

Delhi High Court (Original Side) Rules, 1967

In exercise of powers conferred by Sections 122 and 129 of the Code of Civil Procedure, 1908 and Section 7 of the Delhi High Court Act, 1966 (Act 26 of 1966) and all other powers enabling it, the Delhi High Court hereby makes the following Rules, after previous publication with respect to practice and procedure for the exercise of its ordinary original civil jurisdiction.

CHAPTER I General

1. Short title—These Rules may be called the “Delhi High Court (Original Side) Rules, 1967”.

2. Commencement—These Rules shall come into force with effect from such date as may be notified.

3. Application—All proceedings on the original side of the Court instituted or transferred pursuant to provisions of the Delhi High Court Act of 1966 or any other law shall unless otherwise ordered by the Court be governed by these Rules.

4. Definitions—In these Rules, unless the context otherwise requires:

- (a) ‘Advocate’ means a person who is entitled to practice the profession of law under the Advocates Act, 1961 (Act No. 25 of 1961);
- (b) ‘Chief Justice’ means the Chief Justice of the High Court and includes appointed under the Constitution to perform the duties of the Chief Justice;
- (c) ‘Code’ means the Code of Civil Procedure, 1908 (V of 1908) as amended from time to time;
- (d) ‘Constitution’ means the Constitution of India;
- (e) ‘The Court’ or ‘This Court’ means the Delhi High Court;
- (f) ‘First hearing’ includes the hearing of a suit for settlement of issues and any adjournment thereof;
- (g) ‘Interlocutory application’ means an application in any suit, appeal or proceeding, already instituted in the Court, not being a proceeding for execution of a decree or order;
- (h) ‘Judge’ means the Judge of the Court;

(i) ‘Registrar’ means the Registrar of the Court and includes any other officer of the Court to whom the power and functions of the Registrar under these Rules may be delegated or assigned;

(j) ‘Registry’ means the Registry of this Court;

(k) ‘Taxing Officer’ means the Taxing Officer appointed under Section 6 of the Court-fees Act and includes the Officer of the Court whose duty is to tax costs of proceedings in the Court;

(1) All other expressions used herein shall have the meaning ascribed to them by the Code or the General Clauses Act, 1897 (10 of 1897), as the case may be.

5. Steps to be taken in the Registry—Where by these rules or by any order of the Court, any step is required to be taken in connection with any suit, appeal or proceeding before the Court, that step shall unless the context otherwise requires be taken in the Registry.

6. Period how calculated—Where a particular number of days is prescribed by these Rules or by or under any other law or is fixed by the Court for doing any act, in computing the time, the day from which the said period is to be reckoned shall be excluded, and if the last day expires on a day when the office of the Court is closed, that day and any succeeding days on which the Court remains closed shall also be excluded.

7. Forms to be used—The forms set out in the Court with such modifications or variations as the circumstances of each case may require, shall be used for the purpose therein mentioned. Where no form required for any purpose is prescribed, a form approved by the Registrar, may be used.

8. How decree, order, writ etc. to run—Every decree, order, writ-summons, warrant or other mandatory process shall in the name of the Chief Justice and shall be signed by the Registrar or any other officer specifically authorised in that behalf with the day, month and year of signing and shall be sealed with the seal of the Court.

9. Official Seal—The official seal to be used in the Court shall be such of the Chief Justice may from time to time direct and shall be kept in the custody of the Registrar.

10. Custody of the Records—The Registrar shall have the custody of the records of the Court and no record or document filed in any cause or matter shall be allowed to be taken out of the custody of the Court without the leave of the Court.

11. Hours of Sitting—Unless otherwise ordered by the Chief Justice, the Court shall hold its sittings on all working days from 10.00 A.M. to 1.00 P.M. and from 1.45 P.M. to 3.45 P.M.

12. Office Hours—The Offices of the Court shall remain open daily from 9.30 A.M. to 4.30 P.M. ²[Any urgent matter filed before 12 noon shall be put before the Court for hearing on the following working day. In exceptional cases, it may be received thereafter for hearing on the following day with the specific permission of the Hon'ble Judge-in-Charge (Original Side)].

