

CHAPTER 8**PART A.—RULES FRAMED BY THE HIGH COURT
REGARDING APPEALS TO THE SUPREME
COURT**

Rules made by the High Court of Punjab and Haryana under article 7 of the High Court (Punjab) Order, 1947, read with Clause 27 of the letters patent constituting the Lahore High Court, and all other powers enabling it in this behalf, regarding appeals to the Supreme Court.

(A) CIVIL APPEALS

1. (a) A petition for leave to appeal to the Supreme Court shall comply with the requirements of Rule 3(1), Order XLV of the Code of Civil Procedure and contain the following particulars:-

- (i) the name and address of each petitioner ;
- (ii) the name and address of each person whom it is proposed to make a respondent ;
- (iii) the Court in which, and the name of the Judge or Judges by whom the decree, complained of, was made ;
- (iv) the date when such decree was made;
- (v) the value of the subject-matter of the suit in the Court of the first instance ;
- (vi) the value of the subject-matter in dispute in appeal ; and
- (vii) the relief sought by such petition and shall be signed by the petitioner or by some Advocate or Vakil on the rolls of the Court on his behalf.

Form and contents of petition for leave to appeal to the Supreme Court.

Explanation.—For purposes of clauses (v) and (vi) it shall be necessary to state how the value of the subject-matter has been arrived at.

(b) Every petition together with its enclosures, if any, shall be accompanied by three typed copies of the same for the use of the Court. The typed matter shall be in double spacing legible and on one side of the Paper.

Time for an application for a certificate in a Civil case under article 132(1) or article 133 (1) of the Constitution

(c) An application for a certificate required in a Civil case under clause (1) of Article 132 or clause (I) of Article 133 of the Constitution shall be filed subject to the provisions of sections 4, 5 and 12 of the Limitation Act, 1963 (Act No. 36 of 1963) within 60 days from the date of the judgment or decree or final order of the High Court.

(d) Such application shall be treated as urgent.

Notice to issue on the applications.

2. (a) When a petition is made, the Deputy Registrar, shall, unless the petition is dismissed at the Preliminary hearing, cause notice thereof to be given to the opposite party in accordance with Order XLV, Rule 3(2) of the Code of Civil Procedure. The notice shall be in form A appended.

¹[Simultaneously, cause notice to be given to the opposite party by electronic means in prescribed form A as stated above.

(b) The certificate, if granted by the Court, shall be in form B appended to these rules.

(c) On receipt from the Supreme Court of the petition of appeal, the Deputy Registrar shall-

- (i) On receipt of the lodgment of the Petition of appeal to be served on the respondent personally ;
- (ii) unless otherwise ordered by the Supreme Court, transmit to the Supreme Court, at the expense of the appellant the original record of the case ; and
- (iii) as soon as notice as aforesaid is served, to send a certificate in form C as the date or dates on which the said notice was served.]

3. Where certificate has been given under clause (1) of article 13 or clause (1) of article 133 or under

article 135 of the Constitution, the party concerned shall take positive steps in the Supreme Court for the filing and prosecution of the appeal as provided in the Supreme Court Rules, 1966.

4. (a) Where the proceedings from which the appeal arises in the Supreme Court were had in the Courts below in a language other than English, the Deputy Registrar, shall within three months or soon thereafter from the date of the service on the respondent of the notice of the petition of appeal, transmit to the Supreme Court in triplicate, a transcript in English of the record Proper of the appeal, one copy of which will be duly authenticated. The provisions contained in rules 15 to 20 of the Supreme Court Rules of 1966 as reproduced in Chapter 8-B of Volume V shall apply to the preparation and transmission of such transcript record.

(b) Where the record is directed by the Supreme Court to be prepared under the supervision of this Court, the Deputy Registrar shall proceed to complete the preparation of the record in accordance with the Provisions of Rules 15 to 25 of the Supreme Court Rules, 1966 reproduced in Chapter 8 B of Volume V of the High Court Rules and Orders, and the rules contained in Schedule 'A'.

