (other than notices under rule 15 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 Vakalatnama of such Advocate has been cancelled with the sanction of the Court. If there is no Advocate upon whom notice can be served, then, unless the Registrar shall otherwise direct, 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. 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. Nothing in these rules 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 respondent in a case where such opposite party or respondent did not appear either at the hearing in the High Court or at any proceedings subsequent to the decree of the High Court:

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 Court House of the Judge of the district in which the original suit was brought and by publication in such newspapers as the Court may direct.

23. (i) With the fee for the issue of the notice the applicant shall also file printed forms of such notice duly filled up in the prescribed form No. 6 (Civil) Appendix I, with the date of appearance and the date of the notice being left blank.

(ii) The information entered in the form must be filled up in the vernacular (or in English if the party to be served is a foreign subject) in a bold, clear and easily legible handwriting.

(iii) The date fixed for hearing of an application will be inserted in the form and the notice will be dated in the office of the Court before it is signed.

(iv) 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.

(v) 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. The date fixed for the hearing of the application shall be regulated by the time prescribed in rules 49 and 50, Chapter V.

25. As soon as it shall appear that the notices of the petition under Order XL V, rule 2, Civil Procedure Code, have been duly served on all the respondents, the petitions shall be laid before the Division Court for orders under Order XLV, rule 3(1), Civil Procedure Code.

26. On the receipt of a report from the Court of first instance under Order XLV, rule 5, Civil Procedure Code, as to the amount or value of the subject matter of the suit and of the proposed appeal, notice shall forthwith be given to the applicant and to the appearing respondents, and any party objecting to the report shall, within seven days from the date of the service of notice, file his objections, if any, and also serve a copy thereof on the other side. The case shall thereupon be laid before the Court for orders without delay.

27. Where a certificate has been refused under Articles 157(I) and 158(c) of the Constitution, the record of the case shall, subject to any special orders, be detained for the period prescribed under rule 2 of the Order XIII of the Supreme Court Rules, 1956. Where, however, such record has been returned to the lower 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. The Advocate for the parties shall be notified of the arrival of such record as soon as it is received in the office of the Court, or of the fact that the record is available in the Court's office immediately upon receipt of the petition for leave to appeal.

29. Whenever it shall be impossible for the lower Court to comply with the requisition within the time stated, such Court shall report the reasons of its inability, and shall ask for such further time as may be necessary.

30. (i) Immediately after the grant of a certificate for leave to appeal, there shall be served on the petitioner an estimate with reference to (a) Parts, I and II of the paper-book used in the appeal to the High Court and (b) the papers required to be added under rule 33, *post* excluding item (7) of that rule. The amount due on such estimate shall be deposited within the time limited by Order XLV, rule 7 of the Civil Procedure Code.

(ii) If the certificate is for leave to appeal from the judgment of the High Court in an appeal other than appeal from original decree or order the applicant shall deposit a lump sum of Rs.200 within the time limited 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 Rs.200 shall be made within the prescribed time irrespective of the service of estimate.

31. (i) 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 any papers on which the decision of the appeal to the Supreme Court depends, and which have not already been included in the paper-book; or to exclude therefrom any papers on the ground that they are irrelevant to the subject matter of the appeal to the Supreme Court, he shall within one week from the date of grant of certificate for 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.

(ii) Within one week from the date of the receipt by them of copies of the application and list mentioned in clause (i) above, the appearing respondents shall, if they so desire, file a similar application and list and simultaneously serve copies thereof on the appellant.

(iii) (a) In the case of certificate for leave to appeal from the judgment of the High Court 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 certificate for 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.

(b) If any party considers that any paper, or portion thereof, should be included in, or omitted 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 omitted therefrom.

Such application shall bear a certificate under the hand of the Advocates presenting them 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 Supreme Court.

(iv) It shall be competent to the Registrar to pass any orders which, with reference to the said applications, he may consider 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.

(v) The Registrar may, upon a stamped application, being made to him, extend the period prescribed in clauses (i) to (iv) of this Rule.

(vi) When an order is passed under clause (iv) excluding a portion or portions of a document, the excluded portion or portions shall be indicated by asterisks and 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 to the Supreme Court. The order or orders passed by the Registrar under clause (iv) shall also form part of such transcript record.

(vii) The record shall be arranged, prepared and printed under the supervision of the Registrar of the High Court in accordance with the Rules embodied in the Fifth Schedule of the Appendix to this Chapter. The parties may submit any disputed question arising in connexion therewith to the decision of the High Court and it shall give such directions thereon as the justice of the case may require.

32. Subject to directions issued from time to time by the Supreme Court under the Supreme Court Rules, 1956 the record shall be prepared in accordance with the following rules:-

Parts I and II of the paper-book shall contain brief marginal notes, but shall otherwise be prepared in accordance with the provisions of Chapter IX of these Rules. Each part shall have a complete index of all the papers included in it; and all the documents omitted from the transcript shall be enumerated in a type-written list to be transmitted with the record.

Note-Each document shall have a marginal note which shall be repeated on each page over which the document extends, viz.-

Part I

(a) Where the case has been before more than one court, the short names of the Courts should first appear. Where the case has been before only one Court, the name of the Court need not appear.

(b) The marginal note of the document should consist of the number and the description of the document in the Index with the date, except in the case of oral evidence.

(c) In the case of oral evidence, the words "Plaintiff's evidence" or "Defendant's evidence" should appear beneath the name of the Court and then the marginal note consisting of the number in the Index and the witness's name, with "examination" "cross-examination" or "re-examination", as the case may be. The date is not required.

Part II

(a) The word "Exhibits" should first appear.

(b) The marginal note of the Exhibits shall then appear consisting of the exhibit mark and the description of the document in the Index with the date.

Note 2- If in a judgment or any part of the record any unusual or purely technical vernacular term occurs its nearest English equivalent should be added in brackets.

33. The following documents shall be added to the papers of Part I of the paper-books which have already been printed:-

- (1) the proceedings in the High Court, if any;
- (2) the judgment and decree of the High Court;
- (3) the petition under Order 45, rule 2, Civil Procedure Code;
- (4) the grounds of appeal.
- (5) the certificate granted under Articles 157 and 158 of the constitution granting the leave.
- (6) the order admitting the appeal; and ;
- (7) any document not already included in Part I on which the decision of the appeal depends.

The additional documents should be printed strictly in chronological order and should be paged at the foot of each page in continuation of the previous paging of Part (I), and shall contain brief marginal notes.

The parties shall agree to the omission of formal and irrelevant documents, but the description of the documents may appear (both in the Index and in the Record), if desired, with the words "not printed" against it.

34. In Part I of the transcript record to the Supreme Court the names of all the parties must be shown in full in the following documents:-

- (a) the plaint;
- (b) the lower Court's decree;
- (c) the memorandum of appeal to the High Court;
- (d) the decree of the High Court;
- (e) the certificate granted under Article 157 of the Constitution or the petition under rule 2, Order XL V, Civil Procedure Code;
- (f) the proceedings of the High Court connected with the order of admission of appeal to the Supreme Court; and
- (g) the High Court's order of admission of the appeal to the Supreme Court.

The recital of the names in full should be avoided in the following documents:-

- (a) the High Court's judgment, or in the Cause Title;
- (b) the Registrar's certificate of service of notice of admission of appeal and of despatch of the transcript record.

35. The following charges shall be payable in respect of the matters specified:-

- (a) Cost of Estimate (payable by the appellant) in court-fee Stamps under rule 5(b) and rule 16(i) ...
- (b) Estimating charge at 10,000 words per rupee (payable by the respondent in respect of this papers)
- (c) Estimating charge for maps-12¹/₂ per cent of the cost of tracing
- (d) Estimating charge of photographs-12¹/₂ percent of the cost of producing the negative
- (e) Translation of vernacular portion of record per 150 vernacular words, three figures being counted as one word
- (f) Examining translations per 300 vernacular words, three figures being counted as one word
- (g) Copying English portion of record not exceeding 150 words
Exceeding 150 but not exceeding 300 words...
For every additional 150 words or less ...

- (h) Editing the paper-book, per page Annas 12, (if the paper book is printed and 6 annas if it is typed)

(Note- When marginal notes only have to be inserted in parts I and II of the paper-book, the editing charge should be calculated at the rate of two annas a page.)

- (i) Lithographing, drawing or tracing map-where necessary) actual cost.

- (j) Printing fee for 30 copies-ordinary matter with marginal notes Actual cost not exceeding Rs. 5 per page.

Tabular Matter.

Actual Cost.

- (k) Printing marginal notes in parts I and II of the paper-book per page Actual cost not exceeding six annas per page.

- (l) Certifying one copy of the printed record for every 8 printed or manuscript pages or part thereof.....Rs. 1 0 0

- (m) Preparation of Index per every 16 papers or part thereof 1 0 0

- (n) Taxing the paper-book costs.... One anna for every printed and half anna for every typed page added to the paper-book.

Note (1)-The above rates are liable to alteration.

Note (2)-Each item of cost in the preparation of the Paper-book at the rates specified above shall be calculated to the nearest anna (fraction below half an anna being omitted and half an anna or over being reckoned as one anna.)

36. The estimate shall include the matters referred to in the preceding rule and be framed in accordance with the charges above specified. Any party who has filed a petition for appeal to the Supreme Court shall be required to pay the expense actually incurred in connection with the preparation of the estimate, whether the appeal be admitted or not.

37. The applicant may, at the next sitting of the Registrar, object to such estimate, but such objection is not to delay the making of the deposit.

38. If it subsequently appears that the amount which either party has been required to deposit is insufficient to defray the cost of preparation of his portion of the paper-books, the Clerk-in-charge of the Supreme Court Appeals shall estimate the additional amount required and shall give notice thereof to such party. It shall be competent to the Registrar to pass any orders regarding the payment of such additional amount as he may consider proper.

39. All documents which are to be included in the transcript for the Supreme Court, if not originally in English, shall be translated into that language.

Note-"Documents" include evidence of witnesses

40. In the case of class B appeals, the applicant shall furnish security for the costs of the respondent within the period prescribed by Order XLV, rule 7, Civil Procedure Code.

41. 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 to the extent of Rs.1,500 (market value):

Provided that the Court at the time of granting the certificate may, after hearing any opposite party who appears, require security to a larger amount but in no case exceeding Rs.4,000 or order, on the ground of special hardship, that some other form of security may be furnished:

Provided further that no such order shall be passed unless the opposite party has been served by the appellants with notice, seven clear days before the date of hearing, setting forth the nature of the security proposed to be furnished. No adjournment shall be granted to an opposite party to contest the nature of such security.

Note- 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. When in the special circumstances of the case, the Court allows unmovable property to be accepted as security, the party finding the security shall file a mortgage bond, duly registered, together With a specification of the title to the property. Such bond shall be filed within the time limited by Order XLV, rule 7 of the Civil Procedure Code. 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.

43. Immediately upon the arrival of any report as to the sufficiency of any security, a notice in the prescribed form shall issue to the parties concerned, specifying the nature of the case. All parties desirous of objecting to the report shall, within six days from the date of the notice, file their objections, if any, and serve a copy of the same upon the other parties to the appeal. All such objections will be disposed of at the next sitting but one of the Division Court after the arrival of the report.

44. If the security offered be found insufficient by the Division Court, the appellant shall, within six weeks of date of such finding, deposit Rs.1,500 in cash, or Government securities to the extent of Rs.1,500 (market value) or to such amount as will bring up the value of the security to Rs.1,500.

45. In case the last date for making the deposit or giving the security under Order XLV, rules 7, 10 and 14, Civil Procedure Code, shall fall 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. An appellant who has obtained a certificate from this Court may at any time prior to the making of an order admitting the appeal, withdraw the appeal on such terms as to costs or otherwise as the Court may direct.

47. 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, the application shall be laid before the Court for orders as to the admission of the appeal.

48. Where an appellant whose appeal has been admitted or who has obtained special leave to appeal desires, prior to the despatch of the records to the Supreme Court, to withdraw his appeal the Court may, upon an application in that behalf made by the appellant, grant him a certificate to the effect that the appeal has been withdrawn and the appeal shall thereupon be deemed as from the date of such certificate to stand dismissed without an express order of the Supreme Court and the costs of the appeal and the security entered into by the appellant shall be dealt with in such manner as the Court may think fit to direct. A copy of the said certificate shall be forwarded to the Registrar of the Supreme Court.

49. After the admission of the appeal transcript of the record will be prepared for transmission to the Supreme Court.

50. On the admission of an appeal to the Supreme Court whether by the order of this Court under Order XLV, rule 8, Civil Procedure Code, or by an order of the Supreme Court giving the appellant special leave to appeal, notice of such admission shall at the cost of the appellant, be given by this Court to all the respondents, whether they have entered appearance or not and the Registrar of this Court shall transmit to the Registrar of the Supreme Court with all convenient speed, a certificate in Form No.8 (Civil), Appendix I, notice of such admission has been given to all the respondents.

The appellant shall put in the necessary process fee and file notice form [*see* Form No.7 (Civil) Appendix I] duly filled up within a week from the admission of appeal or within such extended time as the Registrar may, upon a stamped application being made to him, allow.

51. Where at any time between the admission of an appeal and the despatch of the record to the Supreme Court, the record becomes defective by reason of the death or change of status of a party to the appeal, or for any other reason, the Court may, notwithstanding the admission of the appeal, on an application in that behalf made by any person interested, grant a certificate [*see* Form 9 (Civil) Appendix I] showing who, in the opinion of the Court, is the proper person to be substituted or entered on the record, in place of, or in addition to the party on record, and the name of such person shall thereupon be deemed to be so substituted or entered on the record as aforesaid without an express order of the Supreme Court.

52. After the despatch by this Court to the Supreme Court of the transcript record in an appeal to the Supreme Court, duly admitted by this Court or by an order of the Supreme Court granting special leave, notice of such despatch shall, at the costs of the appellant be given by this Court to all the parties, whether they have entered appearance or not and the Registrar of this Court, shall as soon as practicable thereafter, transmit to the Registrar of the Supreme Court a certificate in Form No. 12 (Civil) Appendix I that such notice has been given to all the parties.

The appellant shall put in the necessary process fee and file notice form [*see* Form No. 11 (Civil), Appendix I] duly filled up within a week from the date of the receipt of notice [*see* Form No. 10 (Civil) Appendix I] of the transcript record being ready for despatch or within such extended time as the Registrar may, upon a stamped application being made to him allow.

53. Where the record subsequent to its despatch to the Supreme Court becomes defective by reason of the death, or change of status of a party, to the appeal, or for any other reason, the Court shall, upon an application in that behalf made by any person interested, cause a certificate [Form No.9 (Civil) Appendix I] to be transmitted to the Registrar of the Supreme Court showing who, in the opinion of the Court is the proper person to be substituted or entered on the record, in place of, or in addition to, the party on record. A copy of the application made in this Court in this behalf shall be endorsed to the Supreme Court.

54. All applications by, or on behalf of an infant, or a person of unsound mind shall be made in the name of the infant 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, an infant or a person of unsound mind, the infant 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. 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. The supplemental record dealing with substitution and representation of heirs of deceased parties shall be transmitted to the Supreme Court in manuscript instead of being printed.

57. (i) When a party, who has been successful in an appeal to the Supreme Court, applies for a certificate of the costs incurred in the appeal in this Court, the Deputy Registrar shall, upon production of the order of the Supreme Court for the payment of such costs, prepare such certificate and place it on the record of the Supreme Court appeal.

(ii) A copy of the certificate will then be taken by the party in the usual way.

58. Any appeal or application for leave to appeal which has not been prosecuted with due diligence shall be placed before the Court for orders.

59. Where an appellant whose appeal has been admitted by an order of the Court fails to show due diligence in taking all necessary steps in connection with the preparation of the record the Court may either on its own or on the application of the respondent call upon the appellant to show cause why a certificate should not be issued that the appeal has not been effectively prosecuted by the appellant and if the Court sees fit to issue such a certificate the appeal shall be deemed as from the date of such certificate, to stand dismissed for non-prosecution without an express order of the Supreme Court, and the costs of the appeal and the security entered into by the appellant shall be dealt with in such manner as the Court thinks fit to direct. A copy of the said certificate shall be forwarded to the Registrar of the Supreme Court.

C-Appeals under Article 160 of the Constitution.

60. The provisions with respect to Civil appeals under Articles 157 and 158 of the Constitution, as contained in Rules Nos. 10 to 59 above shall, with necessary modifications and adaptations, apply to appeals and petitions for special leave to appeal as well:

Provided that in Criminal Proceedings no security for costs shall be required to be deposited and no court-fee process or searching-fee shall be charged and no copying charges shall be made except for copies other than the first to any party to the proceedings.

D-Petition for leave to appeal in Criminal proceedings under Article 159 (c) of the Constitution

(A) Except in cases provided in rule E below, every petition to the High Court under Article 159(C) of the Constitution shall be presented within 21 days from the date of judgment or order; provided that the Court may, for sufficient cause, extend the time.

(B) The petition shall state-

- (i) full particulars of the case;
- (ii) the date of the judgment or order; and
- (iii) the grounds on which the certificate is applied for.

Such petition may be presented either in person or through an Advocate of this Court in the Office of the Registrar.

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

(C) Normally, such petition shall be placed before the same Bench which decided the case unless the Chief Justice directs otherwise.

(D) The Judge or Judges may reject the application *in limine* or order a notice to issue to the Legal Remembrancer, Deputy Legal Remembrancer or other party concerned.

(E) The above rules will not apply if the Judge or Judges pronouncing the order *suo motu* certify in the judgment that the case is a fit one for appeal to the Supreme Court in which case the certificate shall issue without any further procedure.

(F) In case it is decided to certify that the case is a fit one for appeal to the Supreme Court, a certificate shall be granted in the form annexed on such terms as the Court may impose. A copy of the certificate shall be supplied to the petitioner on payment.

**CERTIFICATE
IN THE HIGH COURT OF EAST PAKISTAN**

CRIMINAL MISCELLANEOUS

.....

versus

.....

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

NO. _____ OF _____

Petitioner(s),

Respondent(s).

On the application of the petitioner(s) abovenamed, it is hereby certified under Article 159(C) of the Constitution of Pakistan that the case noted above is a fit one for appeal to the Supreme Court of Pakistan.

Dated this..... day of195

Judge/Judges.

APPENDIX.

(TO CHAPTER VI.)

THE SUPREME COURT RULES, 1956.

The Supreme Court of Pakistan, in the exercise of its rule making powers, and with the approval of the President, hereby makes the following Rules:-

PART I.

GENERAL.

ORDER I.

Interpretation, etc.

1. (1) These Rules may be cited as the Supreme Court Rules, 1956, and shall come into force on the 28th November, 1956.

