

¹CHAPTER 2

Preparation of Records

Part A RECORDS IN FIRST APPEAL

1. **Dispensing filing of paper books in Regular First Appeals** – In First Appeals from Orders or Decree, appellant will not be required to file paper books except when specifically required by the Court. The original Trial Court Record, however, shall be made available to the Court at the time of hearing of arguments.
2. **Contents of paper book where filing of paper books has been specifically ordered**— Subject to specific orders of the Court, where filing of paper book has been ordered, paper books will be prepared and filed by the appellant(s) within one month of admission of the appeal, consisting of:
 - (a) The plaint and pleas.
 - (b) Issues.
 - (c) Documents either referred to in the plaint as forming the basis of the suit or considered by the Court in its judgment, or duly proved by either of the parties in the Court. Documents in the vernacular will be translated into and typed/computer printed in English.
 - (d) Oral evidence whether recorded in Court or on commission.
 - (e) Impugned Judgement/Decree.
 - (f) Grounds of Appeal.
 - (g) The order of the Bench admitting the appeal.

Part B THE PRINTING OF PAPER-BOOKS IN SECOND APPEALS AND REVISIONS

1. **Dispensing filing of paper books in Second Appeals** – In Second Appeals from Order or Decree, appellant will not be required to file paper books except when specifically required by the Court. The original Trial Court Record and record of first appeal, however, shall be made available to the Court at the time of hearing of arguments.
2. **Contents of paper book where filing of paper books has been specifically ordered**— Subject to specific orders of the Court, where filing of paper book has been ordered, paper books will be prepared and filed by the appellant(s) within one month of admission of the appeal, consisting of:
 - (a) copies or translations of the judgments of the Lower Courts and the decree of the Lower Appellate Court;

¹. Chapter 2 completely replaced vide Notification No.147/Rules/DHC dated 22.03.2011

- (b) the grounds of appeal or revision and a memorandum of the names of the parties or, if the appeal or revision was filed in vernacular, a translation thereof; and
- (c) a copy of the order of the Judge admitting the case to a Bench.

Part C

PREPARATION OF PAPER-BOOKS IN LETTERS PATENT APPEALS

1. **Ordinarily no paper-book required**—In appeals under clause 10 of the Letters Patent, ordinarily no paper book is required to be filed, unless the Judge admitting the appeal specifically directs that the paper-book shall be filed.
2. **Contents of paper book where filing of paper books has been specifically ordered**—In case where, by a special order of the Court, filing of paper book has been ordered, the paper book shall ordinarily consist of:
 - (a) the memorandum of appeal;
 - (b) a copy of the judgment appealed from;
 - (c) copy of the judgment or other documents which were before the Judge from whose judgment the appeal is preferred.
3. No appeal under clause 10 of the Letters Patent will be received by the Deputy Registrar unless it is accompanied by two typed, photostat or computerised copies of the following:
 - (a) Memorandum of appeal;
 - (b) Judgment appealed from; and
 - (c) Copy of the judgment or other documents which were before the Judge from whose judgment the appeal is preferred.

Explanation: The paper-book in cases decided in exercise of original jurisdiction or in exercise of jurisdiction under Article 226 of the Constitution will mean copies of the petition, the written statement and application, if any.

Part D

THE TRANSLATION OF CERTAIN VERNACULAR DOCUMENTS PRESENTED TO THE HIGH COURT

1. **Translation of vernacular documents**—In every appeal in which under these rules a paper book has to be prepared, vernacular documents included in the said paper book shall ordinarily be translated and not transliterated. Translation of the vernacular documents made by the parties for the purpose shall be got revised from the Registry of the Court before filing the paper book. The cost of the revision shall be borne by the parties by whom the vernacular documents are translated and filed.
2. **What documents to be translated and at whose expense**—In any case where the vernacular documents filed in the High Court, either in its Civil Appellate or Civil Revisional jurisdiction, as may from time to time be prescribed by the Court, are not got translated by the party himself filing the same, then the same can be got done from the agency specified in Rule 3 and subject to Rule 5 the expenses of such translation shall be

paid by the party filing the document.