5. In case the record for the Supreme Court has to be prepared by the High Court, the Deputy Registrar, shall as soon as the index of the record is settled, require the appellant to deposit within a week a sum of Rs. 16 for drawing up the estimate of the expense to be incurred for the preparation of the record in accordance with the rates prescribed in Schedule B provided that it shall be at the discretion of the Deputy Registrar to dispense with the estimate and to allow the petitioner to deposit such amount on account of expenses as may, under the circumstances of the case be reasonable.

Deposit for drawing up an estimate.

6. As soon as the transcript or printed record is complete, it shall be arranged, as far as possible, in chronological order, and a complete index of all record.

Arrangement and index of printing record.

papers, documents and exhibits in the cause, with a list showing those which have been omitted from the transcript or printed record shall be prepared under the orders of the Deputy Registrar within a period of one month.

Despatch of Record to the Supreme Court.

7. When the Record has been made ready, the Deputy Registrar shall-

- (i) at the expense of the appellant transmit to the Registrar of the Supreme Court such number of copies as the Supreme 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 :
- (ii) give notice of the despatch of the record to the parties through the Senior Sub-Judge of the District concerned ; and
- (iii) when the Senior Sub-Judge has intimated the service of notice on the parties, send to the Registrar, Supreme Court, a certificate in manuscript in (Form D appended to these rules) as to the date or dates on which the notice or notices under the preceding sub-clause (ii) was or were served.

Extension of period for completion of the record.

8. The periods prescribed in Rules 4 and 5 may for sufficient reasons be extended under orders of the Court.

Duty of Deputy Registrar to take action if the appellant is not diligent.

9. If an appellant fails to take any interest in the appeal within the time fixed for the same under these rules, or if no time is specified it appears to Deputy Registrar that he is not prosecuting the appeal with due diligence the Deputy Registrar shall report the matter to the Supreme Court.

Order of a Single Judge sufficient.

10. For the purpose of these rules, where the orders of the Court are required, the order of one

Judge shall be sufficient. Deputy Registrar may delegate his duties to the Assistant Registrar or other Officer of the Court.

11. The Deputy Registrar may, under the orders of the Court, delegate any of the duties which devolve upon him under these rules, to the Assistant Registrar or other Officer of the Court.

12. ¹[A notice which it is necessary to serve under these rules or under Order XLV of the Code of Civil Procedure, may be served in the manner provided by the Code of Civil Procedure for the service of notices, or upon an Advocate or Vakil who has appeared for the party to whom notice, including service of notice by electronic means, is to be given.]

Mode of service of notices.

13. The aforesaid Rules shall apply mutatis mutandis to appeals under Articles 135 of the Constitution under Article

Appeal under Article 135 of the Constitution.

(B) CRIMINAL APPEALS

1 (i) An application for a certificate required in respect of a criminal proceeding under Article 132(1) or for a certificate under Article 134(1) (c) of the Constitution shall be filed subject to the provisions of sections 4, 5 and 12 of the Indian Limitation Act, XXXVI of 1963 within 60 days from the date of judgment or order of the High Court.

Time for an application for a certificate under article 132(1) or for a certificate under article 134(1) (c) of the Constitution.

(ii) Every application under this rule presented by an Advocate shall be signed by him and he shall certify, that the grounds contained therein are good and sufficient grounds for a certificate and the case is a fit one for moving the Supreme Court.

(iii) Such applications shall be treated as urgent.

2. The record of the appeal shall be printed in accordance with the rules contained in schedule A to these rules. The record shall be printed at the expense of the appellant unless otherwise ordered by the Supreme Court. In appeals involving sentence of death and in such other cases in which Supreme

Printing of record in Criminal Appeals.

1. Amended vide Correction Slip No. 178 Rules/II.D.4 dated 27.11.2018.

Court thinks fit to so direct, the record shall be printed at the expense of the Government.

Despatch of records in Criminal Appeals.

