

CHAPTER 2**A. THE PREPARATION OF PAPER BOOKS IN FIRST APPEALS**

1. In first appeals from orders admitted to a hearing, a typed paper book shall be prepared: Provided that the Court may, either on its own motion or on the application of any of the parties to the appeal, dispense with the preparation of the paper book.

Preparation of paper books in the first appeals from orders.

2. In first appeals from decrees admitted to a hearing, a typed paper book shall be prepared : Provided that the Court may, either on its own motion or on the application of any of the parties to the appeal, dispense with the preparation of paper book.

Preparation of paper books in the first appeals from decrees.

3. In the absence of an order to the contrary, the paper book under rule 1 and 2 shall consist of,—

Contents of paper book.

- (i) the pleadings of the parties and issues;
- (ii) the transcript of the evidence of the witnesses, translated into English. if in vernacular;
- (iii) the judgment and decree;
- (iv) the grounds of appeal;
- (v) the order of the Bench admitting the appeal; and
- (vi) documents allowed to be included by an order under rule 6.

4. Any part of the record not included in the paper book under rule 3 may be referred to at the hearing with the permission of the Court.

Record not included in the paper book may be referred to at the hearing.

- (i) The Court, may, either on the application made by the appellant within 30 days from the date of the admission of the appeal or on the application of the respondent within 30 days from the date of service of notice of the appeal, permit the inclusion in the paper book all or any of the documents duly proved by either party in the trial Court after being translated into English, if in vernacular.
- (ii) The cost of including the documents specified in rule 3(i) to (v) shall be borne by the appellant and paid as provided for in rules 9 and 10.

Application for inclusion of documents in the paper book and cost of typing.

(iii) The cost of including the documents specified in rule 4(vi) shall be borne by the party at whose instance they are so included, the cost being shared equally where a document is included at the instance of more than one party. The cost shall be paid within 30 days from the date of order under sub-rule (i).

Order of documents in the typed paper book.

5. All documents included in the paper book shall be typed according to their serial order, first those produced by the plaintiff and then those produced by the defendant. On each document shall be endorsed the order by, and date on, which it was admitted by the trial Court :

Provided that when counsel for both the parties agree that the documents should be arranged for convenience in a different order, the document shall be typed in the order. In that case, a foot-note shall be added on the first page of the volume of documents that the documents have been typed in the order suggested by counsel for the parties.

Translation of vernacular documents.

6. Vernacular documents typed by desire of parties under Rule 6 shall ordinarily be translated, and not transliterated, unless especially desired by the party at whose instance they are included in the typed record.

Initial deposit by appellant.

7. In every appeal in which under these rules a paper book has to be prepared, the appellant shall, with his appeal, attach a receipt for a sum of one hundred rupees which should be deposited with the Treasurer of the High Court to cover the cost of typing the record. No first appeal from a decree shall be received unless it is accompanied by such receipt.

Exception.—This rule does not apply to an appeal filed in forma pauperis in which case the appellant will be required to pay the approximate cost of printing or copying of such portion of the record as the Judge admitting the appeal may under rule 2 of this Chapter, order.

8. (a) If the deposit required under Rule 9 proves insufficient to cover the cost of that part of typed paper book which is to be borne by the appellant, the Deputy Registrar may, by a notice in writing, require that such further deposit as seems to him necessary shall be made within one month.

Further deposits.

(b) If such further deposit be not made within one month of the date of receipt of the notice, the appeal shall, on the expiry of that period, be laid before a Judge for orders who may, in his discretion, grant further time or dismiss the appeal. The Judge may further, in his discretion discharge or modify any ad interim orders passed earlier in the case. The case shall be laid before a Judge for orders every time the default is repeated. If the default is made by the respondent, then the Judge may pass an order that the paper book be prepared according to appellant (s) list or he may pass such other orders as he thinks fit.

Note.—If the total sum required as deposits under rules 9 and 10 exceeds Rs. 200 the matter will be reported for the orders of a Judge.

9. The period fixed by Rule 9 for the payment of the deposit may, on cause being shown in an application duly stamped, be enlarged by an order of the Court so as to permit the amount of such deposit to be paid by installments.