3. **Agency for translation and scale of charges**—Where necessary, the translation shall be made and certified by such agency as the Court may from time to time appoint, and the charges shall be as per rates specified in the Schedule-II, appended with these rules.
4. **Initial deposit**—On the presentation of an appeal or petition to which these rules apply, the person presenting the same shall deposit the amount required to defray the cost of translation, if any, or to cover the cost of checking of the translated record, if any. No appeal or petition will be accepted unless accompanied by such deposit.
5. **Payment may be excused in certain cases**—The Court in regard to any particular class or classes of cases, by a rule of Court, and a Judge, in respect of any particular case not provided for by rule of Court, by an order stating the grounds thereof, may dispense with the payment prescribed by these rules.

SCHEDULE I

The following vernacular documents are required to be translated—

- (1) Memorandum of appeal.
- (2) Petition for revision.
- (3) Annexures to such memorandum or petition.
- (4) Copies of decrees, judgments or orders.
- (5) Application for:
 - (i) review of judgments of the High Court;
 - (ii) appointment of guardian ad litem;
 - (iii) appointment of new parties or representatives of existing or deceased parties;
 - (iv) re-admission of case for—
 - (a) non-appearance, or
 - (b) non-payment of translation, printing and process-fee;
 - (v) stay of execution of decrees;
 - (vi) transfer;
 - (vii) alteration of dates of hearing;
 - (viii) compliance with or connected with the rules relating to the preparation of printed records.
- (6) Returns to orders of remand of High Court.
- (7) Objections to orders of remand of High Court.
- (8) Deed of compromise.

SCHEDULE - II

The cost of translating and of revising the translated record will be charged for at the following rates under Rule 4 above:

| | Rs. |
|---|-------|
| Translating the record per page or part thereof | `75/- |
| Revising the record per page or part thereof | `40/- |

Part E
GENERAL INSTRUCTIONS

- 1. Order of documents in the paper book**—All documents included in the paper book shall be printed 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 the date on, which it was admitted by the Court.
Provided that when counsels for both the parties agree that the documents should be arranged for convenience in a different order, the documents shall be printed in that order. In that case, a foot-note shall be added on the first page of the volume of documents that the documents have been printed in the order suggested by counsel for the parties.
- 2. Responsibility for accuracy of contents**—The parties or their pleaders shall sign the paper book, thus filed, in the left bottom corner of each page, and will be held responsible for the accuracy of the documents of the paper book.
- 3. Number of printed copies** —Such number of copies of the paper book shall be printed as the Court may, by general rule in this behalf or by specific order in any particular case direct.
- 4. Cost of translating and revising the translated record** — A sum of Rs. 500/- for translating the plaint and pleas shall be deposited in every case in which the translated plaint and the pleas are to be included in the paper-book. The typed or computerized copies of such translated plaint and pleas shall not, however, be prepared except at the specific request of the parties or their counsel, or, when so directed by the Judge or Judges admitting the appeal.
- 5. Procedure on non-payment of deposit**—If the applicant or respondent fails to deposit the sum required under Rule 4 within the prescribed period, 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 an *Ad interim* orders passed earlier in the case. The case shall be laid before a Judge for orders every time the default is repeated.
- 6. Supply of copies to parties**—In every case where a paper book has been ordered to be prepared each of the appellant or respondent, appearing separately, shall be supplied with such number of copies free of charge as may be ordered by the Court.
- 7. Typing/printing expenses to be included in costs**—(1) At the foot of every paper-book shall be noted the amount of typing/printing and other charges, and the party from whom levied, and such amounts shall be included in the costs of appeal, unless the Court shall in any case otherwise direct.

(2) Should the amount so charged be less than the sum deposited under Rule 4, the concerned Registrar or the Deputy Registrar shall refund the unexpended balance to the party by whom deposit was made. Should it be more, he will take action under Rule 5.

8. **Interpretation**—For the purpose of Rules 4 to 7, the expression “Appeal” shall include a petition for revision admitted to a hearing before a Division Bench or referred to a Full Bench and the expression “Appellant” shall include a petitioner in the revision petition.