(2) The Federal Court Rules, 1950, are hereby revoked:

Provided that this revocation shall not affect any action taken, any order made or anything done under the said Rules prior to this revocation.

2. (1) In these Rules, unless the context otherwise requires:-

“Advocate” means a person entitled to appear and plead before the Supreme Court;

“Attorney” means an Attorney enrolled as such under these Rules;

“Chief Justice” means the Chief Justice of Pakistan;

“Code” means the Code of Civil Procedure, 1908;

“Constitution” means the Constitution of the Islamic Republic of Pakistan;

“Constitution Day” means the twenty-third day of March, 1956;

“Court” and “this Court” mean the Supreme Court of Pakistan;

“Court appealed from” includes a tribunal and any other judicial body from which an appeal is preferred to the Court;

“Judge” means a Judge of the Court;

“Judgment” includes the decision or the statement given by a Court or a Judge of the grounds of a decree or order;

“High Court” means a High Court within the meaning of Article 165 of the Constitution;

“Party” and all words descriptive of parties to proceedings before the Court (as “appellant”, “respondent”, “plaintiff”, “defendant” and the like) include, in respect of all acts proper to be done by an Attorney, the Attorney of the party in question, when he is represented by an Attorney;

“prescribed” means prescribed by or under these Rules;

“record” in Part II of these Rules means the aggregate of papers relating to an appeal (including the pleadings, proceedings, evidence, and judgments) proper to be laid before the Court at the hearing of the appeal;

- “Registrar” and “Registry” mean respectively the Registrar and Registry of the Court;
- “Branch Registry” means Branch Registry of the Court set up by the Chief Justice at the principal seat of a High Court and notified in the *Gazette of Pakistan*;
- “respondent” includes an intervener;
- “signed”, save in the case of a judgment and decree, includes stamped.

(2) The General Clauses Act, 1897, applies for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

3. Where by these Rules or by any order of the Court any step is required to be taken in connection with any cause, matter or appeal before the Court, that step shall, unless the context otherwise requires, be taken in the Registry or in the appropriate Branch Registry.

4. Where any particular number of days is prescribed by these Rules, the same shall be computed in accordance with the provisions of the Limitation Act, 1908.

5. None of the provisions of the Code shall apply to any proceedings in the Court unless expressly made applicable by these Rules.

ORDER II.

Offices of the Court: Sittings and Vacation, etc.

1. The offices of the Court, except during vacation and on Fridays and holidays, shall, subject to any order by the Chief Justice, be open daily from 9-30 a.m. to 4-30 p.m., but no work, unless of an urgent nature, shall be admitted after 3-30 p.m.

2. The offices of the Court shall, except during vacation, be open on Fridays from 9-30 a.m. to 12-30 p.m., but no work, unless of an urgent nature, shall be admitted after 12 noon.

3. The offices of the Court shall be open during vacation, except on Saturdays and holidays, at such times as the Chief Justice may direct.

4. The Registrar shall not be absent from the Court without the leave of the Chief Justice, nor any other officer of the Court without the leave of the Registrar.

5. The Court shall hold one term annually commencing on the first Monday, in October in each year, or, if that day is a Court holiday, then on the next working day, and continuing to the commencement of the long vacation in the year next following.

6. The long vacation of the Court shall commence on such date as may be fixed in each year by the Chief Justice and notified in the *Gazette of Pakistan*.

7. The Court shall not ordinarily sit on Saturdays, nor on the following days, that is to say, December 24th to January 6th, both days inclusive, and on any other days notified as Court holidays in the *Gazette of Pakistan*.

8. A Judge shall be appointed by the Chief Justice before the commencement of each long vacation for the hearing of all matters which may require to be immediately or promptly dealt with, and whenever necessary a Division Court of two Judges may likewise be appointed by the Chief Justice for the disposal of cases during the vacation.

ORDER III.

Officers of the Court, etc.

1. The Registrar shall be the executive head of the office. He shall have the custody of the records of the Court and shall exercise such functions as are assigned to him by these Rules.

2. In the absence of the Registrar, the Deputy Registrar or in the absence of the Deputy Registrar the Assistant Registrar may exercise all the functions of the Registrar.

3. The Chief Justice may assign, and the Registrar may with the approval of the Chief Justice delegate, to a Deputy Registrar or Assistant Registrar any functions required by these Rules to be exercised by the Registrar.

4. The Registrar shall, subject to any general or special directions given by the Chief Justice, allocate the duties of the Registry among the officers of the Court, and shall, subject to these Rules and to any such directions as aforesaid, supervise and control the officers and servants of the Court.

5. The official Seal to be used in the Court shall be such as the Chief Justice may from time to time direct, and shall be kept in the custody of the Registrar.

6. Subject to any general or special directions given by the Chief Justice, the Seal of the Court shall not be affixed to any writ, rule, order, summons or other process save under the authority in writing of the Registrar.

7. The Seal of the Court shall not be affixed to any certified copy issued by the Court save under the authority in writing of the Registrar or of Deputy Registrar or Assistant Registrar if authorised in that behalf in writing by the Registrar.

8. The Registrar shall keep a list of all cases pending before the Court and shall subject to these Rules and to any general or special directions given by the Chief Justice, prepare the list of cases ready for hearing and shall cause notice to be given thereof and of the day, if any, assigned for the hearing of any case or cases in the list.

9. In addition to the other powers conferred by these Rules, the Registrar shall have the following powers subject to any general or special order of the Chief Justice:-

- (a) to require any plaint, petition of appeal, petition or other matters presented to the Court to be amended in accordance with the practice and procedure of the Court or to be represented after , such requisition as the Registrar thinks proper in relation thereto, has been complied with;

(b) to fix the dates of hearing of appeals, petitions or other matters and issue notices thereof;

(c) to settle the index in cases where the record is to be prepared under the supervision of the Registry;

(d) to direct any formal amendment of record.

ORDER IV.

Advocates and Attorneys.

1. A person qualified as hereinafter mentioned may apply to be enrolled as an Advocate in the Court and if his application is granted shall, on payment of the prescribed fee, be entitled to be so enrolled and to appear and plead before the Court.

2. The Roll of Advocates shall be in two parts, one containing the names of Senior Advocates and the other the names of other Advocates.

3. A Senior Advocate shall have precedence over other Advocates who are not Senior Advocates, and the provisions of the First Schedule to these Rules shall apply with respect to Senior and other Advocates.

4. A person shall not be entitled to be enrolled as an Advocate unless he is, and has been for not less than ten years in the case of a Senior Advocate or five years in the case of any other Advocate, enrolled as an Advocate in the High Court of a Province.

In computing the said period of ten or five years the period during which a person was enrolled as an Advocate in a High Court in Pakistan before the Constitution Day or in any High Court in British India within three years next after the fourteenth day of August, 1947, may be taken into account by the Court.

The period during which a person was entitled as of right to practice as a vakil or pleader in a High Court in Pakistan before the Constitution Day or in a High Court in British India before the fourteenth day of August, 1947, immediately before his enrolment as an Advocate in that High Court, may be taken into account for the purpose of calculating the above-mentioned period of ten or five years.

5. A person who in the case of an appeal before the Court has appeared as counsel, advocate or vakil in that case in the Court from which the appeal is brought shall be entitled to appear and plead in the appeal, notwithstanding that he has not been enrolled as an Advocate in the Court, provided that an Advocate of the Supreme Court is briefed with him.

6. The Chief Justice and Judges may, if for any special reason they think it desirable so to do, permit the enrolment of any other person who is in their opinion sufficiently qualified, or permit such person to appear as an Advocate in a particular case.

7. No Advocate shall appear in any case, unless he is instructed by an Attorney.

8. The Roll of Advocates shall be kept by the Registrar and shall contain such particulars as the Court may from time to time require.

9. All advocates appearing before the Court shall wear such robes and costume as may from time to time be directed by the Chief Justice.

10. The enrolment fee for Senior Advocates shall be Rs.500, for other Advocates Rs.250, and for an Attorney Rs.100.

11. The Attorney-General for Pakistan shall have precedence over all Advocates in the Court.

12. The Advocates-General of West Pakistan and East Pakistan shall in that order have precedence immediately after the Attorney-General for Pakistan.

13. The Attorney-General for Pakistan and an Advocate-General shall by virtue of their offices have the status and precedence of a Senior Advocate in the Supreme Court, notwithstanding that their names are not contained in the Roll of Senior Advocates.

14. Subject to the preceding rules of this Order, an Advocate appearing before the Court shall have precedence among the Senior or other Advocates, as the case may be, according to the date of his enrolment as a Senior or other Advocate, as the case may be, in the Court.

Provided that the seniority of Senior or other Advocates as already determined under the relevant rules before the Constitution Day shall be maintained:

Any question which arises with respect to the precedence of any Advocate shall be determined by the Court.

15. A person may apply to be enrolled as an Attorney in the Court if he is entitled to practice as an Attorney or solicitor in any High Court or if he is entitled to appear and plead in a High Court, and if the application is granted shall on payment of the prescribed fee be entitled to be so enrolled.

16. An Attorney shall before enrolment subscribe before the Registrar a declaration, in such form as the Chief Justice may from time to time direct, undertaking to observe the rules, regulations, orders and practice of the Court and to pay all fees or charges due and payable in any cause, matter or appeal in the Court.

17. Every applicant for enrolment as an Advocate or Attorney shall produce an authenticated copy of his enrolment certificate in his own High Court and a certificate that he is still an/a Attorney/Solicitor/Advocate of that High Court.

18. Every Attorney shall have an office at the seat of the High Court in which he is enrolled as an/ a Attorney /Solicitor/ Advocate and shall notify the Registrar of the address of his office and of any change of address, and any notice, writ, summons or other document delivered or sent through post to the Attorney at the address so notified shall be deemed to have been properly served.

19. Two or more Attorneys may enter into partnership with one another, and anyone of them may act in the name of the partnership, provided that the firm has an office at the seat of the Court and is registered with the Registrar. Any change in the composition of the firm shall be intimated to the Registrar.

20. An Attorney who wishes to have his name removed from the Roll of Attorneys shall apply by petition, verified by affidavit, entitled "In the matter ofan Attorney in this Court", and stating the date of his enrolment as an Attorney, the reason why he wishes his name to be removed, that no application or other proceeding in any Court is pending, or is likely to be instituted against him, and that no fees are owing to the Court for which he is personally responsible.

21. Every Attorney shall before acting on behalf of any person or party file in the Registry a Power of Attorney in the prescribed form authorising him to act.

22. No person having an Attorney on the record shall file a power or warrant of Attorney authorising another Attorney to act for him in the same case save with the consent of the former Attorney or by leave of the Court, unless the former Attorney is dead, or is unable by reason of infirmity of mind or body to continue to act.

23. No Attorney may, without the leave of the Court, withdraw from the conduct of any case by reason only of the non-payment by his client of fees, costs and other charges.

24. Every Attorney on record shall be personally liable to the Court or due payment of all fees and charges payable to the Court.

25. No person having an Attorney on the record shall be heard in person save by special leave of the Court.

26. No Attorney shall authorise any person whatsoever, except another Attorney, to do any act in his name in any case. The authorisation shall be in writing.

27. Where a party changes his Attorney, the new Attorney shall give notice of the change to all parties concerned.

28. No Advocate shall act as Attorney nor Attorney as Advocate in any circumstances whatsoever.

29. An Advocate or an Attorney who wishes to suspend his practice by reason of his appointment to any office of profit under the Government or his being engaged in other profession or for any other reason shall give intimation thereof to the Registrar.

30. The names of all Senior Advocates, other Advocates and Attorneys enrolled as such in the Federal Court of Pakistan immediately before the Constitution Day shall be deemed to be transferred to the respective Rolls of the Supreme Court.

31. Where on the complaint of any person or otherwise, the Court is of opinion that an Advocate has been guilty of misconduct or of conduct unbecoming an Advocate, the Court may take such disciplinary action against him as it may deem fit, and may report him to his own High Court. For purposes of this rule, an Advocate includes a Senior Advocate.

32. Where on the complaint of any person or otherwise, the Court is of opinion that an Attorney has been guilty of misconduct or has committed a breach of the undertaking given by him, the Court may take such disciplinary action against him as it may deem fit, and may report him to his own High Court, or other authority, if any, to which he is subject.

33. For the purpose of the last two preceding rules the Court shall in the first instance direct a summons to issue returnable before the Court or before a special Bench to be constituted by the Chief Justice, requiring the Advocate or Attorney, as the case may be, to show cause against the matters alleged in the summons, and the summons shall, if possible, be served personally upon him with copies of any affidavit or statement before the Court at the time of the issue of the summons.

ORDER V.

Business in Chambers.

1. The powers of the Court in relation to the following matters may be exercised by the Registrar:-

- (1) Applications for revivor or substitution.
- (2) Applications for leave to appeal or defend as pauper.
- (3) Applications for discovery and inspection.
- (4) Applications for delivery of Interrogatories.
- (5) Certifying of cases as fit for employment of Advocate.
- (6) Applications for substituted service.
- (7) Registration of petitions, appeals, suits and other matters.
- (8) Applications for time to plead, for production of documents and generally relating to conduct of cause, appeal or matter and to allow from time to time any period or periods not exceeding four weeks in the aggregate and for doing any other act necessary to make a cause, petition or appeal complete.
- (9) Approval of Translator.
- (10) Approval of Interpreter.
- (11) Applications for payment into Court.
- (12) Applications for change of Attorney.
- (13) Applications by Attorneys for leave to withdraw.
- (14) Applications for search, inspection or getting copies of any document or record by parties to proceedings and third parties on payment of prescribed fees and charges.
- (15) Applications by third parties for return of documents.
- (16) Determination of the quantum of court-fee payable in respect of any document.
- (17) Applications for issue of a refund certificate in respect of excess court-fee paid by mistake.
- (18) Applications for a transcript record instead of printed record.

2. The powers of the Court in relation to the following matters may be exercised by a single Judge sitting in Chambers but subject to reconsideration, at the instance of any aggrieved party, by a Bench of not less than three Judges, which may include the Judge who dealt with the matter:-

- (1) Applications for production of documents outside Court premises.
- (2) Applications for leave to compromise or discontinue pauper appeals.
- (3) Applications for striking out or adding party.
- (4) Applications for separate trials of causes of action.
- (5) Applications for separate trials to avoid embarrassment.
- (6) Rejection of plaint.
- (7) Applications for setting down for judgment in default of written statement.
- (8) Applications for better statement of claim or defence.
- (9) Applications for particulars.
- (10) Applications for striking out any matter in a pleading.
- (11) Applications for amendment of pleading.
- (12) Applications for enlargement of time to amend.
- (13) Applications to withdraw suits, appeals, and petitions.
- (14) Applications for payment of money out of Court or handing over or discharge of security.
- (15) Applications to tax bills returned by Taxing Officer.
- (16) Applications for costs of taxation where one-sixth is taxed off.
- (17) Applications for review of taxation by Court.
- (18) Applications for enlargement or abridgment of time, except those covered by item 8 of rule 1 and applications for condonation of delay in filing petitions for special leave to appeal.
- (19) Applications for issue of commissions.
- (20) Applications for security for costs.
- (21) Applications for assignment of Security Bonds.
- (22) Applications for enforcing payment of costs under directions of Registrar.
- (23) Applications for extending returnable dates of warrants.
- (24) Applications for order against clients for payment of costs.
- (25) Applications for production of evidence by affidavit.
- (26) Applications for taxation and delivery of bills of costs, and for the delivery by an Attorney of documents and papers.
- (27) Applications for stay of execution of a decree or order in civil proceedings.
- (28) Applications for stay of execution of sentence or order in criminal proceedings.
- (29) Applications for the grant of bail.
- (30) Enrolment of Advocates and of Attorneys.
- (31) Setting down cause, appeal or matter *ex parte*.
- (32) Consent petitions.

3. An appeal shall lie from the Registrar in all cases to the Judge in Chambers.

4. An application for reconsideration under rule 2 and an appeal under rule 3 shall be filed within thirty days of the date of the order complained of.

5. The Registrar may, and if so directed by the Judge in Chambers shall, at any time adjourn any matter and place it before the Judge in Chambers, and the Judge in Chambers may at any time refer any matter into Court, and the Court may direct that any matter shall be transferred from the Registrar or the Judge in Chambers to the Court.

ORDER VI.

Notices of Motion.

1. Except where otherwise provided by Statute or prescribed by these Rules, all applications which in accordance with these Rules cannot be made in Chambers shall be made before the Court on motion after notice to the parties affected thereby. Where the delay caused by notice would or might entail prejudice or hardship, an application may be made for an *ad interim* order *ex parte*, duly supported by an affidavit, and the Court, if satisfied that the delay caused by notice would entail prejudice or hardship, may make order *ex parte* upon such terms as to costs or otherwise, and subject to such undertaking, if any, as the Court may think just, pending orders on the main application by notice of motion.

2. A notice of motion shall be instituted in the suit or matter in which the application is intended to be made and shall state the time and place of application and the nature of the order asked for and shall be addressed to the party or parties intended to be affected by it and their Attorney or Attorneys, if any, and shall be signed by the Attorney of the party moving, or by the party himself where he acts in person.

3. Save by special leave of the Court the notice of motion together with the affidavit in support thereof, shall be served on the opposite party not less than 8 days before the day appointed for the motion and the affidavit of service shall be filed in the Registry at least 3 days before the day appointed for the motion. Counter affidavits, if any, shall be filed in the Registry during office hours not later than 3-30 p.m. on the day preceding the day of hearing and copies of these affidavits shall be served on the other parties to the notice of motion and the affidavits shall not be accepted in the Registry unless they contain an endorsement of service signed by the other party or parties.

4. Notice shall be given to the other party or parties of all grounds intended to be urged in support of, or in opposition to, any motion.

5. Save by leave of the Court, no affidavit in support of the application beyond those specified in the notice of motion, nor any affidavit in answer or reply filed later than the time prescribed in these Rules shall be used at the hearing or allowed on taxation.

6. Unless otherwise ordered the costs of a motion in a suit or proceeding shall be treated as costs in that suit or proceeding.

ORDER VII.

Documents.

1. The officers of the Court shall not receive any pleading, petition, affidavit or other documents, except original exhibits and certified copies of public documents, unless it is fairly and legibly transcribed on one side of standard petition paper, demy-foolscap size.

2. No document in a language other than English shall be exhibited or used for the purpose of any proceedings before the Court, unless it has been translated in accordance with these Rules.

3. Every document required to be translated shall be translated by a translator nominated or approved by the Court on payment of prescribed fees.

4. Every translator shall, before acting, make an oath or affirmation that he will translate correctly and accurately all documents given to him for translation, and at the end of the document he shall certify in writing, signed by him, that the translation is correct.