Period for further deposit may be enlarged.

10. In the absence of a special order in any particular case, six copies of the record shall be prepared.

Number of paper books to be prepared.

11. The appellant and respondent may each obtain one copy of the typed paper book free of charge and one additional copy free of charge for each advocate employed in excess of one. Additional copies, if available, may be purchased at such rate as may be prescribed from time to time.

Supply of copies of paper books to parties.

12. Parties and Counsel shall be entitled to receive copies of the paper book on application to the Registrar or Deputy Registrar at least one month before the date fixed for hearing.

Copies to be supplied before hearing.

13. (a) At the foot of every paper book shall be noted the amount of the typing and incidental charges, and the party from whom levied, and such amount shall be included in the costs of the appeal unless the Court shall in any case otherwise direct.

Typing expenses to be included in costs.

(b) Should the amount so charged be less than the sum or sums deposited under Rules 5, 6 and 9, the Registrar or the Deputy Registrar shall refund the unexpended balance to the party by whom the deposit was made. Should it be more he will take action under Rules 9 or 10.

Refund of balance of cost.

Matters to be referred to Court.

14. The Registrar or the Deputy Registrar may and, if so required by either party by petition duly stamped shall refer to the Court any matter not herein expressly required to be referred.

Reference to be dealt with, by one judge.

15. For the purposes of these rules, when an order of the Court is required, the order of one Judge shall be sufficient and such order, subject to reconsideration by the Bench hearing the appeal, be conclusive.

Supplementary typed paper book.

16. (a) When an order has been made by a Division or Full Bench, under Order XLI, Rule 25 or Rule 27 of the Code of Civil Procedure, in an appeal to which these rules have been applied, and additional evidence has been taken in pursuance of such order, a Judge may, at any time after completion of the record of the enquiry, make an order that a supplementary typed paper book be prepared of (i) the order made under order XLI, Rule 25 or Rule 27, Civil Procedure Code, and (ii) the proceedings taken thereunder or any part thereof.

(b) The order shall direct by which party or parties the expense of preparing the supplementary record or of any part thereof shall be borne in the first instance.

(c) When a Judge's order for the preparation of a supplementary record has been made, the Registrar or the Deputy Registrar shall deal with the matter under the foregoing rules so far as applicable

Applicability of amended rules to the pending appeals.

16-A. Pending appeals shall be completed for hearing in accordance with the rules as amended. The amount deposited by a party to cover the cost of preparation of a typed paper book, shall be refunded to it to the extent it has not been utilised for the purpose.

SCHEDULE A

Index of the papers included in the paper book.

First Appeal No.....of
 (Name)..... (Plaintiff or Defendant)—
Appellant.
 (Name)..... (Defendant or Plaintiff)—
Respondent.

Serial No.	Date of the document, etc.	Description of the documents, etc.	Page
		<p>Petition of Plaintiff.</p> <p>2. Written statement of defendants.</p> <p>3. Plaintiff's replication to above.</p> <p>4. Defendants' rejoinder to above.</p> <p>5. Issues.</p> <p>6. Plaintiff's oral evidence (each witness by name).</p> <p>7. Defendant's oral evidence (each witness by name).</p> <p>8. Notes of the arguments advanced by the parties.</p> <p>9. Judgment of the trial Court.</p> <p>10. Petition of appeal to the High Court.</p> <p>11. Order of the Judge admitting the appeal to a Bench.</p> <p>12. { documents referred to in the plaint or considered in the judgment or duly proved by either of the parties in <u>the</u> trial Court.</p>	

N.B.-Intermediate orders of the Court should be inserted in chronological order as they occur.

SCHEDULE B

The work of transcribing, transliterating, translating and typing the record will be charged for at the following rates under Rules 5 and 9 : —

		Rs. P.
Transcribing the record, per 1,000 words	...	1.67
Translitterating the record, per 1,000 words	...	2.50
Translating and revising the record, per 250 words or part thereof	...	1.75
Typing and revising the record, per 1,000 words	...	1.75
Typing charges of the record (six copies) to be prepared in 2 sets of the 3 copies each at the rate of per 1,000 words or part thereof	...	5.00