13. Process and copying fee—In all proceedings on the Original Side of the Court process fee and copying fee shall be charged in accordance with the rules in force immediately before the appointed day fixed under Section 3 of the Delhi High Court Act of 1966.

14. Court's power to dispense with Compliance with the Rules—The Court may, for sufficient cause shown, excuse the parties from compliance with any of the requirements of these Rules and may give such directions in matters of practice and procedure as it may consider just and expedient.

15. Application for the above purpose—An application to be executed from compliance with the requirements of any of the rules shall, in the first instance, be placed before the Registrar, who may without interfering or dispensing with any mandatory requirements of the rules, make appropriate order thereon, or, if in his opinion, it is desirable that the application should be dealt with the Court, direct the applicant, if the other party has entered appearance, to serve a copy thereof on the said party, and thereafter place the same before the Court on a convenient day for orders.

16. Courts power to enlarge or abridge time—The Court may enlarge or abridge the time appointed by these Rules or fixed by any order enlarging time, for doing any act or taking any proceeding, upon such terms, if any as the justice of the case may require, and any enlargement may be ordered, although the application therefor is not made until after the expiration of the time appointed or allowed.

17. The Court at any time, either of its own motion or on the application of any party, make such orders as may be necessary or reasonable in respect of any of the matters mentioned in Chapter XXI of these Rules.

18. Inherent power of the Court not affected—Nothing in these Rules shall be deemed to limit or otherwise affect the inherent powers of the Court to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Court.

19. Miscellaneous—Except to the extent otherwise provided in these rules, the provisions of the Civil Procedure Code shall apply to all proceedings on original side.

COMMENTS

Where a suit was filed by Bank on the Original Side at Delhi High Court for recovery of certain sums based on cash credit facilities and customer had deposited the title deeds in respect of House property situate at Mathura as collateral security. The suit was liable to be dismissed for want of jurisdiction, as the provisions of Section 16 CPC would apply. Rule 19 of the Original Side Rules specifically provides that wherever the Rules are silent, the CPC will apply. *State Bank of India v. O. P. Gupta and others*, AIR 1983 Delhi 214 : 1983 (4) DRJ 83 : 1983 (23) DLT 198.

It is not correct to say that because by the application of Rule 19, the orders which are appealable are restricted to those mentioned in Order 43 Rule 1 of CPC. There is a conflict between Section 10(1) of Delhi High Court Act and Rule 19 of the Rules as the two provisions deal with different matters. Section 10(1) deals with the forum of appeal whereas Rule 19 of the Rules read with Order 43 Rule 1 of CPC indicates the orders which are appealable. Thus by the application of Rule 19 which in terms also applies the Code to the ordinary original civil jurisdiction of this Court, an appeal under Section 10(1) of the Act would be competent only if it falls within Section 104 or Order 43 Rule 1 of the Code. *University of Delhi v. Hafiz Afzhd. Said*, 1972 DLT 151.

An interim stay order granted by single Judge in Civil Writ Petition which is by way of extra ordinary civil jurisdiction. Clause 10 of Letters Patent, Section 10 of Delhi High Court Act, Section 141 of CPC and Rule 19 of Original Side Rules cannot be invoked for appeal. *State of Himachal Pradesh v. Ajit Kumar*, ILR (1976) H.P. 24.

1. Vide Notification No. F. Gen. 4(47) the Rules came into force w.e.f. 10-7-1967.

* Vide Notification No. 704/G/Gen.II/DHC dated 16-12-1981, the Court sitting hours were changed from 10.30 A.M. to 4 P.M. with lunch break from 1.15 P.M. to 1.45 P.M. (w.e.f. 4-1-1982).

2. Substituted for the words “Any urgent matter filed before 12.30 P.M. shall be put up before the Court on the following working day” by Notification No. 46/Rules/DHC dated 11.4.2002.