5. Except as otherwise provided in these Rules, all complaints, petitions, appeals and other documents shall be presented in person by the party or by an Attorney duly appointed by the party for the purpose.

6. Except as otherwise specially provided in these Rules or by any law for the time being in force, the Court fees set out in the Third Schedule to these Rules shall be payable on all documents mentioned therein.

7. The Registrar may decline to receive any document which is presented otherwise than in accordance with these Rules.

ORDER VIII.

Affidavits.

1. The Court may at any time, for sufficient reason, order that any particular fact or facts may be proved by affidavit, or that the affidavit of any witness may be read at the hearing, on such conditions as the Court thinks reasonable:

Provided that no such order shall be passed where it appears to the Court that either party *bona fide* desires the production of a witness for cross-examination and that such witness can be produced, without unreasonable delay or expense.

2. Upon any application evidence may be given by affidavit; but the Court may, at the instance of other party, order the attendance for cross-examination of the deponent, in Court, unless he is exempted from personal appearance or the Court otherwise directs.

3. Every affidavit shall be instituted in the cause, matter or appeal in which it is sworn.

4. Every affidavit shall be drawn up in the first person, and shall be divided into paragraphs to be numbered consecutively, and shall state the description, occupation, if any, and the true place of abode of the deponent.

5. Affidavits shall be confined to such facts as the deponent is able of his own knowledge to prove, except on interlocutory applications, on which statement of his belief may be admitted, provided that the grounds thereof are stated.

6. The costs occasioned by any unnecessary prolixity in the title to an affidavit or otherwise shall be disallowed by the Taxing Officer.

7. An affidavit requiring interpretation to the deponent shall be interpreted by an interpreter nominated or approved by the Court, if made at the seat of the Court, and if made elsewhere shall be interpreted by a competent person who shall certify that he has correctly interpreted the affidavit to the deponent.

8. Affidavits for the purposes of any cause, matter or appeal before the Court may be sworn before any authority mentioned in section 139 of the Code or before the Registrar of this Court, or before a Commissioner generally or specially authorised in that behalf by the Chief Justice.

9. Where the deponent is a *purdahnashin* lady she shall be identified by a person to whom she is known and that person shall prove the identification by a separate affidavit.

10. Every exhibit annexed to an affidavit shall be marked with the title and number of the cause, matter or appeal and shall be initialled and dated by the authority before whom it is sworn.

11. No affidavit having any interlineations, alteration or erasure shall be filed in Court unless the interlineations or alteration is initialled, or unless in the case of an erasure the words or figures written on the erasure are rewritten in the margin and initialled, by the authority before whom the affidavit is sworn.

12. The Registrar may refuse to receive an affidavit where in his opinion the interlineations, alterations or erasures are so numerous as to make it expedient that the affidavit should be rewritten.

13. Where a special time is limited for filing affidavits, no affidavit filed after that time shall be used except by leave of the Court.

14. In this Order "affidavit" includes a petition or other document required to be sworn and "sworn" shall include "affirmed".

ORDER IX.

Inspection, Search, etc.

1. Subject to the provisions of these Rules a party to any cause, matter or appeal who has appeared shall be allowed to search, inspect or get copies of all pleadings and other documents or records in the case, on payment of the prescribed fees and charges.

2. The Court, at the request of a person not a party to the cause, matter or appeal, may on good cause shown allow such search or inspection or grant such copies as is or are mentioned in the last preceding rule, on payment of the prescribed fees and charges.

3. A search or inspection under the last two preceding rules during the pendency of a cause, matter or appeal, shall be allowed only in the presence of an officer of the Court and after twenty-four hours' notice in writing to the parties who have appeared, and copies of documents shall not be allowed to be taken, but notes of the search or inspection may be made.

4. Copies required under any of the preceding rules of this Order may be certified as correct copies by any officer of the Court authorised in that behalf by the Registrar.

5. No record or document filed in any cause, matter or appeal shall, without the leave of the Court, be taken out of the custody of the Court.

ORDER X.

Judgments, Decrees and Orders.

1. The Court, after the case has been heard, shall pronounce judgment in open Court, either at once or on some future day, of which due notice shall be given to the parties or their Attorneys, and the decree or order shall be drawn up in accordance therewith.

2. Subject to the provisions contained in Order XXVI a judgment pronounced by the Court or by a majority of the Court or by a dissenting Judge in open Court shall not afterwards be altered or added to, save for the purpose of correcting a clerical or arithmetical mistake or an error arising from any accidental slip or omission.

3. Certified copies of the judgment, decree or order shall be furnished to the parties on application made for the purpose and at their expense.

4. Every decree or order made by the Court shall be drawn up in the Registry and be signed by the Registrar or Deputy Registrar or Assistant Registrar and sealed with the Seal of the Court and shall bear the same date as the judgment.

5. Every order made by the Registrar or other officer shall be drawn up in the Registry and signed by the Registrar or other officer as the case may be.

6. Save as otherwise provided in these Rules, no decree or order in civil proceedings shall be drawn up until applied for by a party unless the Court so directs.

7. In cases of doubt or difficulty with regard to a decree or order made by the Court, the Registrar shall, before issuing the draft, submit the same to the Judge in Chambers.

8. Where a draft of any decree or order is required to be settled in the presence of the parties, the Registrar shall by notice in writing appoint a time for settling the same and the parties shall attend accordingly and produce their briefs and such other documents as may be necessary to enable the draft to be settled.

9. Where any party is dissatisfied with any decree or order as settled by the Registrar, the Registrar shall not proceed to complete the decree or order without allowing that party sufficient time to apply by motion to the Court.

10. The decree passed or order made in every appeal and a direction or writ issued in any matter by the Court shall be transmitted by the Registrar to the Court or tribunal or other authority concerned from whose judgment, decree or order the appeal or matter was brought, and any such decree, order or direction shall be executed and enforced as if it had been made and issued by the High Court of the appropriate Province.

11. Any order as to the cost of proceedings in the Court, as soon as the amount of the costs to be paid is ascertained, shall be transmitted by the Registrar to the Court or tribunal appealed from or to any other authority concerned, and shall be given effect to by that Court, tribunal or authority as if it were an order made by the High Court of the appropriate Province.

12. If any question arises as to which High Court shall give effect to the decree, order, direction or writ of this Court, it shall be decided by the Court.

ORDER XI.

Constitution of Benches.

Save as provided by law or by these Rules, every cause, appeal or matter shall be heard and disposed of by a Bench consisting of not less than three Judges to be nominated by the Chief Justice:

Provided that petitions for special leave to appeal shall be heard and disposed of by a Bench of two Judges, but the Chief Justice may, in a fit case, refer any petition to a larger Bench:

Provided further that if the Judges hearing the petition are equally divided in opinion the petition shall be laid for hearing and disposal before another Judge to be nominated by the Chief Justice.

PART II.

APPELLATE JURISDICTION.

ORDER XII.

Civil Appeals.

1. The provisions of Order XLV of the Code and of any rules made for the purpose by the High Court concerned so far as may be applicable, shall apply in relation to appeals preferred to the Court under Articles 157 and 158 of the Constitution:

Provided that the Court may from time to time issue to High Courts any special directions for the purpose of presentation of appeals to the Supreme Court.

2. Where there are two or more appeals arising out of the same matter, and the High Court is of opinion that it would be for the convenience of this Court and all parties concerned that the appeals should be consolidated, the High Court may direct the appeals to be consolidated and make such order for security of costs as it may deem fit.

3. The security to be furnished under rule 7(1)(a) of Order XLV of the Code shall, unless otherwise ordered by the High Court, be in the sum of rupees two thousand:

Provided that the Court appealed from may, if it thinks fit in any appropriate case, require security to a larger amount, but in no case exceeding rupees five thousand.

4. Where the appellant, having obtained a certificate for the admission of an appeal from the High Court, fails to furnish the security or make the deposit required for the preparation and printing of the record, the High Court may, either on its own motion or on an application in that behalf made by the respondent, cancel the certificate for the admission of the appeal and may give such directions as to the costs of the appeal as it shall think fit and make such further or other order as the justice of the case requires.

5. An appellant who has obtained a certificate from the High Court may, at any time prior to the making of an order admitting the appeal, withdraw the appeal on such terms as to costs or otherwise as the High Court may direct.

6. Where an appellant whose appeal has been admitted desires, prior to the despatch of the record to this Court, to withdraw his appeal the High Court may, upon an application in that behalf made by the appellant, grant him a certificate to the effect that the appeal has been withdrawn, and the appeal shall thereupon be deemed, as from the date of such certificate, to stand dismissed without an express order of this Court, and the costs of the appeal and the security entered into by the appellant shall be dealt with in such manner as the High Court may think fit to direct.

7. The liability of the parties to pay court-fee in this Court, unless otherwise ordered by this Court, shall not be affected by any order for consolidation of appeals made by the High Court or by this Court.

ORDER XIII.

Petitions for special leave to appeal in Civil Proceedings.

1. A petition for special leave to appeal shall be lodged in this Court within thirty days from the date of the refusal of leave to appeal by the High Court, or within sixty days of the judgment or order sought to be appealed from:

Provided that the Court may for sufficient cause extend the time.

2. Where the High Court has refused to give a certificate as provided in Articles 157(1) and 158(c) of the Constitution a petition for special leave to appeal shall be lodged in this Court within thirty days from the date of refusal of grant of the said certificate:

Provided that the Court may for sufficient cause extend the time.

3. A petition for special leave to appeal shall state succinctly and clearly all such facts as it may be necessary to state in order to enable the Court to determine whether such leave ought to be granted, and shall be signed by the Counsel and Attorney for the petitioner or by the party himself if he appears in person. The petition shall deal with the merits of the case only so far as is necessary for the purpose of explaining and supporting the particular grounds upon which special leave to appeal is sought. The petition shall also state whether the petitioner moved the High Court concerned for leave to appeal against its decision, and if so with what result.

4. The petitioner shall lodge at least six copies of-
- (i) his petition for special leave to appeal,
 - (ii) the judgment and order sought to be appealed from and the order of the High Court refusing leave to appeal, one copy each of which shall be certified to be correct.
 - (iii) the affidavit in support of allegations of fact prescribed by rule 4 of Order XVIII hereinafter contained, and
 - (iv) unless a caveat as prescribed by Order XVIII, rule 2, has been lodged by the other party who appeared in the Court below, an affidavit of service of notice of the intended petition upon such party.

The petitioner shall, on demand, furnish to other parties, at their expense on the prescribed charges, copies of all or any of the documents filed by him in the Court.

5. Save in cases where caveat as prescribed by rule 2 of Order XVIII has been lodged by the other party who appeared in the Court appealed from, petitions for special leave to appeal shall be heard *ex parte*, but the Court may direct the petitioner to issue notice to the other party as it may deem fit and adjourn the hearing of the petition which shall be posted for hearing after service of notice on the party concerned and upon affidavit of service by the petitioner. Where the other party who has appeared in the Court appealed from has lodged a caveat as aforesaid, notice of the hearing of the petition shall be given to the caveator, but a caveator shall not be entitled to costs of the petition unless the Court otherwise orders.

6. Where the Court grants special leave to appeal, it shall, in its order, specify the amount of the security for costs (if any) to be lodged by the petitioner, up to a maximum of Rs.5,000, and the time within which such security is to be lodged, and shall, unless the circumstances of a particular case render such a course unnecessary, provide for the transmission of the printed record by the Registrar of the Court appealed from to the Registrar of this Court, and for such further matters, as the justice of the case may require. Unless the Court specially directs otherwise, any security for costs to be furnished by the petitioner, shall be lodged in the Court from whose judgment special leave to appeal has been granted, and that Court shall deal with such security in accordance with the directions contained in the order of this Court when determining the appeal.

7. Where security is required to be furnished in this Court it shall be given to the Registrar or to such other officer as the Court may specially direct, and the Court may permit or order him to assign the same to any other person for the purpose of enforcing it upon such terms as the Court may think fit.

8. Where the appellant has lodged security for the respondent's costs of an appeal in the Registry of the Court, the Registrar of the Court shall deal with such security in accordance with the directions contained in the Court's order determining the appeal.

9. After the grant of special leave to appeal by this Court, the Registrar shall transmit a certified copy of the order to the Registrar of the Court appealed from.

10. On receipt of the said order, the Court appealed from shall, in the absence of any special directions in the order, act in accordance with the provisions contained in Order XLV of the Code, so far as applicable.

11. Where an appellant who has obtained special leave to appeal desires, prior to the despatch of the record to this Court, to withdraw his appeal, the Court appealed from may, upon an application in that behalf made by the appellant, grant him a certificate to the effect that the appeal has been withdrawn and the appeal shall thereupon be deemed as from the date of such certificate to stand dismissed without an express order of this Court and the costs of the appeal and the security entered into by the appellant shall be dealt with in such manner as the Court appealed from may think fit to direct. A copy of the said certificate shall be forwarded to the Registrar of this Court.

12. Where the security is to be deposited in the Court appealed from, the Registrar of that Court shall, as soon as the deposit is made, intimate the fact and the date of such deposit to the Registrar of this Court; where the deposit is not made within the time fixed, or within such further time as may be granted by this Court, the Registrar of the Court appealed from shall forthwith report the default to the Registrar of this Court.

13. Upon receipt of an intimation in this behalf from the Registrar of the Court appealed from or where the security is to be deposited in this Court upon default of the petitioner in depositing the same within the time fixed or such further time as the Court may deem fit to grant, the Registrar shall after notice to the Attorney for the petitioner, post the matter before the Court for orders in regard to the default on the part of the petitioner in furnishing security, and the Court may thereupon rescind the order granting special leave to appeal or make such other order as it thinks fit.

14. Save as otherwise provided by the preceding rules of this Order, the provisions of Order XVIII hereinafter contained shall apply *mutatis mutandis* to petitions for special leave to appeal.

15. The provision contained in Order XXII shall apply as far as applicable in the case of any person seeking special leave to appeal to the Court as a pauper.

ORDER XIV.

Preparation of Record, etc.

1. As soon as the appeal has been admitted whether by an order of the Court appealed from or by an order of this Court granting special leave to appeal, the appellant shall, without delay, take all necessary steps to have the printed record transmitted to the Registrar of this Court, and the Registrar of the Court appealed from shall, with all convenient speed, certify to the Registrar of this Court that the respondent has received notice, or is otherwise aware, of the order of the Court appealed from admitting the appeal, or of the order of this Court giving the appellant special leave to appeal.

2. Where an appellant whose appeal has been admitted by an order of the Court appealed from fails to show due diligence in taking all necessary steps in connection with the preparation of the record, the High Court may, either on its own motion, or on the application of the respondent, call upon the appellant to show cause why a certificate should not be issued that the appeal has not been effectually prosecuted by the appellant, and if the High Court sees fit to issue such a certificate the appeal shall be deemed, as from the date of such certificate, to stand dismissed for non-prosecution without an express order of this Court, and the costs of the appeal and the security entered into by the appellant shall be dealt with in such manner as the High Court thinks fit to direct. A copy of the said certificate shall be forwarded to the Registrar of this Court.

3. Where the appellant, who has obtained special leave to appeal by an order of this Court, fails to have the printed record transmitted to this Court with due diligence, the Registrar shall call upon the appellant to explain his default, and, if no explanation is offered, or if the explanation offered is, in the opinion of the said Registrar, insufficient, the said Registrar may issue a summons to the appellant calling upon him to show cause before this Court at a time to be specified in the said summons why the special leave to appeal should not be rescinded. The respondent shall be entitled to be heard before this Court in the matter of the said summons and to ask for, his costs and such other relief as he may be advised. The Court may, after considering the matter of the said Summons rescind the grant of special leave to appeal, or give such other directions as the justice of the case may require.

4. In the preparation of the printed record for purposes of this Court, the Court appealed from may include the printed paper-books prepared for its own use at the earlier stage, if sufficient number of such paper-books are available.

5. Where the decision of the appeal is likely to turn exclusively on a question of law, the appellant may, after notice to the respondent and with the sanction of the Court appealed from, print such parts only of the record as may be necessary for the discussion of the same.

6. Save as otherwise provided in the last preceding rule, the Registrar of the Court appealed from, as well as the parties or their Attorneys, shall endeavour to exclude from the record all documents (more particularly such as are merely formal) that are not relevant for the decision of the appeal, and, generally to reduce the bulk of the record as far as practicable, taking special care to avoid duplication of documents and unnecessary repetition of headings and other merely formal parts of documents; but the documents omitted to be printed, shall be enumerated in a typewritten list to be transmitted with the record.

7. Where in the course of the preparation of the record 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, the record as finally printed shall, with a view to the subsequent adjustment of the costs of, and incidental to, such document, indicate, in the index of papers, or otherwise, the fact that, and the party by whom the inclusion of the document was objected to.

8. The record shall be arranged, prepared and printed under the supervision of the Registrar of the Court appealed from in accordance with the rules embodied in the Fifth Schedule to these Rules, and the parties may submit any disputed question arising in connection therewith to the decision of that Court, and it shall give such directions thereon as the justice of the case may require.

9. When the record has been made ready, the Registrar of the Court appealed from shall-

- (i) at the expense of the appellant transmit to the Registrar of this Court such number of copies as the Court may direct, or in the absence of any special direction in this behalf, 20 copies of such record, one of which copies he shall certify to be correct by signing his name on, or initialling, every eighth page thereof and by affixing thereto the Seal of the Court appealed from;
- (ii) give notice of the despatch of the record to the parties; and.
- (iii) send to the Registrar of this Court a certificate as to the date or dates on which the notice under the preceding clause (ii) has been served.

10. As soon as the record is received in the Registry of this Court, it shall be registered in the Registry with the date of arrival, and the names of the parties. Appeals shall be numbered consecutively in each year in the order in which the records are received in the Registry.

11. Each party who has entered an appearance shall be entitled to receive for his own use, three copies of the record.

12. Subject to any special direction from the Court to the contrary, the costs of, and incidental to, the printing of the record shall form part of the costs of the appeal, but the costs of, and incidental to, the printing of any document objected to by one party, in accordance with rule 7 above, shall, if such document is found, on the taxation of costs, to be unnecessary or irrelevant, be disallowed to, or borne by, the party insisting or including the same in the record.

ORDER XV.

Appellant's Appearance and Lodging of Petition of Appeal.

1. The appellant shall enter an appearance before taking any step in the prosecution of the appeal, and after entering such appearance shall forthwith give notice thereof to the respondent and shall endorse a copy of the same to the Registrar.

2. The appellant shall lodge his petition of appeal within a period of 30 days from the date of the service upon him of notice of despatch of the record by the Registrar of the Court appealed from.