3. (1) As soon as the record has been got ready, the Registrar of the Court shall despatch to the Registrar of the Supreme Court not less than fifteen copies, where the appeal raises a question as to the interpretation of the Constitution and not less than 10 copies in other cases.

(2) In all cases involving a sentence of death, where a sufficient number of copies of the printed record of this Court are available, they shall be despatched to the Supreme Court along with such additional records as may be necessary as soon as these are printed and where the record is to be printed afresh for the Supreme Court appeal the printed record shall be made ready and despatched to the Supreme Court within a period of sixty days after the receipt of the intimation from the Registrar of the Supreme Court of the filing of the petition of appeal, or of the order granting special leave to appeal.

4. As soon as the record is ready the Registrar of this Court shall give notice thereof to the parties to the appeal, and where the record is prepared under the supervision of the Registrar of this Court, he shall after service of the notice, send to the Registrar of the Supreme Court a certificate as to the date or dates on which the notice has been served.

Rules applicable in Criminal appeals.

5. So far as may be the Rules in this Chapter relating to Civil Appeals shall, with the necessary modifications and adaptations, apply to Criminal Appeals.

List of pending appeals.

6. A list shall be maintained showing the numbers and dates of all pending Supreme Court Appeals in various stages of preparation and the Deputy Registrar shall examine every quarter all such appeals in arrears and call on appellant who may be responsible for the delay to show cause before the Court why the appeal should not be dismissed for want of prosecution.

7. In printing the record of Criminal Appeals, the procedure laid down in these rules for Civil Appeals shall be followed.

*In the High Court of Punjab and Haryana
at Chandigarh*

*Notice to show cause why a certificate of appeal to the
Supreme Court of India should not be
granted (Order XLV, Rules 3)*

TITLE

To

.....
.....
.....
.....

Take notice thathas applied to this Court for a certificate that as regards amount of value and nature the above case fulfils the requirements of section 110 of the Code of Civil Procedure, 1908, or that it is otherwise fit one for appeal to the Supreme Court of India.

The..... day of.....is fixed for you to show cause why the Court should not grant the certificate asked for.

Given under my hand and the seal of the Court this.....day of.....

Deputy Registrar.

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FORM D

*In the High Court of Punjab and Haryana at
Chandigarh.*

Civil Miscellaneous Side No.

Supreme Court Appeal No..... of.....

.....*Appellant*

versus

.....Respondent.

Certified that the..... Judge of.....
has reported that notice issued to the appellant and the
respondent informing them of the despatch of the printed
record of proceedings of the above case to the Registrar of
Supreme Court of India have been served on the parties.

Deputy Registrar,
High Court of Punjab and Haryana,
Chandigarh.

SCHEDULE A
[referred to in rule 4(b)]
Rules as to Printing

I. All records and other proceedings in Appeals or other matters pending before the Supreme Court of India which are required by the above Rules to be printed shall be printed in the form known as *Demy Quarto* on both sides of the paper with single spacing.

II. The size of the paper used shall be such that the sheet, when folded and trimmed, will be 11 inches in height and 8½ inches in width.

III. 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. Every tenth line shall be numbered in the margin.

IV. Records shall be arranged in two parts in the same volume where practicable viz.—

Part I

The pleading 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.

V. 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.

VI. Part I shall be arranged strictly in chronological order, i.e., in the same order as the Index.

	Rs. P.
Chronological index, per 10 entries or part thereof	3.00
Cost of preparation of the transcript records (in duplicate or triplicate) per, 1,000 words or part thereof	5.00

Notes.—(a) Translation including the reading of the translated documents to Examiners.

(b) The above charges are subject to alterations by Order of the Court.

Part II

The word "Exhibit" shall first appear and next to it the Exhibit mark and the description of the document in the index with the date.

Sufficient space shall be left after the heading to distinguish it from the rest of the matter printed on the page.

X. 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 words "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 advises but the parties shall agree to short extracts being printed as specimens.

XI. 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.