

CHAPTER VIII.

Appeals under clause 15 of the Letters Patent.

1. The provisions of Chapters IV and V shall apply, so far as may be, to every Appeal under clause 15 of the Letters Patent.

2. Every Appeal to the High Court under clause 15 of the Letters Patent from a judgment of a Division Court, or a Judge sitting singly, on the Appellate Side of the High Court, shall be presented to the Deputy Registrar, or such other officer as the Registrar may appoint, within 60 days from the date of the judgment appealed from, unless the Court in its discretion, on good cause shown, shall grant further time.

3. The memorandum of appeal shall be drawn up in accordance with the provisions of Order XLI, Rule 1, Civil Procedure Code, and shall be subscribed by an Advocate of the Court. It need not be accompanied by a copy of the judgment and decree or order appealed from. It shall be the duty of the officer to whom the memorandum is presented under rule 2 above to endorse thereon the date of presentation and send the same to the Stamp Reporter, who shall satisfy himself that there is a declaration by the Judge who passed the judgment that the case is a fit one for appeal, and that it is in order and within time.

4. If the appeal is in order and is within time, the officer to whom the appeal was presented shall cause it to be registered. If the appeal is not in proper form, he shall proceed in the manner provided by Chapter V, rule 11 (1) of these Rules.

5. The fee for the issue of the notice to the respondents who did not appear in the appeal in which the judgment was given shall be paid into Court by the appellant within 14 days of the appeal being registered.

6. The Appellant at the time of paying the fee prescribed in the preceding rule shall also file printed forms of notices duly filled up in the manner prescribed in Chapter V, rule 40 of these Rules.

7. If the process-fee be paid and the notice forms be filed within the period prescribed by rules 5 and 6 above, the Officer-in-Charge of the Judicial Department shall issue the notice of the appeal in the prescribed forms Nos. 13 and 14 (Civil), Appendix 1, for service on the respondent, and shall cause the notice to be served on the Advocate, or anyone of the Advocates who may have appeared for the respondent in the appeal in which the judgment was given. In any case in which the respondent may not have entered appearance in the appeal in which the judgment was given, the notice shall be served in the mode provided by rules 43 to 51, Chapter V of these Rules for the service of notice in ordinary appeals.

8. In every appeal under clause 15 of the Letters Patent against the judgment of a Division Court, or of a Judge sitting singly, on the Appellate Side of the High Court, copies of the memorandum of appeal and of the judgment or judgments shall be typed, and four copies shall be prepared for use at the hearing.

9. No charge shall be levied from the parties on account of the preparation of these copies.

10. The paper-books prepared for use at the hearing of the original appeal shall be used at the hearing of the appeal under clause 15 of the Letters Patent and if such copies are not sufficient, the office shall prepare the required number for use of the Court.

11. Separate registers shall be opened for the entry of such appeals in the following forms:

Number of the Appeal to the High Court and the date on which it is filed 1	Number of the Original Appeal to the High Court, date of the judgments of the Division Court or of the Judge sitting singly, appealed from, and name or names of the Presiding Judge or Judges 2	Appellant 3	Respondent. 4	Advocate for Appellant 5	Advocate for Respondent 6	Particulars of suit 7	Date of issue of notice for service on the Respondent 8	Date on which the appeal is heard, and date of judgment of the Court 9	Nature of the order passed 10	Remarks 11