3. The petition of appeal shall be lodged in the form prescribed by Order XVIII, rule 1, hereinafter contained. It shall recite succinctly and, as far as possible, in chronological order, the principal steps in the proceedings leading up to the appeal from the commencement thereof down to the admission of the appeal, but shall not contain argumentative matter or travel into the merits of the case. It shall contain at the foot of it a memorandum of the valuation of the appeal with particulars showing how the valuation has been arrived at and where the appeal is incapable of valuation, it shall be so stated.

4. The appellant shall, after lodging his petition of appeal, serve a copy thereof without delay on the respondent, with the date of the lodgment, and endorse the same to the Registry:

Provided that the Registrar may dispense with service of the petition of appeal on any respondent who was *ex parte* in the proceedings in the Court appealed from or on his legal representative but an order dispensing with service shall not preclude any respondent or his legal representative from appearing to contest the appeal.

5. Where a party desires to appeal on grounds which can be raised only with the leave of the Court, the petition of appeal shall be accompanied by a separate petition indicating the grounds so proposed to be raised, and praying for leave to appeal on those grounds and the petition shall, unless the Court otherwise directs, be heard at the same time as the appeal.

ORDER XVI.

Withdrawal of Appeal, Non-Prosecution of Appeal, Change of Parties.

1. Where an appellant, who has not lodged his petition of appeal, desires to withdraw his appeal, he shall make an application to that effect to the Registrar of this Court, and the said appeal shall thereupon stand dismissed as from the date of the said application without any further order from the Court. The Registrar shall, with all convenient speed, after receipt of such application, by letter notify the Registrar of the Court appealed from that the appeal has been withdrawn and stands dismissed. The costs of the appeal and the security entered into by the appellant shall then be dealt with in such manner as the Court appealed from may think fit to direct.

2. Where an appellant, who has lodged his petition of appeal, desires to withdraw his appeal, he shall present a petition to that effect to the Court. On the hearing of any such petition a respondent may apply to the Court for his costs.

3. If an appellant fails to take any steps in the appeal within the time fixed for the same by these Rules, or, if no time is specified, it appears to the Registrar of this Court that the appellant is not prosecuting his appeal with due diligence, the Registrar shall call upon him to explain his default and, if no explanation, or no explanation which appears to the Registrar to be sufficient, is offered, he may issue a summons calling upon the appellant to show cause to the Court why the appeal should not be dismissed for want of prosecution.

4. The Registrar shall send a copy of the summons mentioned in the last preceding rule to every respondent who has entered an appearance and every such respondent shall be entitled to be heard before the Court and to ask for his costs and other relief.

5. The Court may, after hearing the parties, dismiss the appeal for non-prosecution or give such other directions thereon as the justice of the case may require.

6. An appellant whose appeal has been dismissed for non-prosecution may, within thirty days of the order, present a petition praying that the appeal may be restored and the Court may, after giving notice of such application to the respondent, who had entered appearance in the appeal, restore the appeal, if sufficient cause is shown, on such terms as to costs or otherwise as it thinks fit or pass such other orders as the circumstances of the case and the ends of justice may require.

7. Where at any time between the admission of an appeal and the despatch of the record to this Court, the record becomes defective by reason of the death, or change of status of a party to the appeal, or for any other reason, the Court appealed from may, notwithstanding the admission of the appeal, on an application in that behalf made by any person interested, grant a certificate showing who, in the opinion of the said Court, is the proper person to be substituted or entered on the record, in place of, or in addition to, the party on record, and the name of such person shall there- upon be deemed to be so substituted or entered on the record as aforesaid without an express order of this Court.

8. Where the record subsequent to its despatch to this Court becomes defective by reason of the death, or change of status of a party to the appeal, or for any other reason, the Court appealed from shall, upon an application in that behalf made by any person interested, cause a certificate to be transmitted to the Registrar of this Court showing who, in the opinion of the Court appealed from, is the proper person to be substituted, or entered on the record, in place of, or in addition to, the party on record. A copy of the application made in the High Court in this behalf shall be endorsed to this Court. .

9. An application to bring on record the legal representatives of the deceased appellant or respondent shall be made within ninety days of the death of the said appellant or respondent:

Provided that the Court appealed from may for sufficient cause extend the time.

10. A petition for an Order of Revivor or Substitution shall be accompanied by a certificate from the Court appealed from showing who, in the opinion of the said Court, is the proper person to be substituted, or entered, on the record in place of, or in addition to, the party on record.

ORDER XVII.

Appearance by Respondent.

1. The respondent shall enter an appearance within thirty days of the receipt of the notice served on him under Order XIV, rule 9(ii); but he may enter an appearance at any time before the hearing of the appeal on such terms as the Court thinks fit.

2. The respondent shall forthwith after entering an appearance give notice thereof to the appellant and endorse a copy of such notice to the Registry.

3. Where there are two or more respondents, and only one, or some, of them enter an appearance, the Appearance Form shall set out the names of the appearing respondents.

4. Two or more respondents may, at their own risk as to costs enter separate appearances in the same appeal.

5. A respondent who has not entered an appearance shall not be entitled to receive any notices relating to the appeal from the Registrar of this Court, nor be allowed to lodge a concise statement in the appeal.

6. Where a respondent fails to enter an appearance in an appeal the following Rules shall, subject to any special order of the Court to the contrary, apply:-

(a) if the non-appearing respondent was a respondent at the time when the appeal was admitted, whether by an order of the Court appealed from or by an order of this Court giving the appellant special leave to appeal, and it appears from a certificate of the Registrar of the Court appealed from that the said non-appearing respondent has received notice of the despatch of the record to this Court, the appeal may, if all other conditions of its being set down are satisfied, be set down *ex parte* as against the said non-appearing respondent at any time after the expiration of sixty days from the date of the lodging of petition of appeal.

(b) if the non-appearing respondent was made a respondent by an order of this Court subsequent to the admission of the appeal, and it appears from the record, or from a supplementary record, or from a certificate of the Registrar of the Court appealed from, that the said non-appearing respondent has received notice of his being brought on the record as a respondent, the appeal may, if all other conditions of its being set down are satisfied, be set down *ex parte* as against the said non-appearing respondent at any time after the expiration of sixty days from the date of his having been served with a copy of the order of this Court bringing him on the record as a respondent:

Provided that where it is shown to the satisfaction of this Court, by affidavit or otherwise, either that an appellant has made every reasonable endeavour to serve a non-appearing respondent with the notices of entering appearance and lodging petition of appeal and has failed to effect such service or that it is not the intention of the non-appearing respondent to enter an appearance to the appeal, the appeal may, without further order in that behalf and at the risk of the appellant be proceeded with *ex parte* as against the said non-appearing respondent:

Provided further that if it is certified by the Court appealed from that a respondent intentionally evades service of notice of despatch of the record to this Court or that the said notice cannot be served in the ordinary way, the appeal may, If the Court is satisfied on receipt of an intimation to that effect from the court appealed from, be set down *ex parte* as against the said non-appearing respondent after the expiration of sixty days of the lodging of the petition of appeal.

ORDER XVIII.

Petitions Generally.

1. All petitions shall consist of paragraphs numbered consecutively and shall be fairly and legibly written, typewritten or lithographed on one side of standard petition paper demy-foolscap size or on paper ordinarily used in High Courts for transcribing petitions, with quarter margin and endorsed with the name of the Court appealed from, the full title and Supreme Court number of the appeal to which the petition relates, or the full title of the petition (as the case may be) and the name and address of the Attorney (if any) of the petitioner or of the petitioner where the petitioner intends to appear in person. Unless the petition is a Consent Petition within the meaning of rule 8 of this Order at least six copies thereof shall be lodged.

2. Where a petition is expected to be lodged, or has been lodged, which does not relate to any pending appeal of which the record has been registered in the Registry of this Court, any person claiming a right to appear before this Court on the hearing of such petition may lodge a caveat in the matter thereof, and shall thereupon be entitled to receive from the Registrar notice of the lodging of the petition, if at the time of the lodging of the caveat such petition has not yet been lodged, and, if and when the petition has been lodged, to require the petitioner to serve him with a copy of the petition and to furnish him, at his own expense, with copies of any papers lodged by the petitioner in support of his petition. The caveator shall forthwith, after lodging his caveat, give notice thereof to the petitioner, if the petition has been lodged.

3. Where a petition is lodged in the matter of any pending appeal of which the record has been registered in the Registry of this Court, the petitioner shall serve any party who has entered an appearance in the appeal, with a copy of such petition and the party so served shall thereupon be entitled to require the petitioner to furnish him, at the expense of the said party, with copies of any papers lodged by the petitioner in support of his petition.

4. A petition not relating to any appeal of which the record has been registered in the Registry of this Court, and any other petition containing allegations of fact which cannot be verified by reference to the registered record or any certificate or duly authenticated statement of the Court appealed from, shall be supported by affidavit. Where the petitioner prosecutes his petition in person, the said affidavit shall be sworn by the petitioner himself and shall state that, to the best of the deponent's knowledge, information and belief, the allegations contained in the petition are true. Where the petitioner is represented by an Attorney, the said affidavit may be sworn by such Attorney and shall, besides stating that, to the best of the deponent's knowledge, information and belief, the allegations contained in the petition are true, show how the deponent obtained his instructions and the information enabling him to present the petition.

5. The Registrar may refuse to receive a petition on the grounds that it discloses no reasonable cause of appeal or is frivolous or contains scandalous matter, but the petitioner may appeal, by way of motion, from such refusal to the Court, within fourteen days.

6. As soon as a petition and all necessary documents are lodged, the petition shall thereupon be deemed to be admitted.

7. Subject to the provisions of rule 5 of Order XIII, and the next following rule, the Registrar shall, as soon as the Court has appointed a day for the hearing of a petition, notify all parties concerned of the day so appointed.

8. Where the prayer of a petition is consented to in writing by the opposite party, or where a petition is of a formal and non-contentious character, the Court may, if it thinks fit, make an order thereon, without requiring the attendance of the opposite party, and the Registrar shall not in any such case issue notice as provided by the last preceding rule, but shall, with all convenient speed, after the Court has made its order, notify the parties concerned that the order has been made and of the date and nature of such order.

9. A petitioner who desires to withdraw his petition shall give notice in writing to that effect to the Registrar. Where the petition is opposed, the opponent shall, subject to any agreement between the parties to the contrary, be entitled to apply to the Court for his costs, but where the petition is unopposed, or where, in the case of an opposed petition, the parties have come to an agreement as to the costs of the petition, the petition may, if the Court thinks fit, be disposed of in *the same way mutatis mutandis* as a Consent Petition under the provisions of the last preceding rule.

10. Where a petitioner unduly delays bringing a petition to a hearing, the Registrar shall call upon him to explain the delay, and if no explanation is offered, or if the explanation offered is, in the opinion of the Registrar, insufficient, the Registrar may, after notifying all parties interested, place the petition before the Court for such directions as the Court may think fit to give thereon.

11. At the hearing of a petition not more than one counsel shall be admitted to be heard on one side.

ORDER XIX.

Lodging of Concise Statement and Supplemental Proceedings.

1. The appellant shall lodge in the Registry twelve copies of a concise statement of the facts of the case and of the arguments upon which he proposes to rely within thirty days of the lodging of his petition of appeal.

The respondent shall file in the Registry within thirty days of the service upon him of the notice of the lodging of the petition of appeal by the appellant twelve copies of a concise statement of such facts of the case as he deems material and of the arguments on which he proposes to rely at the hearing.

3. No party to an appeal shall be entitled to be heard by the Court unless he has previously lodged his concise statement; nor shall he be allowed to inspect the concise statement of the opposite party or obtain a copy thereof from the Registrar until he has lodged his own concise statement:

Provided that where a respondent who has entered an appearance does not desire to lodge his concise statement in the appeal, he may give the Registrar notice in writing of his intention not to lodge any concise statement, while reserving his right to address the Court on the question of costs.

4. Two or more respondents may, at their own risk as to costs, file separate concise statements in the same appeal.

5. Each party shall, after filing his concise statement, forthwith give notice thereof to the other party; and shall be entitled, subject to rule 3 of this Order, to receive two copies of the concise statement filed by the opposite party on his applying therefor.

6. The concise statement shall consist of paragraphs numbered consecutively and shall state, as precisely as possible, the circumstances out of which the appeal arises, the contentions to be urged by the party filing the same, and the reasons therefor, and shall be printed or neatly typed with quarter margin, on one side of standard petition paper, of the same size as the printed record. References by page and line to the relevant portions of the record as printed shall, as far as practicable, be printed or typed in margin, and care shall be taken to avoid, as far as possible, the reproducing in the concise statement of long extracts from the record. The Taxing Officer in taxing the costs of the appeal shall, either of his own motion, or at the instance of the opposite party, enquire into any unnecessary prolixity in the concise statement, and may disallow the costs occasioned thereby.

7. As soon as an appeal is set down, the appellant shall attend at the Registry and obtain seven copies of the record and concise statements to be bound for the use of the Court at the hearing. The copies shall be bound in cloth or in one-fourth leather with paper sides, and six leaves of blank paper shall be inserted before the appellant's concise statement. The front cover shall bear a printed label stating the title and Supreme Court number of the appeal, the contents of the volume, and the names and addresses of the Attorneys. The several documents, indicated by incuts, shall be arranged in the following order:-

- (i) Appellant's concise statement,
- (ii) Respondent's concise statement,
- (iii) (iii) Record,
- (iv) Supplemental record (if any); and the short title and Supreme Court number of the appeal shall also be shown on the back.

8. The appellant shall lodge the bound copies not less than seven clear days before the date fixed for the hearing of the appeal.

ORDER XX.
Hearing of Appeals.

1. All appeals filed in the Registry shall, as far as possible, be heard in the order in which they are set down.
2. The Registrar shall, subject to the provisions of Order XVII, notify the parties to the Appeal of the date fixed for the hearing.
3. Subject to the directions of the Court, at the hearing of an appeal not more than two Advocates shall be heard on one side.
4. The appellant shall not, without the leave of the Court, rely at the hearing on any grounds not specified in his petition of appeal and the concise statement.
5. Where the Court, after hearing an appeal, decides to reserve its judgment therein, the Registrar shall notify the parties concerned of the day appointed by the Court for the delivery of the judgment.

ORDER XXI.
Miscellaneous.

1. The filing of an appeal shall not prevent execution of the decree or order appealed against, but the Court may, subject to such terms and conditions as it may think fit to impose, order a stay of execution of the decree or order, or order a stay of proceedings, in any case under appeal to this Court.
2. A respondent may apply for the summary determination of an appeal on the ground that it is frivolous or vexatious or has been brought for the purpose of delay, and the Court shall make such order thereon as it thinks fit.
3. A party to an appeal who appears in person shall furnish the Registrar with an address for service and all documents left at that address, or sent by registered post to that address, shall be deemed to have been duly served.

ORDER XXII.
Pauper Appeals, Petitions etc.

1. The provisions of Order XLIV in the First Schedule to the Code, shall, with necessary modifications and adaptations, apply in the case of any person seeking to appeal to the Court as a pauper.
2. An application for permission to proceed as a pauper shall be made on petition, setting out concisely in separate paragraph the facts of the case and the relief prayed, and shall be accompanied by a certificate of counsel that the petitioner has reasonable grounds of appeal. It shall be also accompanied by an affidavit from the petitioner disclosing all the property to which he is entitled and the value thereof, other than his necessary wearing apparel and his interest in the subject-matter of the intended

appeal, and stating that he is unable to provide sureties, and pay court- fees. The Registrar on satisfying himself that the petition is in order, may himself enquire into the pauperism of the petitioner after notice to the other parties in the case and to the Attorney-General, or refer the matter to the Registrar of the High Court, and the High Court either itself or by a Court subordinate to the High Court investigate into the pauperism after notice to the parties interested and make a report thereon within thirty days after the receipt of the reference from this Court:

Provided that no reference as aforesaid shall be necessary where the petitioner had been permitted to prosecute his appeal in *forma pauperis* in the Court appealed from.

4. The Court may allow an appeal to be continued in *forma pauperis* after it has begun in the ordinary form.

5. Where the petitioner obtains leave of the Court to appeal as a pauper he shall not be required to pay court-fees *or* to lodge security for the costs of the respondent.

6. Where the appellant succeeds in the appeal, the Registrar shall calculate the amount of court-fees which would have been paid by the appellant if he had not been permitted to appeal as a pauper and incorporate it in the decree *or* order of the Court; such amount shall be recoverable by the Federal Government from any party ordered by the Court to pay the same, and shall be the first charge on the subject-matter of the appeal.

7. Where the appellant fails in the appeal or is dispaupered, the Court may order the appellant to pay the court-fees which would have been paid by him if he had not been permitted to appeal as a pauper.

8. The Federal Government shall have the right at any time to apply to the Court to make an order for the payment of proper court-fees under the last two preceding rules.

9. In every pauper appeal the Registrar shall, after the disposal thereof, send to the Federal Government a memorandum of the court-fees due and payable by the pauper.

10. No person shall take, agree to take *or* seek to obtain from a person proceeding as a pauper, any fee, profit or reward for the conduct of the pauper's business in the Court, but the Court may nevertheless award costs against the other party and in that case may direct payment thereof to the Advocate of the pauper and the Attorney acting for him.

ORDER XXIII

Criminal Appeals.

1. Appeals under Article 159(a), (b) and (d) of the Constitution shall be lodged in the Court within thirty days from the date of the judgment, final order or sentence appealed from and appeals under Article 157 and under clause (c) of Article 159 of the Constitution within thirty days from the date of the certificate granted by the High Court:

Provided that the Court may for sufficient cause extend the time.

2. The appeal shall be in the form of a petition in writing which shall be accompanied by a certified copy of the judgment or order appealed against and in the case of appeals under Articles 157 and 159(c) also by a certified copy of the certificate granted by the High Court. The appellant shall file at least six copies of his petition and the accompanying documents.

3. The appellant, if he is in Jail, may present his petition of appeal and the accompanying documents to the Officer-in-Charge of the Jail, who shall forward them forthwith to the Registrar of this Court.

4. On receipt of the petition of appeal the Registrar shall cause notice of the appeal to be given to the Attorney-General for Pakistan or the Advocate-General of the Province concerned, or to both, as the case may require, and in cases where the appeal is by the Government, to the accused and shall also furnish the Attorney-General for Pakistan and or the Advocate-General of the Province concerned or the accused, as the case may be, with a copy of the petition of appeal and the accompanying documents.

5. The Registrar shall thereafter send a copy of the petition of appeal to the High Court concerned for its record. The High Court shall then arrange for the printing of the record in the case and for the transmission of the printed record to the Registrar of this Court with all convenient speed. In the preparation of the record, the High Court may include the printed paper book prepared for its own use at the stage of the appeal in the High Court. The record shall be printed at the expense of the appellant, unless otherwise ordered by the Court, but in appeals involving sentence of death, the record shall be printed at the expense of the Government of the Province concerned.

6. As soon as the record has been got ready the Registrar of the High Court shall despatch to the Registrar of this Court not less than 12 copies, one of which copies he shall certify to be correct by signing his name on, or initialling, every eighth page thereof and by affixing thereto the seal of the High Court:

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

7. In proper cases the Court may in its discretion direct the engagement of an Advocate for an accused person at the cost of the Government. In such a case the engagement of an Attorney to instruct the Advocate shall not be necessary. The fee of the advocate so engaged shall be Rs.100 per day, the day to be reckoned as 4¹/₂ hours of actual hearing in Court.

8. Due notice shall be given to the parties concerned of the date fixed for the hearing of the appeal. The accused may, where he so desires, present his case by submitting his arguments in writing and the Court shall consider the same at the hearing of the appeal.

9. The Court may, where it thinks fit so to do, in the interests of justice, direct the production of an accused person at the hearing of the appeal.

10. After the disposal of the appeal the Registrar shall, with the utmost expedition, send a copy of the Court's judgment or order to the High Court concerned.

11. Pending the disposal of any appeal under this Order the Court may order that the execution of the sentence or order appealed against be stayed on such terms as the Court may think fit. .

12. .In Criminal proceedings no security for costs shall be required to be deposited and no court-fee, process fee or search fee shall be charged, and no copying charges shall be made except for copies other than the first to any party to the proceedings.

13. Save as aforesaid the provisions contained in the preceding Orders in this Part of the Rules shall, with necessary modifications and adaptations, apply, so far as may be, to criminal appeals under this Order, but it shall not be necessary to file a concise statement in such appeals.

ORDER XXIV.

Petitions for Special Leave to Appeal in Criminal Proceedings.

1. Save as hereinafter provided the provisions with respect to petitions for special leave to appeal in civil proceedings contained in Order XIII of this Part of the Rules, shall, with necessary modifications and adaptations, apply to applications for special leave to appeal in criminal matters:

Provided that no court-fee, process-fee or search fee shall be charged and no copying charges shall be made except for copies other than the first to any party to the proceedings.

2. All petitions and applications for special leave to appeal in criminal matters shall be lodged in the Court within thirty days from the date of the judgment or order sought to be appealed from, or from the date of the refusal of certificate under Articles 157(1) or 159(c) of the Constitution by the High Court:

Provided that the Court may, for sufficient cause shown, extend the time.

3. The petitioner, if he is in Jail, may present his petition for special leave to appeal along with the accompanying documents, including any written arguments which he may desire to advance, to the Officer-in-Charge of the Jail who shall forthwith forward them to the Registrar of this Court.

4. The Registrar shall place the petition and the accompanying documents so received before the Court, and the Court may, upon perusal of the papers, reject the petition summarily without hearing the petitioner in person, if it considers that there is no sufficient ground for granting special leave to appeal.

5. In the case of a petition for special leave to appeal involving a sentence of death the Registrar shall as soon as the petition is filed or received from the Officer-in-Charge of a Jail, intimate the fact of the petition having been filed/received in the Court to the Government of the Province concerned and thereupon the execution of the sentence of death shall be stayed pending the disposal of the petition, without any express order of the Court in this behalf.

6. After the grant of petition or application for special leave to appeal by the Court the Registrar shall transmit a certified copy of the order to the Court or tribunal appealed from. The Court or tribunal appealed from shall then arrange for the printing of the record in the case and take other necessary steps in accordance with the provisions contained in Order XXIII relating to criminal appeals.

PART III.

ORDER XXV.

Applications for Enforcement of Fundamental Rights.

(Art. 22 of the Constitution.)

Habeas Corpus.

1. An application for a writ of *habeas corpus* shall be filed in the Registry and shall be accompanied by an affidavit by the person restrained, stating that the application is made at his instance and setting out the nature and circumstances of the restraint. The application shall also state whether the applicant has moved the High Court concerned for the same relief and, if so, with what result:

Provided that where the person restrained is unable owing to the restraint to make the affidavit, the application shall be accompanied by an affidavit to the like effect made by some other person, which shall state the reason why the person restrained is unable to make the affidavit himself.

2. The application shall be heard by a Bench consisting of not less than two Judges.

3. If the Court is of opinion that a *prima facie* case for granting the application is made out, a rule *nisi* shall be issued calling upon the person or persons against whom the order is sought to appear on a day to be named 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.

4. On the return day of such rule or any day to which the hearing thereof may be adjourned, the Court shall, after hearing such parties as are present and wish to be heard, make such order as in the circumstances it considers to be just and proper.

5. In disposing of any such rule, the Court may in its discretion make such order for costs as it may consider just.

Mandamus, Prohibition, Certiorari, Quo warranto, etc.

6. Any other application for the enforcement of a fundamental right shall be filed in the Registry. It shall set out the name and description of the applicant, the relief sought, and the grounds on which it is sought, and shall be accompanied by an affidavit verifying the facts relied on, and at least six copies of the said application and affidavit shall be lodged in the Registry. It shall also state whether the applicant has moved the High Court concerned for the same relief and, if so, with what result. The application shall be made by notice of motion, but the Registrar may in appropriate cases put up the application before the Court for orders as to the issue of notice.

7. Such application shall be heard by a Bench consisting of not less than two Judges of the Court. Unless the Court otherwise directs, there shall be at least eight clear days between the service of the notice of motion and the day named therein for the hearing of the motion.

8. Copies of the said application and the affidavit in support thereof shall be served with the notice of motion and every party to the proceeding shall supply to any other party, on demand and on payment of the proper charges, copies of any affidavit filed by him.

9. The notice shall be served on all persons directly affected, and on such other persons as the Court may direct:

Provided that on the hearing of any such motion, any person who desires to be heard in opposition to the motion and appears to the Court to be a proper person to be heard shall be heard, notwithstanding that he has not been served with the notice of motion and shall be liable to costs in the discretion of the Court.

10. The Court may in such proceeding impose such terms as to costs and as to the giving of security as it thinks fit.

11. The provisions of Order XVIII relating to petitions shall, so far as may be applicable, apply to applications under this Order.

PART IV.

ORDER XXVI.

Review.

Applications for review shall be filed with the Registrar within 30 days after judgment is delivered in the cause, appeal or matter, and shall distinctly state the grounds for review and be accompanied by a certificate of counsel that the petitioner has reasonable and proper grounds for review.

PART V.**ORIGINAL JURISDICTION.****ORDER XXVII.****Parties to Suits.**

1. Two or more plaintiffs may join in one suit in whom any right to relief in respect of or arising out of the same act or transaction or series of acts or transactions is alleged to exist.

2. Two or more defendants may be joined in one suit against whom any right to relief in respect of or arising out of the same act or transaction or series of acts or transactions is alleged to exist.

3. (1) The Court may at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the Court to be just, order that the name of any plaintiff or defendant improperly joined be struck out, and that the name of any plaintiff or defendant who ought to have been joined, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit, be added.

(2) No person shall be added as a plaintiff without his consent.

4. Where it appears to the Court that any causes of action joined in one suit cannot conveniently be tried or disposed of together the Court may order separate trials or make such other order as may be expedient.

5. Where it appears to the Court that any joinder of plaintiffs or defendants may embarrass or delay the trial of the suit, the Court may order separate trials or make such order as may be expedient.

ORDER XXVIII.**Plaints.**

1. Every suit shall be instituted by the presentation of a plaint.

2. A plaint shall be presented to the Registrar, and all plaints shall be registered and numbered by him according to the order in which they are presented.

3. Every plaint shall comply with the rules contained in Order XXXI of these Rules so far as they are applicable.

4. A plaint shall contain the following particulars:-

- (a) the names of the plaintiff and of the defendant;
- (b) the facts constituting the cause of action and when it arose;
- (c) the facts showing that the Court has jurisdiction;
- (d) the declaration which the plaintiff claims.

5. The plaintiff shall endorse on the plaint or annex thereto a list of the documents (if any) which he has produced along with it' and the Registrar shall sign the list if on examination he finds it to be correct.

6. The plaintiff shall be rejected-
 - (a) where it does not disclose a cause of action;
 - (b) where the suit appears from the statement in the plaint to be barred by any law.

7. Where a plaint is rejected the Court shall record an order to that effect with the reasons for the order.

8. The rejection of the plaint shall not of itself preclude the plaintiff from presenting a fresh plaint in respect of the same cause of action.

9. Where a plaintiff sues upon a document in his possession or power, he shall produce it to the Registrar when the plaint is presented and shall at the same time deliver the document or a copy thereof to be filed with the plaint.

10. Where the plaintiff relies on any other documents (whether in his possession or power or not) as evidence in support of his claim, he shall enter such documents in a list to be added or annexed to the plaint.

11. Where any such document is not in the possession or power of the plaintiff, he shall, if possible, state in whose possession or power it is.

12. A document which ought to be produced in Court by the plaintiff when the plaint is presented, or to be entered in the list to be added or annexed to the plaint, and which is not produced or entered accordingly, shall not, without the leave of the Court, be received in evidence at the hearing of the suit.

ORDER XXIX.

Issues and Service of Summons.

1. When a suit has been duly instituted a summons may be issued to the defendant to appear and answer the claim.

2. Every summons shall be signed by the Registrar, and shall be sealed with the Seal of the Court.

3. Every summons shall be accompanied by a copy of the plaint.

4. The summons shall be served by being sent by registered post to the Attorney-General for Pakistan or the Advocate-General for the Province, as the case may be, or to an Attorney of the defendant empowered to accept service.

5. There shall be endorsed on every summons a notice requiring the defendant to enter an appearance within twenty-eight days after the summons has been served.

6. A defendant shall enter his appearance by filing in the Registry a memorandum in writing containing the name and place of business of his Attorney, and in default of appearance being entered within the time mentioned in the summons, or as hereinafter provided, the suit may be heard *ex parte*. The defendant shall also file a written statement along with his memorandum of appearance.

7. The defendant shall forthwith give notice of his having entered an appearance to the plaintiff and shall at the same time supply him a copy of the written statement.

8. The plaintiff shall within fourteen days after the defendant has entered an appearance take out a summons for directions returnable before the Judge in Chambers, and the Judge shall on the hearing of the summons give such directions with respect to pleadings, interrogatories, the admission of documents and facts, the discovery, inspection and production of documents and such other interlocutory matter as he may think expedient.

ORDER XXX.

Written Statement, Set-Off and Counter-Claim.

1. It shall not be sufficient for a defendant in his written statement to deny generally the facts alleged by the plaintiff but he shall deal specifically with each allegation of fact of which he does not admit the truth, except damages.

2. Where a defendant denies an allegation of fact he shall not do so evasively but shall answer the point of substance.

3. Each allegation of fact in the plaint, if not denied specifically or by necessary implication, or not expressly stated to be not admitted in the pleading of the defendant, shall be taken to be admitted, but the Court, may in its discretion require any fact so admitted to be proved otherwise than by such admission.

4. Where the defendant claims to set-off against a demand by the plaintiff any ascertained sum of money, he may in his written statement but not afterwards without the leave of the Court, state the grounds of his claim and the particulars of the debt sought to be set-off.

5. The written statement containing the particulars mentioned in the last preceding rule shall have the same effect as a plaint in a cross-suit so as to enable the Court to pronounce a final judgment in respect both of the original claim and of the set-off.

6. The rules relating to a written statement by a defendant shall apply to a written statement by a plaintiff in answer to a claim of set-off.

7. No pleading subsequent to the written statement of a defendant other than by way of defense to a set-off shall be presented except by the leave of the Court and upon such terms as the Court may think fit, but the Court may at any time require a written statement or additional written statement from any of the parties and may fix a time for presenting the same.

8. Where any party from whom a written statement is so required fails to present the same within the time fixed by the Court, the Court may pronounce judgment against him, or make such orders in relation to the suit as it thinks fit.

9. The defendant, in addition to his right of pleading a set-off, may set up by way of counter-claim against the claims of the plaintiff any right or claim in respect of a cause of action accruing to him either before or after the filing of the suit but before he has delivered his defence and before the time limited for delivering his defence has expired, whether that counterclaim sounds in damages or not, and the counter-claim shall have the same effect as a cross-suit, so as to enable the Court to pronounce a final judgment in the same suit, both on the original and on the counter-claim.

10. The Court may, if in its opinion the counter-claim cannot be disposed of in the pending suitor out not to be allowed, refuse permission to the defendant to avail himself thereof, and require him to file a separate suit.

ORDER XXXI.

Pleadings Generally.

1. In this Order "pleading" means plaint or written statement.

2. Every pleading shall contain, and contain only, a statement in a concise form of the material facts on which the party pleading relies, but neither the evidence by which those facts are to be proved, nor any argumentative matter, and shall be divided into paragraphs numbered consecutively. Dates, sums and numbers shall be expressed in figures.

3. A further and better statement of the nature of the claim or defence, or further and better particulars of any matter stated in any pleading may in all cases be ordered, upon such terms, as to costs and otherwise, as may be just.

4. Wherever the contents of any document are material, it shall be sufficient to state the effect thereof as briefly as possible, without setting out the whole or any part thereof, unless the precise words of the document or any part thereof are material.

5. Every pleading shall be signed by, or by an Advocate on behalf of, the Attorney-General for Pakistan or by, or by an Advocate on behalf of, the Advocate-General for the Province, as the case may be.

6. The Court may at any stage of the proceedings order to be struck out or amended any matter in any pleading which may be unnecessary or scandalous or which may tend to prejudice or embarrass or delay the trial of the suit, or which contravenes any of the provisions of this Order.

7. The Court may at any stage of the proceedings allow either party to amend his pleadings in such manner and on such terms as may be just, but only such amendments shall be made as may be necessary for the purpose of determining the real question in controversy between the parties.

8. If a party who has obtained an order for leave to amend does not amend accordingly within the time limited for that purpose by the order, or if no time is thereby limited then within fourteen days from the date of the order, he shall not be permitted to amend after the expiration of such limited time or of such fourteen days, as the case may be, unless the time is extended by the Court.

9. Amendments of pleadings made only for the purpose of rectifying a clerical error may be made on an order of the Registrar without notice, but unless otherwise ordered a copy of the order shall be served on all other parties.

ORDER XXXII.

Discovery and Inspection.

1. Order XI of the First Schedule to the Code shall apply with respect to discovery and inspection in suits instituted before the Court, except rules 5 and 23 of that Order.

2. Where the Court has made an order allowing one party to deliver interrogatories to the other, those interrogatories shall be answered by such persons as the Court may direct.

3. No application for leave to deliver interrogatories shall be made by the defendant until after he has filed his written statement.

4. After an order has been made for the delivery of interrogatories one set of the interrogatories, as allowed, shall be annexed and served with the order upon the person to be interrogated.

5. The Court may, for sufficient reason, allow any affidavit to be sworn, on behalf of the party from whom discovery, production or inspection is sought, by any person competent to make the same.

6. Where any document is ordered to be deposited in Court a copy of the order and a schedule of the document shall be left in the Registry at the time when the deposit is made.

7. When the purpose for which any documents have been deposited in Court is satisfied, the party by whom they were deposited may, pending the suit, have them delivered out to him, if he has the consent in writing of the other party, or an order of the Court.

ORDER XXXIII.

Admissions.

Order XII in the First Schedule to the Code shall apply.

ORDER XXXIV.

Summoning and Attendance of Witnesses.

1. The provisions of sections 28 and 32 of the Code shall apply to summonses to give evidence or to produce documents under these Rules.

2. Order XVI in the First Schedule to the Code with respect to the summoning and attendance of witnesses shall apply, with the exception of the proviso to sub-rule (3) of rule 10, and the words "(a) within the local limits of the Court's ordinary original jurisdiction, or (b) without such limits but" in rule 19.

**ORDER XXXV.
Adjournments.**

Order XVII in the First Schedule to the Code shall apply, with the substitution in rule 2 of the words "in such manner as it thinks just" for the words "in one of the modes directed in that behalf by Order IX, or make such other order as it thinks fit".

**ORDER XXXVI.
Hearing of Suit.**

1. Rules 1, 2, 3, 16, 17 and 18 of Order XVIII in the First Schedule to the Code with respect to the hearing of suits and examination of witnesses shall apply.
2. Witnesses in attendance shall be examined orally in open Court and their evidence taken down in shorthand in the form of question and answer by such officers of the Court as may be appointed for the purpose.
3. The transcript of the shorthand note shall be signed by the officer recording the note and shall be deemed to be the deposition of the witness and shall form part of the record.
4. The party to any suit or matter in which the evidence has been taken in short hand, and the witness whose evidence has been taken, shall be entitled upon payment of the prescribed fee to be furnished with a certified copy of the transcript.

**ORDER XXXVII.
Withdrawal and Adjustment of Suits.**

1. Rules 1, 2 and 3 of Order XXIII in the First Schedule to the Code with respect to the withdrawal and adjustment of suits shall apply.
2. No new suit shall be brought in respect of the same subject-matter until the terms or conditions, if any, imposed by the order permitting the withdrawal of a previous suit or giving leave to bring a new suit have been complied with.

**ORDER XXXVIII.
Payment into Court.**

Order XXIV in the First Schedule to the Code with respect to payment into Court shall apply.

**ORDER XXXIX.
Special Case.**

1. (1) Parties claiming to be interested in the decision of any question of fact or law may enter into an agreement in writing stating such question on the firm of a case for the opinion of the Court, and providing that, upon the finding of the Court with respect to such question,-

- (a) a sum of money fixed by the parties or to be determined by the Court shall be paid by one of the parties to the other of them; or

(b) some property, movable or immovable, specified in the agreement, shall be delivered by one of the parties to the other of them; or

(c) one or more of the parties shall do, or refrain from doing, some other particular act specified in the agreement.

(2) Every case stated under the rule shall be divided into consecutively numbered paragraphs, and shall concisely state such facts and specify such documents as may be necessary to enable the Court to decide the question raised thereby.

2. (1) the agreement, if framed in accordance with the rules herein- before contained, may be filed in the Court.

(2) The agreement when so filed shall be numbered and registered as a suit between one or more of the parties.

3. (1) The case shall be set down for hearing as a suit instituted in the ordinary manner, and the provisions of the Code shall apply to such suits so far as the same are applicable.

(2) Where the Court is satisfied after examination of the parties, or after taking such evidence as it thinks fit,-

(a) that the agreement was dully executed by them,

(b) that they have a *bona fide* interest in the question stated therein, and

(c) that the same is fit to be decided,

it shall proceed to pronounce judgment thereon, in the same way as in an ordinary suit.

ORDER XL. Miscellaneous.

In the absence of any specific provision in this part of the Rules, the provisions of the Code shall apply, unless the Court otherwise directs.

PART VI.

ORDER XLI.

Special References under Article 162 of the Constitution.

1. On receipt by the Registrar of the order of the President referring a question of law to the Court the Registrar shall give notice to the Attorney-General for Pakistan to appear before the Court on a day specified In the notice to take the directions of the Court as to the parties who shall be served with notice of the Special Reference, and the Court may, if it considers it desirable, order that notice of the Special Reference shall be served upon such parties as may be named in the order.

2. The notice shall require all such parties served therewith as desired to be heard at the hearing of the Special Reference to attend before the Registrar on the day fixed by the order to take the directions of the Court with respect to statements of facts and arguments and with respect to the date of the hearing.

3. Subject to the provisions of this Order, the procedure on a Special Reference shall follow as nearly as may be the procedure in proceedings before the Court in the exercise of its original jurisdiction, but with such variations as may appear to the Court to be appropriate and as the Court may direct.

4. After the hearing of the Special Reference, the Registrar shall transmit to the President the Report of the Court thereon.

5. The Court may make such order as it thinks fit as to the costs of all parties served with notice under these Rules who appear at the hearing of the Special Reference.

ORDER XLII.

Special References under Articles 121, 138, 169 and 187 of the Constitution.

1. The Attorney-General for Pakistan shall deliver to the Registrar the order of the President referring the matter to the Court. The Reference shall be accompanied by a statement of the case setting forth the facts and grounds relied upon. The allegations of facts shall be verified by an affidavit to be made by a Secretary of the appropriate Government. .

2. The Registrar shall then lay the Reference before the Court, and the Court may give such directions for the notice of the Reference upon the respondent and for the fixation of the day and time for the filing of any written statement by him. The notice shall be accompanied by all the relevant documents received with the Reference.

3. The procedure for the hearing of the Reference and taking down the statements of witnesses shall be in the discretion of the Court.

4. After the hearing of the Reference the Registrar shall transmit to the President the Report of the Court thereon.

5. The Court may make such order as it thinks fit as to the costs of the respondent.

PART VII.

ORDER XLIII. Costs.

1. Subject to any provisions of any Statute or of these Rules, the costs of and incidental to all proceedings shall be in the discretion of the Court. Unless the Court otherwise orders an intervener shall not be entitled to costs.

2. Where it appears that the hearing of any suit or matter cannot conveniently proceed by reason of the neglect of the Attorney of any party to attend personally, or by some proper person on his behalf, or because of his omission to deliver any paper necessary for the use of the Court which ought to have been delivered, the Attorney shall personally pay to all or any of the parties such costs as the Court may think fit to award.

ORDER XLIV.

Taxation.

1. The Registrar and the Assistant Registrar shall be the Taxing Officer and the Assistant Taxing Officer of the Court, respectively.

The Chief Justice may assign, and the Taxing Officer may with the approval of the Chief Justice delegate to an Assistant Taxing Officer any function required by or under this Order to be exercised by the Taxing Officer.

2. The Taxing Officer shall allow all such costs, charges and expenses as appear to him to have been necessary or proper for the attainment of justice or for defending the rights of any party, and shall not allow any costs, charges and expenses which appear to him to have been incurred or increased unnecessarily or through negligence or mistake.

3. The Court may, in any proceedings where costs are awarded to any party, direct payment of a sum in gross in lieu of taxed costs, and may direct by and to whom that sum shall be paid.

4. Where in the opinion of the Taxing Officer the maximum fee allowed by these Rules is insufficient or a fee ought to be allowed for any matter not provided for in these Rules, he may refer the matter to the presiding Judge of the Bench hearing the appeal, cause or matter and the Judge may make such order thereon as to the allowance of the whole or any part of the amount proposed by the Taxing Officer as he thinks fit.

5. Where the Taxing Officer is of opinion that any costs have been injuriously or unnecessarily occasioned by the negligence or improper conduct of any Attorney, he shall not allow any charge for the same.

6. In all cases of taxation as between party and party, the bill shall be lodged for taxation as between party and party and, unless the client express his desire to the contrary in writing, also as between Attorney and client.

7. Every bill of costs lodged for taxation shall specify the exact number of folios contained in the bill lodged.

8. Every bill of costs shall be properly dated throughout and shall show in a column for the purpose the money paid out of pocket.

9. Every bill of costs shall be certified by the signature of the Attorney from whose office it is issued.

10. The fees for taxation and registration of every bill of costs shall be paid in court-fee stamps when the bill is lodged for taxation.

11. Every bill of costs shall, wherever possible, be accompanied by vouchers, and every item of disbursement and the cause thereof shall be distinctly specified, and no payment out of pocket shall be allowed except on production of the necessary voucher, or in the case of Advocate's fees without the receipt of the Advocate that the fee has been paid:

Provided that the Taxing Officer may dispense with the production of a receipt of fee paid to the Attorney-General for Pakistan or the Advocate- General of a Province.

12. Within one month from the date of the signing of the judgment or order awarding costs, or within such further time as the Taxing Officer may for good cause allow, the party to whom the costs have been awarded shall lodge in the Registry the bill of costs and vouchers accompanied by a certified copy of the decree or formal order drawn up in the case.

13. The party having the charge of the bill shall, within fourteen days or within such further period as the Taxing Officer may for good cause allow, serve on the opposite party a copy of the bill of costs and file in the Registry an affidavit of service. In default of the filing of such affidavit within the time aforesaid or within the further period allowed by the Taxing Officer, the Taxing Officer may return the bill and vouchers and shall not thereafter receive or tax the bill except by order of the Court:

Provided that, where the Taxing Officer is satisfied that the party having the charge of the bill has made all reasonable efforts to have the copy of the bill served and has failed, the Taxing Officer may dispense with such affidavit, and may receive and tax the bill.

14. As soon as the affidavit of service referred to in the last preceding rule has been filed, the Taxing Officer shall fix a date for taxation of the bill and shall notify the parties of the date fixed.

15. The Taxing Officer shall allow such costs of procuring the advice on evidence of an Advocate, and of employing an Advocate to settle pleadings and affidavits, as the Taxing Officer in his discretion thinks just and reasonable.

16. In cases of taxation as between Attorney and client where the fees are payable by the client personally or out of a fund belonging entirely to him, the Taxing Officer shall allow, as fees to Advocates, all sums actually paid, but not exceeding those set out in the Second Schedule to these Rules, unless the written consent of the client is produced.

17. Where an Attorney acts for different parties to the same suit, appeal or matter, only one set of attendances shall be allowed, unless the Court otherwise orders.

18. Where two or more appeals arising out of a single proceeding are heard together and costs are awarded in both or all of them only one set of counsel's fee shall be allowed for the hearing unless the presiding Judge of the Bench hearing the appeals otherwise directs.

19. Where on the taxation of a bill of costs payable out of a fund or out of the assets of a company in liquidation, the amount of the professional charges and disbursements contained in the bill is reduced by a sixth part or more, no costs shall be allowed to the Attorney lodging the bill for taxation for drawing or copying it, nor for attending the taxation.

20. Where on taxation of an Attorney's bill of costs as between Attorney and client, the amount of the bill is reduced by a sixth part or more, the Attorney shall pay the costs of taxation including the cost of the Attorney (if any) employed in contesting the bill and the same shall be deducted by the Taxing Officer: but the Taxing Officer may certify any special circumstances relating to the bill or taxation and the Court may upon application by the Attorney whose bill has been taxed make any such order as the Court may think just and equitable with respect to the costs of the taxation.

21. No court-fees shall be payable by an applicant to proceed in *forma pauperis* except the fee for the petition to proceed.

22. In the taxation of costs as between party and party, the costs of and incidental to the attendance of an Advocate on summonses or other matters in Chambers shall not be allowed unless the Court certifies that it was a fit case for the employment of an Advocate.

23. Unless specially allowed by the Taxing Officer, no allowance shall be made in party and party taxation for work done before the commencement of proceedings in the Court, except for necessary letter of demand and the reply thereto, if any, for receiving instructions to sue, to defend, or to appeal, and searches necessary for the purpose of instituting or defending proceedings.

24. In every case of taxation as between Attorney and client, the client shall be duly summoned by the Taxing Officer to attend the taxation, unless the Taxing Officer shall see fit to dispense with his attendance.

25. No retaining fee to an Advocate shall be allowed on taxation as between party and party.

26. Any party who is dissatisfied with the allowance or disallowance by the Taxing Officer of the whole or any part of the items in a bill of costs may apply to the Taxing Officer to review the taxation in respect thereof.

27. An application to review shall be made within a week from the date of the passing of the bill by the Taxing Officer.

The application shall contain objections in writing specifying concisely therein items or parts of the bill allowed or disallowed and the grounds for the objections.

28. The Taxing Officer shall serve fourteen days' notice of the application on the opposite party. A copy of the application shall accompany the notice.

29. Objections which were not taken in at the time of the taxation shall not be taken in at the stage of review unless allowed by the Taxing Officer.

30. The Taxing Officer may, where he thinks fit, issue, pending the consideration of any objections, a preliminary allocation for or on account of the remainder of the bill of costs.

31. Upon application to review the Taxing Officer shall reconsider his taxation upon the objections carried in and may, where he thinks fit, receive further evidence in respect thereof, and shall state in a certificate the grounds of his decision thereon and any special facts or circumstances relating thereto.

32. Any party dissatisfied with the decision of the Taxing Officer on review may, not later than seven days from the date of the decision or within such further time as the Taxing Officer or the Court may allow, apply to the Court for an order to review the decision of the Taxing Officer and the Court may thereupon make such order as may seem just; but the taxation of the Taxing Officer shall be final and conclusive as to all matters which shall not have been objected to in the manner aforesaid.

33. No evidence shall be received by the Court upon the review of the Taxing Officer's decision which was not before the Taxing Officer when he taxed the bill or reviewed his taxation unless the Court otherwise directs.

34. The certificate of the Taxing Officer by whom any appeal has been taxed shall unless it is set aside or altered by the Court, be final as to the amount of costs covered thereby.

35. Except as otherwise specially provided in these Rules the fees set out in the Second and Fourth Schedules to these Rules may be allowed to Advocates, Attorneys and officers of the Court.

36. In defended appeals, suits and special references the first day's hearing fee shall be allowed in full as fixed under the Second Schedule, for the first four and a half hours of the hearing or part thereof, subject to the provisions contained in rules 38 and 39.

37. No refresher shall be allowed unless the hearing has lasted for more than four and a half hours and the Taxing Officer shall have discretion to reduce the refresher or to allow an addition refresher having regard to the duration of the hearing after the first four and a half hours. The refresher shall however not be reduced by more than one half.

38. Where the hearing of a part-heard case is held up on account of the Court being occupied with any other matter, the time taken in the hearing of such matter shall be taken into consideration by the Taxing Officer for purposes of a refresher.

39. In cases involving less than fifteen thousand rupees in value, the Taxing Officer shall have discretion to reduce the fees, including the first day's hearing fee and the fee of the Attorney, suitably according to the nature of the case.

40. Save as otherwise provided in these Rules, the fees provided in the Second Schedule, other than items 1 and 2 of Part I, shall be subject to reduction in the discretion of the Taxing Officer according to the nature of the case.

41. The allowances to be made to witnesses per diem shall be such as the Taxing Officer may think reasonable having regard to the profession or status of the witness, but shall not exceed Rs.50 per diem unless the Court otherwise directs.

42. Witnesses residing more than five miles from the place where the Court sits shall be allowed travelling expenses according to the sums reasonably and actually paid by them and shall also be allowed such a sum for subsistence money and carriage hire as the Taxing Officer, having regard to the daily allowances fixed under rule 41, considers reasonable.

43. Every person summoned to give evidence shall have tendered to him with the summons a reasonable sum for his travelling expenses (if any) and for the first day's attendance and shall, if obliged to attend for more than one day, be entitled before giving his evidence, to claim from the party by whom he has been summoned the appropriate allowance and expenses for each additional day that he may be required to attend.

44. Witnesses who have not been paid such reasonable sums for their expenses as the Court allows by its Rules may apply to the Court at any time in person to enforce the payment of such sum as may be awarded to them.

45. For the purposes of this Order a folio shall consist of one hundred words; seven figures shall be counted as one word; and part of a folio exceeding fifty words shall be reckoned as a folio. A document consisting of less than one hundred words shall count as one folio.

46. Where the party having the charge of the bill does not appear on the date fixed for taxation, the Taxing Officer may make an order that the bill be rejected. An application for the restoration of the bill shall be made within fourteen days from the date of the rejection of the bill, and the Taxing Officer may for sufficient cause shown receive and tax the bill.

47. A party dissatisfied with the order of the Taxing Officer under the last preceding rule may, not later than seven days from the date of the order, or within such further time as the Taxing Officer or the Court may allow, apply to the Court for an order that the bill be restored.

48. Subject to any agreement in writing to the contrary, the rules regulating the taxation of costs between party and party shall be applicable as far as may be to taxation between Attorney and client.

49. If an Attorney makes an agreement in writing with his client as to his remuneration in respect of any business done or to be done by him in any proceedings in this Court, the amount payable under the agreement shall not be received by the Attorney until the agreement has been examined and allowed by the Taxing Officer, and if the Taxing Officer is of opinion that the amount is unfair or unreasonable, he may seek the direction of the presiding Judge of the bench hearing the appeal, cause or matter and the Judge may reduce the amount payable thereunder, or order the agreement to be cancelled and the costs covered thereby to be taxed as if the agreement had never been made.

50. Where a dispute arises between the Attorney and his client as to fees and charges payable to the Attorney in any proceeding before the Court, either party may apply to the Taxing Officer for an order to have the bill taxed in accordance with the provisions of this Order. The application, when made by the Attorney, shall be accompanied by a copy of the bill sought to be taxed.

51. The Attorney whose bill against his client has been taxed may apply to the Court for an order against his client or his legal representative for payment of the sum allowed on taxation or such sum thereof as may remain due to him. The order so made may be transmitted for execution to such Court or tribunal as the Court may direct.

52., Where it is necessary to enforce payment of costs under a direction of the Registrar, an order for that purpose shall be obtained from a Judge. Applications for such orders may be made, without notice, by petition, supported by a certificate of the Registrar.

53. The Court may on the application of a client or his representative in interest direct an Attorney to deliver up any documents or papers to the possession of which the applicant may be entitled, and pass such other orders in this behalf as the circumstances of the case may require, including orders as to the costs of the application.

PART VIII.

Miscellaneous.

ORDER XLV.

Notice of Proceedings to the Attorney-General for Pakistan, etc.

1. The Court may direct notice of any proceedings to be given to the Attorney-General for Pakistan or to the Advocate-General of any Province, and the Attorney-General or the Advocate-General to whom such notice is given may appear, and shall do so if required by the Court.

2. The Attorney-General for Pakistan or the Advocate-General of any Province may apply to be heard in any proceedings before the Court, and the Court may, if in its opinion the justice of the case so requires, permit the Attorney-General or any Advocate-General so applying to appear and be heard, subject to such terms as to costs or otherwise as the Court may think fit.

ORDER XLVI.

Forms to be Used.

1. Every writ, summons, order, warrant or other mandatory process shall be signed by the Registrar with the day and the year of signing, and shall be sealed with the Seal of the Court.

2. The forms set out in the Sixth Schedule to these Rules, or forms substantially to the like effect with such variations as the circumstances of each case may require, shall be used in all cases where those forms are appropriate.

ORDER XLVII.

Service of Documents.

1. Except where otherwise provided by Statute or prescribed by these Rules, all notices, orders or other documents required to be given to, or served on, any person shall be served in the manner provided by the Code for the service of summons.

2. Service of any notice, order or other document on the Attorney of any party may be effected by delivering it to the Attorney or by leaving it at his place of business, or by sending it to his address by registered post.

3. Service of any notice, order or other document upon a person, other than an Attorney, residing at a place within the territories of Pakistan between which place and the seat of the Court there is communication by registered post, may be effected by posting a copy of the document require to be served in a pre-paid envelope registered for acknowledgement, addressed to the party or person at the place where he ordinarily resides:

Provided that the Registrar may direct in a particular case or class of cases, that the service shall be effected in the manner provided by the Code for the service of summons.

4. A document served by post shall be deemed to be served at the time at which it could have been delivered in the ordinary course of post.

5. Except where the notice or process has been served through the Registry, the party required to effect the service shall file an affidavit of service, along with such proof thereof as may be available, stating the manner in which the service has been effected.

6. Where the notice, order or other document has been served through another Court, the service may be proved by the deposition or affidavit of the serving officer made before the Court through which the service was effected.

7. Service effected after Court .hours shall for the purpose of computing any period of time subsequent to that service be deemed to have been effected on the following day.

ORDER XLVIII.

Commissions.

1. Order XXVI in the First Schedule to the Code with respect to commissions shall apply except rules 13, 14, 19, 20, 21 and 22.

2. An application for the issue of a commission may be made by summons in Chambers after notice to all parties who have appeared, or *ex parte* where there has been no appearance.

3. The Court may, when the commission is not one for examination on interrogatories, order that the Commissioner shall have all the powers of a Court under Chapter X of the Evidence Act, 1872, to decide questions as to the admissibility of evidence, and to disallow any question put to a witness.

4. The Commissioner shall record a question disallowed by him and the answer thereto, but the same shall not be admitted in evidence until the Court so directs.

5. Unless otherwise ordered the party, at whose instance the commission is ordered to issue, shall lodge in the Court copies of the pleadings and issues in the case within twenty-four hours of the making of the order and those copies shall be annexed to the commission when issued.

6. Any party aggrieved by the decision of the Commissioner refusing to admit documentary evidence may apply to the Court within a period of fourteen days of the date of the submission of the report to set aside the decision and for direction to the Commissioner to admit the evidence.

7. After the deposition of any witness has been taken down and before it is signed by him, it shall be read over and, where necessary, translated to the witness. Every page of the deposition shall be signed by him and left with the Commissioner who shall subscribe his name and the date of the examination.

8. Commissions shall be made returnable within such time as the Court may direct.

2. The record in each case shall be divided into two parts, Part I to be preserved permanently and Part II to be preserved for a period of not less than three and not more than six years as hereinafter provided.

3. Each paper as and when it is filed in the record, shall be numbered and entered in the Index and classified under the appropriate part to which it belongs.

4. The period for which any particular record is to be preserved shall be reckoned from the date of the final decree or order in the proceeding to which the record belongs, and in case a Review is filed against the decree or order, from the date of the final decree or order made on review. In the case of registers, the period shall be reckoned from the date of the last entry in the Register.

5. The Registrar may direct that any paper assigned to Part II be transferred to Part I for being presented permanently.

6. Records which do not fall under Part I or Part II as classified below, shall be referred to the Registrar who shall decide the part under which they should be included.

7. When any record is ripe for destruction, it shall either be burnt or sold as waste-paper, as the Registrar may in his discretion direct.

8. Where the record is sold as waste paper, the sale proceeds shall be credited to Government.

9. As soon as a record is destroyed, a note shall be made in the Index against the record showing that it has been destroyed and the date of destruction.

10. Part I-

The following papers shall be included under Part I (to be preserved permanently):-

1. Index.
2. Judgment.
3. Decree or Order.
4. Order for costs.
5. Pleadings (plaint, written statement, set-off and counter-claim).
6. Authenticated copy of the printed record.
7. Petition of appeal.
8. Concise Statement.
9. Original Petitions including special leave petitions and petitions under Art. 22 of the Constitution.
10. Interlocutory applications other than applications for condonation of delay and other formal applications.
11. Order of petitions
12. References received under Art. 162 of the Constitution.
13. References received under Arts. 121, 138, 159 and 187 of the Constitution.
14. Memorandum of compromise.

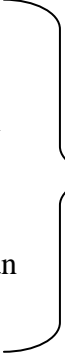

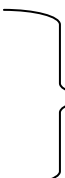
15. Title deeds, if any; remaining unreturned to any party.
16. Any other records or papers which the Registrar may direct *to* be included in this part.

Registers.

1. Minutes Books.
2. Registers of Suits, Civil and Criminal appeals, special leave petitions, Art. 22 petitions, special references and miscellaneous petitions, and matters.
3. Rolls of Senior Advocates, Advocates and Attorneys, and enrolment files.

Part II -

The following papers shall be included in Part II and shall be destroyed after a period of three or six years as indicated below:-

- | | | |
|---|---|----------|
| <ol style="list-style-type: none"> 1. Power of Attorney and memo. or appearance. 2. Affidavits. 3. Applications for condonation of delay and such other formal applications. 4. Correspondence in cases. 5. Unclaimed documents filed by parties other than title deeds. 6. Office notes in the case files. |  | 6 years. |
| <i>Registers, files and miscellaneous.</i> | | |
| <ol style="list-style-type: none"> 7. Taxation files including bills of costs. 8. Register of bills of costs. 9. Despatch Registers. |  | 6 years. |
| <ol style="list-style-type: none"> 10. Surplus copies of printed records, and of pleadings and petitions. 11. Copies of summonses and notices 12. Copying Register. |  | 3 years. |

FIRST SCHEDULE.

Senior and other Advocates.

1. A Senior Advocate shall not appear or plead without a junior.
2. A Senior Advocate shall not accept instructions to draw pleadings, affidavits, advice on evidence or to do any drafting work of an analogous kind, but this prohibition shall not extend to settling any such matters as aforesaid in consultation with a junior.
3. An enrolled Advocate may, if otherwise qualified, apply to be enrolled in the list of Senior Advocates and any fee payable by him on enrolment shall be reduced by the amount of the fee paid by him on his original enrolment.

4. A Senior Advocate appearing with another Senior Advocate senior to himself shall be entitled to, and shall be paid, a fee not less than two-thirds of the fee marked on the brief of that other Advocate, and a junior appearing with a Senior Advocate or with any other Advocate senior to himself shall be entitled to, and shall be paid, a fee not less than one-third and not more than two-thirds of the fee marked on the brief of the Senior or other Advocate; but this rule shall not apply in the case of a second junior.

5. A Senior Advocate may inform the Court that he will not accept any brief, or any brief of a specified class, without a special fee of a named amount. in addition to the ordinary fee marked on the brief, and shall not so long as he does not inform the Court to the contrary accept a brief or a brief of the specified class without that special fee.

6. An Advocate appearing with a Senior Advocate whose brief is marked with a special fee in accordance with the last preceding rule shall only be entitled to his proper proportion of the ordinary fee marked on the Senior Advocate's brief and not to any proportion of the special fee.

7. Any disputes arising under this Schedule shall be referred to and determined by the Chief Justice.

SECOND SCHEDULE.

Fees to Advocates.

PART I.

		Fee on brief. Not exceeding-	Refresher. Not exceeding-
1. Defended Appeals, Suits and References under Articles 121, 138, 162, 169 and 187 of the Constitution.	Senior . . .	Rs.660	Rs.330
	Junior when himself pleading without a Senior.	Rs.440	Rs.220
	Junior when appearing along with a Senior (and not pleading himself),	Rs.250	Rs.100
2. Undefended appeals	Leading Advocate only, (Senior or Junior).	Rs.250	No refresher.
3. Special leave petitions and petitions under Art. 22.	Senior	Rs.250	} No refresher.
	Junior when himself pleading without a Senior.	Rs.150	
4. Miscellaneous petitions when opposed.	Junior when appearing alone with a Senior (and not pleading himself).	Rs.100	} No refresher.
	Senior (if allowed) . . .	Rs.150	
5. Miscellaneous petitions when unopposed.	Junior	Rs. 75	} No refresher.
	Senior (if allowed) ..	Rs.100	
	Junior.	Rs.50	

		Fee on brief.	Refresher.
		Not exceeding-	Not exceeding-
6. Chamber applications when opposed.	One fee only.. ..	Rs.100	No refresher.
7. Chamber applications when unopposed or <i>ex-parte</i> .	One fee only	Rs.50	No refresher.
8 Review petitions ..	{ Senior (if allowed) ..	Rs.150	} No refresher.
	{ Junior	Rs.100	
9. Attending tax at on . .	One fee	Rs.30	No refresher.

PART II.

1. To Junior Advocate for drawing special leave petitions and petitions under Art. 22 of the Constitution inclusive of affidavits in support thereof.	Rs.75
To the Senior for settling the above	Rs.100
2. To Junior Advocate for drawing other petitions or affidavits (except petitions of formal nature, <i>e.g.</i> , condonation of delay etc., and affidavits connected therewith).	Rs.30
3. To Junior Advocate for drawing concise statement in appeals, pleadings in suits or special case-	
(a) when settled by Senior	Rs.50
(b) when not settled by Senior.	Rs.50 to Rs.100
To Senior Advocate for settling the above.. . . .	Rs.100
4. Conference with Attorney, if allowed	Rs.50.

THRD SCHEDULE.

Table of Court fees.

PART I.

Original Jurisdiction.

	Rs.	As.	Ps.
1. Filing and registering plaint	1,000	0	0
2. Filing and registering written statement	50	0	0
3. Filing and registering set-off or counter-claim	500	0	0
4. Reply to a counter-claim	50	0	0
5. Examining and comparing documents with the original for each folio. .	0	8	0
6. Reducing into writing or, where taken down in shorthand, transcribing the deposition of each witness, for each folio.	0	12	0
7. Typed copies of transcript of depositions of witnesses for any party, first copy per folio.	0	8	0
Carbon copies per folio.. . . .	0	2	0
8. Declaratory decree	50	0	0
9. Writ Petitions other than Writ of <i>Habeas Corpus</i> .. .	50	0	0

PART II
Appellate Jurisdiction.

	Rs.	As.	Ps.
1. Filing and lodging petition for special leave to appeal	250	0	0
2. Lodging and registering petition of appeal:			
Where the amount or value of the subject-matter in dispute <i>on appeals</i> Rs.15,000 or below that sum.	250	0	0
For every Rs.1,000 in excess or Rs.15000	5	0	0
		for every thousand rupees part thereof.	
In cases where it is not possible to estimate at a money value the subject matter in dispute.	250	0	0
Provided:			
(i) that the maximum fee payable in any case shall not exceed Rs.2,000.			
(ii) that where an appeal is brought by special leave granted by this Court credit shall be given to the appellant for the amount of court-fee paid by him on the petition for special leave to appeal.			
3. Filing and lodging concise statement or caveat.	10	0	0.
4. Applications for Review of judgment or order including filing		Half the fee paid on the original proceedings	
5. Petition to proceed <i>in forma pauperis</i>	1	0	0
6. Filing and registering cross-objections	40	0	0

PART III.
Miscellaneous.

	Rs.	As.	Ps.
1. Entering in register of suits, appeals or matters, names of representatives of a deceased party or of a substituted or added party.	2	0	0
2. Summons or notice to defendant or his representative or a respondent to a petition or to a memorandum or appeal, for not more than five persons (with an additional fee of Re.1 for every person in excess of five).	10	0	0
3. Entering appearance	2	0	0
3(a). Amending appearance.	2	0	0
4. Power of Attorney	4	0	0
5. Filing fee for every document for which a fee is not specially provided, including documents annexed as exhibits, if any, or produced with plaint or used in evidence, each document.	2	0	0
6. Every application to the Court not specially provided for. . . .	5	0	0
7. Every application to a Judge in Chambers, the Registrar, or Taxing Officer not specially provided for.	5	0	0
8. Every requisition to draw up an order, including fee for filing the order..	5	0	0

	Rs.	As.	Ps.
9. Warrant, writ, summons or other process not specially provided for, for not more than five persons (with an additional fee of Re.1 for every person in excess of five.)	10	0	0
10. Every certificate or report of a Judge in Chambers or of Registrar on an investigation.	10	0	0
11. Every other certificate for which a fee is not specially provided . .	3	0	0
12. Commission to examine witnesses or other commission.. ..	10	0	0
13. Production by an Officer of the Court in any other Court or before a Commissioner of records of any suit, matter or appeal, exclusive of travelling expenses, and hauling charges.	10	0	0
14. For production of records by post, exclusive of postage, registration and insurance fees.	5	0	0
15. For enquiry into sufficiency of security	8	0	0
16. For every search or examination of records.. . . .	3	0	0
17. Every affidavit affirmed or sworn.. . . .	2	0	0
18. For every oath or affirmation administered to witness	2	0	0
19. For every certified copy of decree, judgment or other document in addition to the folio or other charges.	5	0	0
20. Every requisition for duplicate or other copy of any document . .	1	0	0
21. For copies of any document, per folio, less requisition fee paid ..	0	10	0
22. For amending pleadings or other proceedings under order of the Court per folio.	2	0	0
23. Upon all moneys or securities paid to the Registrar or deposited with him.			A commission of 1 percent and $2\frac{1}{2}$ percent on interest drawn on invested money
24. Every requisition for translation	1	0	0
25. Summons by Taxing Officer	3	0	0
26. Certificated by Taxing Officer.. . . .	2	0	0
27. Taxing each bill, not exceeding 10 folios	10	0	0
28. For every other folio	1	0	0
29. Registering every bill of costs	1	0	0
30. Certificate on review of taxation	10	0	0

N.B.-In cases of Special References under Art. 162 of the Constitution such of the above fees as may be appropriate shall be charged.

FOURTH SCHEDULE.
Fees to Attorneys.

	Rs.	As.	Ps.
1. Receiving instructions for special affidavits or petitions ..	5	0	0
		to	
	10	0	0
2. Drawing affidavits, petitions and all other necessary documents (not specially provided for) exclusive of copies inserted therein up to ten folios.	2	0	0
		to	
	5	0	0

	Rs.	As.	Ps.	
Thereafter Per folio	0	10	0	
3. Drawing security bond..	5	0	0	
4. Drawing notice of motion and other necessary notices except notice to witnesses.	8	0	0	
5. Drawing notice on opposite parties of entering appearance or lodging petition of appeal or concise statement.	2	0	0	
6. Drawing observations or Instructions for Advocate to accompany brief (to be shown at taxation).	16	0	0	
	32	0	0	
7. Drawing particulars of claim, set-off or counter-claim where required.	4	0	0	
	10	0	0	
8. (a) Preparing copies of documents (other than tabulated statements and accounts) whether written or typed, first copy per folio.	0	4	0	Receipts to be produced where work done outside the office of the Attorney
(b) Preparing carbon copies of above, if legible, per folio. .	0	2	0	
(c) Preparing copies of tabulated statements and accounts per folio.	0	8	0	
(d) Preparing carbon copies of above per folio . .	0	4	0	
(e) Preparing printed copies per folio for each copy . .	0	5	0	
(f) Preparing photographed copies.. . . .				
	Actual Charges.			
	Rs.	As.	Ps.	
9. Serving every necessary notice, summons to a witness or other judicial process which may be served by Attorney or his clerk or by post.	2	0	0	
When required to serve outside the Municipal limits of the seat of the Court (besides travelling expenses actually incurred) per day.	10	0	0	
10. Receiving, filing or depositing any papers from or in the Registry.	1	0	0	
11. Attendance before the Court or Judge or an Officer of the Court not otherwise provided for (if allowed).	5	0	0	
	10	0	0	
12. Attending every application to Registrar when contested (if allowed).	10	0	0	
Attending every application to Registrar when uncontested (if allowed).	5	0	0	
13. Attendance on client or opposite party at the office of the Attorney of either party where a letter would not suffice	5	0	0	
	10	0	0	
Where a letter would suffice	3	0	0	
14. Receiving and persuing necessary letters . .	2	0	0	
15. Persuing documents received from opposite party or obtained from the Court, where necessary, In the discretion of the Taxing Officer up to.	8	0	0	

	Rs.	As.	Ps.
16. Perusal and approval of draft orders or decree. . . .	2	0	0
		to	
	4	0	0
17. Attending execution of Security Bond at the Attorney's house or office or at the Court House.	4	0	0
18. Attending Court upon the swearing of every necessary affidavit (including attendance upon the Interpreter to have same explained).	2	0	0
19. Attendances in the Registry, if necessary. inspecting documents, books and accounts by Attorney, per hour.	5	0	0
20. Attending searches in Registry (if allowed)	5	0	0
21. Attending, obtaining and filing copies of decrees or orders in the Registry.	2	0	0
22. Attending Advocate delivering brief with instructions . .	5	0	0
Attending Advocate delivering additional briefs. . . .	2	0	0
23. Attending Advocate, paying fee	2	0	0
24. Attending Advocate, fixing time for consultation or conference	1	0	0
24. (a) Attendance at hearing of suits, appeals or matters, each day if contested.	20	0	0
		to	
	40	0	0
(b) Attendance at hearing of suits, appeals or matters, each day, if uncontested.	16	0	0
		to	
	32	0	0
25. Attendance in Court when suit, appeal or matter or motion is on day's list for hearing, if not called on, per day.	10	0	0
26. Attending Court to hear judgment where judgment is reserved,- if Advocate is not briefed.. . . .	15	0	0
if Advocate is briefed	5	0	0
27. Attending taxation per hour	10	0	0
28. Attending Judge in Chambers or Registrar at hearing or enquiry on review of taxation before Taxing Officer, if Advocate is not briefed, per hour.	8	0	0
Where Advocate is briefed per hour.	3	0	0
29. Attending on local enquiry or commission to examine witnesses within the municipal limits of the seat of the Court, where personal attendance of Attorney is required per hour.	7	0	0
30. Writing or answering necessary letters	2	0	0
31. Writing letters to witnesses, for each witness.. . .	1	0	0
32. Writing letter of instructions to legal practitioner attending examination of witness on commission, when Attorney cannot attend personally.	2	0	0
		to	
	7	0	0
33. Necessary translations made by translators approved by Court, per folio.	0	12	0
34. Receiving instructions to appeal, including petitions . .	10	0	0
		to	
	20	0	0

	Rs.		
35. Receiving instructions to sue, or defend and/or to counter-claim	10	0	0
36. Drawing special case..	16	0	0
37. Drawing interrogatories.. . . .	8	0	0
		to	
	25	0	0
38. Drawing Bill of costs in suits, appeals or matters . .	5	0	0
39. Consultation with Advocate (if allowed)	10	0	0
40. Making transcription or copying papers for the press where necessary for preparing paper-book, including examination. per folio.	0	10	0
41. Printing paper book		Actual cost at a reasonable rate to be allowed by the Taxing Officer	
42. Examining proofs, per folio	0	4	0
42. (a) Comparing transcript record per folio	0	2	0
43. Preparation of the case and other unforeseen works ..		Discretionary	

Fees to Officers of Court.

1. Fees of interpreter for explaining at the house of a party or any place other than the Court House, pleadings and other documents except affidavits or affirmations, where not exceeding 20 folios.	8	0	0
Where over 20 folios ,for every 10 folios or part thereof ,.	2	0	0
2. Fees of Registrar for taking bonds at the house of a party or any place other than the Court House:			
For the first bond, where within the municipal limits of the seat of the Court.	16	0	0
Where beyond such limits. . . . , , , '	24	0	0
For every bond taken at the same time and place after the first, in the same suit, appeal or matter.	8	0	0
3. Fees of Registrar and Commissioners for taking affidavits or affirmations at the house of a party or any place other than the Court House:			
For the first affirmation where within the municipal limits of the seat of the Court.	16	0	0
Where beyond such limits. . . . , , , :	24	0	0
For every affidavit, oath or affirmation taken at the same time and place after the first in the same suit, appeal or matter.	8	0	0
4. Fees of Registrar and Commissioners for receiving affidavits, oaths or affirmations at the Court House for every affidavit, oath or affirmation.	2	0	0
5. Fees of interpreter for explaining bonds, affidavits or petitions at the house of a party or any place other than the Court House.		Half the fees allowed to Registrar or Commissioner	

FIFTH SCHEDULE
Rules as to Printing of record.

1. All records and other proceedings in appeals or other matters pending before the Supreme Court shall be printed in the form known as Demy Quarto.

2. The size of the paper used shall be such that the sheet, when folded and trimmed, will be 11 inches in length and 8¹/₂ inches in width.

3. The type to be used in the text shall be Pica type, but Long Primer shall be used in printing accounts tabular matter and notes. The number of lines in each page of Pica type shall be 47 or thereabouts, and every tenth line shall be numbered in the margin.

4. Records shall be arranged in two parts in the same volumes, where practicable, *viz.*-

Part I:- The pleadings and proceedings, the transcript of the evidence of the witnesses, the judgments, decrees, etc., of the Courts below, down to the order admitting the appeal.

Part II:- The exhibits and documents.

5. The index to Part I shall be in chronological order, and shall be placed at the beginning of the volume.

The index to Part II shall follow the order of the exhibit mark, and shall be placed immediately after the index to Part I.

6. Part I shall be arranged strictly in chronological order, *i.e.*, in the same order as the index.

Part II shall be arranged in the most convenient way for the use of the Supreme Court, as the circumstances of the case require. The documents shall be printed as per as suitable in chronological order. Each document shall show its exhibits mark, and whether it is a plaintiff's or defendant's document (unless this is clear from the exhibit mark) and in all cases documents relating to the same matter such as:

(a) a series of correspondence; or

(b) proceedings in a suit other than the one under appeal; shall be kept together. The order in the record of the documents in Part II will probably be different from the order of the index, and the proper page number of each document shall be inserted in the printed index.

The parties will be responsible for arranging the record in proper order for the Supreme Court, and in difficult cases counsel may be asked to settle it.

7. The documents in Part I shall be numbered consecutively.

The documents in Part II shall not be numbered, apart from the exhibit mark.

8. Each document shall have a heading which shall consist of the number of exhibit mark and the description of the document in the index, without the date.

9. Each document shall have a marginal note which shall be repeated on each page over which the document extends, viz-

PART I

(a) Where the case has been before more than one Court, the short name of the Court shall first appear. Where the case been before only one Court, the name of the Court need not appear.

(b) The marginal note of the document shall then appear consisting of the number and the description of the documents in the index, with the date, except in the case of oral evidence.

(c) In the case of the oral evidence. "Plaintiff's evidence" or "Defendant's evidence" shall appear beneath the name of the Court, and then the marginal note consisting of the number in the Index and the witness's name, with "Examination", "cross-Examination", or "re-Examination", as the case may be.

PART II

The word "Exhibits" shall first appear.

The marginal note of the exhibit shall then appear consisting of the exhibit mark and the description of the document in the index with the date.

10. The parties shall agree to the omission of formal and irrelevant documents, but the description of the document may appear (both in the index and in the record), if desired, with the word "not printed" against it.

A long series of documents such as accounts, rent, rolls, inventories, etc., shall not be printed in full, unless counsel so advise, but the parties shall agree to short extracts being printed as specimens.

11. In cases where maps are of an inconvenient size or unsuitable in character, the appellant shall, in agreement with the respondent, prepare maps drawn properly to scale and of reasonable size, showing as far as possible, the claims of the respective parties, in different colours.

**SIXTH SCHEDULE
FORMS.**

No. 1.

Supreme Court of Pakistan,

Certificate of Enrolment of Advocate or Attorney.
(ORDER IV.)

No

THIS IS TO CERTIFY, that
has this day been admitted and enrolled (as a Senior Advocate) (as an Advocate) (as an Attorney) in the Supreme Court of Pakistan.

Dated this the..... day of 19.....

Registrar.

No. 2.

Undertaking by Attorney.

(ORDER IV.)

I, the undersigned, do hereby declare that I will observe, submit to, perform, and abide by all and every orders, rules, regulations, and practice of the Supreme Court now in force or hereafter from time to time to be made, and also to pay and discharge, from time to time, when the same shall be demanded, all fees, charges, and sums of money due and payable in respect of any appeal, cause or other matter in and upon which I shall appear as such Attorney.

Registrar.

(Signed)

Dated this the day of 19 .

No. 3.

“Power of Attorney” to Attorney.

(ORDER IV.)

In the Supreme Court of Pakistan.

[Appellate Jurisdiction]

[Original Jurisdiction]

Case No. of 19 .

[A. B.]

[Appellant]

[Petitioner]

[Province of A.B.]

[Plaintiffs]

vs.

[C.D.]

[Respondents]

[Defendants]

[Opposite party]

I (we) A.B. of (residence and addition of place) Plaintiff(s)/ Appellant(s)/ Petitioner(s)/Defendant(s)/Respondent(s)/Opposite Party in the above Suit/Appeal/ Petition/ Reference do hereby appoint and constitute Mr. _____ , Attorney, Supreme Court, the Attorney for the aforesaid appellant [or plaintiff(s) or petitioner(s) or respondent(s) or defendant(s) or opposite party] to commence and prosecute (or to appear and defend) this action/appeal/suit/petition/reference on my (our) behalf and all proceedings that may be taken in respect of any application connected with the same including proceedings in taxation and application for review, to draw and deposit money, to file and take back documents, to accept the processes of the Court, to appoint and instruct counsel, to represent the aforesaid appellant [or plaintiff(s) or petitioner(s) or respondent(s) or defendant(s) or opposite party] in the above matter and to do all things incidental to such acting for the aforesaid appellant [or plaintiff(s) or petitioner(s) or respondent(s) or defendant(s) or opposite party]. The aforesaid appellant [or plaintiff(s) or petitioner(s) or respondent(s) or defendant(s) or opposite party] agree(s) to ratify all acts done by the aforesaid Attorney in pursuance of this authority.

In witness whereof I (we) do hereunto set me(our) hand(s) this
the day of

(Signature)

ATTORNEY.

Take notice that the above named plaintiff (or as the case may be) intends to appeal against the decision of the Registrar given on the _____ day of _____ [ordering or refusing to order] that

And further take notice that you are required to attend before the Judge in Chambers at the Court House [Lahore], on the _____ Day of _____ 19____ at _____ o'clock in the forenoon, on the hearing of an application by the said plaintiff [or as the case may be] that [here state the order sought to be obtained].

(Signed, etc.)

To, etc.

No. 6.
Notice of Motion.
(ORDER VI)

In the Supreme Court of Pakistan
[Appellate Jurisdiction]
[Original Jurisdiction]

Case No. _____ of _____ 19____ .
[A. B.] [Appellant]
[Province of A.B] [Plaintiffs]
vs.

[C.D.] [Respondent]
[Province of C.D] [Defendants]

Take notice that the Court will be moved on the day of _____ 19____ , at _____ o'clock in the forenoon or as soon thereafter as Counsel can be heard [state by whom, and on whose behalf, the motion is to be made as thus: by Mr. A., Counsel on the part of the above named defendants C. D., or by the above named defendants, C. D. in person, or, on the part of G. F., or [Insert place of residence, description and addition of applicant, if not a party to the proceedings], that [here state the precise object of the motion, as thus: this action may stand dismissed for want of prosecution].

Dated this the _____ day of _____ 19____ .
(State name, etc., of Attorney,
party or person giving notice.)

To
(State name of the Attorney or party
to whom the notice is given.)

No. 7.
Form of Oath by Translator
(ORDER VII.)

In the Supreme Court of Pakistan.

In the matter of _____ , a translator.

I, _____ , solemnly affirm and say that I will translate correctly and accurately all documents given to me for translation.

Before _____ the _____ 19____ .

Registrar

No. 10.
Notice to Respondent of lodging of Appeal.
(ORDER XV.)

In the Supreme Court of Pakistan.
 [Appellate Jurisdiction]

Case No. _____ of _____ 19 ____ .
 Appeal from the Judgment (or decree or final order) of the High Court
 of _____ at _____, dated the _____ of _____ 19 ____ , in case
 No. _____ .

[Here give number of case in High Court] was presented by the above named appellant on
 the _____ day of _____ 19 ____ , and has been registered in this Court as
 Criminal Appeal No. _____ of _____ .

Dated this the _____ day of _____ 19 ____ .

Registrar.

No. 11.
Memorandum of Appearance in Person.
(ORDER XVII.)

Case No. _____ of _____ 19 ____ .

In the Supreme Court of Pakistan.
 [Appellate Jurisdiction]

[A. B.] [Appellant]
 vs.
 [C. D.] [Respondent]

To

The Registrar,

Please enter an appearance for me (name of respondent) the respondent above
 named in this appeal.

Dated this the _____ day of _____ 19 ____ .

(Signature of respondent.)
 Address for Service.

No. 12.

Notice to parties of the day fixed for hearing of Appeal.

(ORDER XX)

Case No. _____ of _____ 19 ____ .

In the Supreme Court of Pakistan.

[Appellate Jurisdiction]

[A. B.] [Appellant]

vs.

[C. D.] [Respondent]

To

(Names of parties and their Attorneys.)

Take notice that the above appeal is fixed for hearing on the day of _____ 19 ____, and shall be taken up for hearing by the Court on that day at _____ o'clock in the forenoon or as soon thereafter as may be convenient to the Court.

Dated this the _____ day of _____ 19 ____ .
Registrar.

No. 13.

Summons for Disposal of Suit.

(ORDER XXIX.)

Case No. _____ of _____ 19 ____ .

In the Supreme Court of Pakistan.

[Original Jurisdiction]

[Province of A.B.] [Plaintiffs]

vs.

[Province of C.D] [Defendants]

To

Whereas the above named plaintiffs have instituted a suit in this Court against you claiming..... You are hereby required to cause an appearance to be entered for you in the Registry of this Court within twenty-eight days from the service upon you of this summons, exclusive of the day of such service; and you are summoned to appear before this Court by an Advocate duly instructed by an Attorney of the Court to answer the plaintiffs' claim on the day the case is set down for hearing, upon which date you must be prepared to produce all your witnesses and all documents in your possession or power upon which you intend to rely in support of your case.

And your are hereby required to take notice that in default of your causing an appearance to be so entered, the suit will be liable to be heard and determined in your absence.

Address: _____ Registrar.

No. 14.
Memorandum of Appearance through Attorney.
(ORDER XXIX)

In the Supreme Court of Pakistan.

[Appellate Jurisdiction]
[Original Jurisdiction]

Case No. of 19 .

[A. B.]
[Province of A.B]
vs.

[Appellant]
[Plaintiffs]

[C.D.]
[Province of C.D]

[Respondent]
[Defendants]

To

The Registrar,
Please enter an appearance for the above named defendants (or the respondent).

Dated this the day of 19 .

(Signature of Attorney.)
Place of business of Attorney.

No. 15.
Notice of Appearance.
(ORDER XXIX)

In the Supreme Court of Pakistan.
[Original Jurisdiction]

Case No. of 19 .

[Province of A.B]
vs.

[Plaintiffs]

[Province of C.D]

[Defendants]

To the plaintiffs or their Attorney.

Take notice that appearance has been entered in this case for the defendants (names of defendants appearing).

Dated this the day of 19 .

(Signature)
Attorney for the said Defendants.
Place of Business of Attorney.

No. 16.

Summons for Directions.

(ORDER XXIX.)

In the Supreme Court of Pakistan.

[Original Jurisdiction]

Case No. _____ of _____ 19 ____ .

[Province of A.B]

[Plaintiffs]

vs.

[Province of C.D.]

[Defendants]

Let all parties concerned attend before

In the Chambers in the Court House [Lahore] on the _____ day of

_____ 19 ____ at _____ o'clock in the forenoon on the hearing of an application by the plaintiffs for directions in this action as follows:-----

[The applicant should specifically state what he applies for and strike out what he does not apply for.]

- Pleadings.
- Particulars.
- Interrogatories.
- Admission of documents and facts.
- Discovery.
- Inspection and production of documents.
- Commissions.
- Examination of witnesses.
- Place of trial.
- Mode of trial.
- Any other interlocutory matter or thing.



[Here state the directions required as thus that the plaintiff may be at liberty to amend his statement of claim by (state amendments proposed) and generally as he may be advised.]

Dated this the _____ day of _____ 19 ____ .

Registrar.

This summons was taken out by
Attorney for the plaintiffs.

To
(Name.)
Attorney for the defendants.

No. 17.
Notice of Payment into Court.
(ORDER XXXVIII.)

In the Supreme Court of Pakistan.
[Original Jurisdiction]

Case No. _____ of _____ 19 ____ .

[Province of A.B]

[Plaintiffs]

vs.

[Province of C.D]

[Respondents]

Take notice that the defendants have paid into Court Rs. _____ and say that [_____ part of] that sum is enough to satisfy the plaintiffs' claim [for _____ and Rs. _____ the other part of that sum is enough to satisfy the plaintiffs' claim for _____] and admit [but deny] liability therefore.

Dated this the _____ day of _____ 19 ____ .

(Signature)

Attorney for defendants.
Place of Business of Attorney

To

(Name.)

Attorney for plaintiffs.

No. 18.
Acceptance of sum paid into Court
(ORDER XXXVIII.)

In the Supreme Court of Pakistan.
[Original Jurisdiction]

Case No. _____ of _____ 19 ____ .

[Province of A.B]

[Plaintiffs]

vs.

[Province of C.D]

[Defendants]

The plaintiffs accept the sum of Rs. _____ paid by the defendants [Province of C.D.] into Court in satisfaction of the claim in respect of which it was paid in [and abandon their other claims in this action].

Dated this the _____ day of _____ 19 ____ .

(Signature)

Attorney for the plaintiffs.
Place of Business of Attorney.

To

(Name.)

Attorney for the defendants.

No. 19.

Notice to the Attorney-General for Pakistan of Special Reference under Article 162 of the Constitution of the Islamic Republic of Pakistan.

(ORDER XLI.)

In the Supreme Court of Pakistan.

Case No. _____ of _____ 19 ____ .

In the matter of (here state the subject-matter under reference).

AND

In the matter of a Special Reference under Article 162 of the Constitution of the Islamic Republic of Pakistan.

To

The Attorney-General for Pakistan.

Whereas under Article 162 of the Constitution of the Islamic Republic of Pakistan, the President has referred the following question(s) of law for consideration and report to this Court:---

[Here set out the question or questions referred.]

Take notice that you are hereby required to appear before this Court on the _____ day of _____ 19 ____ at _____ o'clock in the forenoon to take the directions of the Court in the matter.

Registrar.

No. 20.

Notice to Parties of Special Reference under Articles 121, 138, 169 and 187 of the Constitution of the Islamic Republic of Pakistan.

(ORDER XLII.)

In the Supreme Court of Pakistan.

Case No. _____ of _____ 19 ____ .

In the matter of (here state the subject-matter under reference).

AND

In the matter of a Special Reference under Article 121, 138, 169 and 187 of the Constitution of the Islamic Republic of Pakistan.

To

(Name of Parties.)

Whereas under Article 121, 138, 169 and 187 of the Constitution of the Islamic Republic of Pakistan the President has referred the following matter(s) [of law] for consideration and report to this Court:--

(Here set out the question or questions referred.)

Take notice that you are hereby required if you desire to be heard to cause an appearance to be entered for you in the Registry of this Court on or before _____ day of _____ 19 ____, and to attend on the said day at _____ o'clock in the forenoon before the Registrar by and Attorney or by an Advocate duly instructed by an Attorney of the Court to take the directions of the Court with respect to statements of facts and arguments and with respect to the date of the hearing.

Registrar.

No. 21.*Summons to attend Taxation*
(ORDER XLIV)

In the Supreme Court of Pakistan.

[Appellate Jurisdiction]

[Original Jurisdiction]

Case No. _____ of _____ 19 ____ .

[A. B.]
[Province of A. B.]

vs.

[C. D.]
[Province of C. D.][Appellant]
[Plaintiffs][Respondent]
[Defendants]Bill No. _____ of 19 ____ . Here state the names of the parties
To the bill.

Whereas Mr. _____, Attorney, for the appellant [or plaintiffs, or respondent or defendants] has lodged a bill of cost (copy appended hereto) for taxation as between [party and party and also as between] Attorney and client, notice is hereby given that the Taxing Officer of the Court will proceed to tax the said bill on the day of _____ 19 ____, at _____ o'clock in the forenoon when you may attend before the Taxing Officer in his office in the Court House and contest the said bill or any items therein.

Dated this the _____ day of _____ 19 ____ .
Taxing Officer.

No. 22.*Certificate of Taxation.*
(ORDER XLIV.)

In the Supreme Court of Pakistan.

[Appellate Jurisdiction]

[Original Jurisdiction]

Case No. _____ of _____ 19 ____ .

[A. B.]
[Province of A. B.]

vs.

[C. D.]
[Province of C.D.][Appellant]
[Plaintiffs][Respondent]
[Defendants]Bill No. _____ of 19 ____ . Here state the names of the parties to
the bill

I do hereby certify that I have taxed the above bill of costs, lodged in this Court by Mr. E.F., Attorney for appellant [or plaintiffs or respondents or defendants] against (here insert name and party or client) and do allow, as between (party and party and also as between) Attorney and client the sum of (amount in figures and words) only.

Dated this the _____ day of _____ 19 ____ .
Taxing Officer.

No. 23.

*Notice of Proceedings to the Attorney-General for Pakistan or the
Advocate-General of a Province.*

(ORDER XLV.)

In the Supreme Court of Pakistan.

[Appellate Jurisdiction]

[Original Jurisdiction]

Case No. _____ of _____ 19 ____ .

[A. B.]

[Province of A. B.]

vs.

[C. D.]

[Province of C.D.]

[Appellant]

[Plaintiffs]

[Respondent]

[Defendants]

To

The Attorney-General of Pakistan.

The Advocate-General of a Province.

Take notice that the above named case has been filed in this Court [and is fixed for hearing on the _____ day of _____ 19 ____, and shall be taken up for hearing by the Court on that day, at _____ o'clock in the forenoon, or as soon thereafter as may be convenient to the Court] [and shall be fixed for hearing on a suitable date of which due notice will be given to you].

As the case raises [an] important question[s] (here state briefly the question[s] involved) notice is hereby given to you so that you may appear and take such part in the proceedings before this Court as you may be advised.

Dated this the _____ day of _____ 19 ____ .

Registrar.

No. 24.

Affidavit of Service of summons.

(ORDER XLVII.)

In the Supreme Court of Pakistan.

[Appellate Jurisdiction]

[Original Jurisdiction]

Case No. _____ of _____ 19 ____ .

[A. B.]

[Province of A. B.]

vs.

[C. D.]

[Province of C.D.]

[Appellant]

[Plaintiffs]

[Respondent]

[Defendants]

I, _____ of _____, Attorney, for the above named _____ and say as follows:--
make oath
solemnly affirm

I did on the _____ day of _____ 19____, serve Mr. _____ Attorney for the above named _____ in this action for appeal with a true copy of the summons now produced and shown to me marked A, by leaving it, before the hour of four* in the afternoon, at the [office or dwelling house] of the said _____ situate _____ being the address for service in this action [or appeal] [with his clerk or his servant, or as may be there], or by posting it at the post office at _____ in a duly registered envelope addressed to the said.

at _____, being the address for service in this action [or appeal].

Sworn at _____ this _____ day of _____ 19____ before me.

This affidavit is filed on behalf of the

No. 25.

Affidavit of Service by Post.
(ORDER XLVII.)

In the Supreme Court of Pakistan.

[Appellate Jurisdiction]

[Original Jurisdiction]

Case No. _____ of _____ 19____.

[A. B.] [Appellant]

[Province of A. B.] [Plaintiffs]

vs.

[C. D.] [Respondent]

[Province of C.D.] [Defendants]

I, _____ Attorney for the above-named

_____ and say as follows:--
make oath
solemnly affirm

I, did serve the Attorney for the above named in this appeal action _____ for the above named _____ [if he has appeared in person] with the summons [or notice or other document] now produced and shown to me, marked A, by posting of the _____ day of _____ 19____, at (name of post office) a true copy of the said summons [or as may be] in a prepaid envelope registered for acknowledgement addressed to the said [Attorney, or Respondent or as may be] at _____, which is his address for service. The postal acknowledgment is attached hereto.

Sworn at _____ this _____ day of _____ 19____ Before me.

This affidavit is filed on behalf of the

* Twelve O'clock, if served on a Friday.