

**HIGH COURT OF JUDICATURE AT ALLAHABAD  
AMENDMENT ( Admin. 'G-I' ) SECTION  
NOTIFICATION**

NO. 472/VIIIc, Allahabad,

Dated: 28 July, 2021

**Correction Slip No. 268**

In exercise of the powers conferred by Article 225 of the Constitution of India and all other powers enabling it in this behalf, the High Court of Judicature at Allahabad is pleased to make the following amendment in Allahabad High Court Rules, 1952 Volume I and II, with effect from the date of its publication in the Official Gazette.

**The Allahabad High Court (Amendment) Rules, 2021**

**1. Short title and commencement.-** (1) These rules may be called the Allahabad High Court (Amendment) Rules, 2021.

(2) These Rules shall come into force from the date of publication in the Official Gazette.

**2. Definition.-** In these Rules, unless the context otherwise requires, "Rules" mean the Allahabad High Court Rules, 1952.

**3. Amendment of Rule 9 of Chapter IV.-** Sub-rule (1) of Rule 9 of Chapter IV of the Rules shall be amended as follows:

Existing Provision	Amendment
<p><b>9. Full Particulars of persons and places to be given.-</b> (1) An affidavit, shall fully describe the person swearing it with such particulars as will ensure his clear identification such as his full name, his age, the name of his father, <b>his religious persuasion</b>, his rank or degree in life, his profession, calling, occupation or trade and his true place of residence. Any person or place referred to in an affidavit shall be fully described in such manner as to enable his or its identity to be clearly fixed. In addition to the full description of the person swearing the affidavit, the deponent will annex his /her passport size photograph alongwith the proof of his identity such as, driving licence, ration card, Kisan Bahi, identity card issued by Election Commission of India, passbook of any nationalized bank, passport, arms licence, PAN card issued by the Income-Tax Department, identity card issued by the Bar Council or other organisation or authority of which the person identifying belongs; or any other documentary identity proof recognised by the Election Commission of India for casting vote in the Parliamentary or Assembly Elections.</p>	<p><b>9. Full Particulars of persons and places to be given.-</b> (1) An affidavit, shall fully describe the person swearing it with such particulars as will ensure his clear identification such as his full name, his age, the name of his father, his rank or degree in life, his profession, calling, occupation or trade and his true place of residence. Any person or place referred to in an affidavit shall be fully described in such manner as to enable his or its identity to be clearly fixed. In addition to the full description of the person swearing the affidavit, the deponent will annex his /her passport size photograph alongwith the proof of his identity such as, driving licence, ration card, Kisan Bahi, identity card issued by Election Commission of India, passbook of any nationalized bank, passport, arms licence, PAN card issued by the Income-Tax Department, identity card issued by the Bar Council or other organisation or authority of which the person identifying belongs; or any other documentary identity proof recognised by the Election Commission of India for casting vote in the Parliamentary or Assembly Elections.</p>

**4. Amendment of Chapter XXIII.-** Chapter XXIII of the Rules shall be substituted as follows:



Existing Provision	Amendment
<p style="text-align: center;"><b>CHAPTER XXIII</b> <b>Section 'A' - Cases other than Criminal Cases</b></p> <p>1. Title of petition :- A petition for certificate of fitness to appeal to the Supreme Court of India shall be entitled:</p> <p>In the High Court of Judicature at Allahabad.</p> <p>Petition for Certificate</p> <p style="text-align: center;">Under Article . . . ( ) of the Constitution of India.</p> <p style="text-align: center;">Supreme Court Petition No . . . of . . .</p> <p>2. Contents of petition :- The petition shall contain a brief statement of the case and the grounds of appeal.</p> <p>In a case falling under Article 133 (1) of the Constitution, it shall clearly state how it fulfills the requirements thereof.</p> <p>In a case falling under Article 132 (1) of the Constitution, it shall state how a substantial question of law as to the interpretation of the constitution is involved.</p> <p>In a case falling under Article 135 of the Constitution it shall State how appeal lies to the Supreme Court.</p> <p>3. Copies :- The petition shall be accompanied by a certified copy of the judgement or final order in respect of which the certificate is sought and a certificate of the counsel that the array of parties is the same as in the case giving rise to the petition and that the Vakalatnama has already been filed.</p> <p>This copy shall be for the use of the Court in addition to the copies filed in accordance with the provisions of sub-rule (1) of Rule 11 of Chapter IX and shall be a copy certified to be correct by the Head Copyist.</p> <p>4. Limitation :- Article 132 of the Schedule of Limitation Act, 1963, shall, subject to the provision of any law for the time being in force, also apply to a petition for a certificate under Articles 132 (1), 133 (1) or 135 of the Constitution.</p> <p>5. Notices :- (1) In connection with a Supreme Court appeal, the following notices shall be issued, namely--</p>	<p style="text-align: center;"><b>CHAPTER XXIII</b> <b>Section 'A' - Cases other than Criminal Cases</b></p> <p><b>1. Application for leave to Appeal to the Supreme Court.-</b> (1) A party desiring to appeal to the Supreme Court may apply orally for a Certificate in terms of Article 134-A of the Constitution of India immediately after the pronouncement of the judgment by the Court and the Court may, as soon as may be, after hearing the parties or their counsel, grant or refuse the same.</p> <p style="text-align: center;">Provided that if an oral application for Certificate for leave to appeal under sub-rule (1) is made and rejected, no written petition shall lie.</p> <p>(2) Nothing in sub-rule (1) shall affect the power of the Court to grant the said Certificate on its own motion.</p> <p><b>2. Form of Certificate.-</b> The Registrar shall, on order of the Court directing grant of Certificate, suo motu or otherwise, issue a Certificate in Form No. 69 within three days of passing of the order.</p> <p><b>3. Consolidation of appeals.-</b> In view of Rule 5 of Order LV of the Supreme Court Rules, 2013, no application for consolidation of appeals will be entertained by this Court.</p> <p><b>4. Procedure for amending record after Certificate is granted.-</b> An application for amendment of the record of the appeal by adding or substituting parties will not be entertained by the Court after the date of the order granting the Certificate and the parties desiring such amendment shall be required to move the Supreme Court in that behalf.</p> <p><b>5. Service of notice in certain cases upon Advocates.-</b> (1) When a party has been represented at the hearing of the appeal by an Advocate, unless the Vakalatnama of such Advocate has been cancelled with the sanction of the Court, such Advocate shall accept service of the notice in the following cases, and the service of notice in such cases on the Advocate shall be deemed sufficient notice:</p> <p>(a) of lodgment of petition of appeal; or</p> <p>(b) for inspecting the record and filing the list of documents; or</p>

✓

<p>(a) notice of petition for a certificate  (b) notice of judgement of petition of appeal in the Supreme Court;  (c) notice for deposit of cost of transmission of record; and  (d) notice of dispatch of record to the Supreme Court.</p> <p>No other notice shall be necessary unless expressly provided for in these rules or ordered by the Court.</p> <p>(2) Service of notice upon the Advocate on Record of the Appellant in the Supreme Court shall be deemed sufficient service under this Chapter. In other cases, where a party had appeared by an Advocate service of notice on such Advocate shall be deemed to be sufficient service.</p> <p>(3) No process fee shall be levied in the case of notice under Clauses (b), (c) or (d) of sub-rule (1) where it may be served upon an Advocate.</p> <p>6. Presentation of petition for certificate :- The petition shall be presented before the Registrar General. Where the Registrar General finds that the petition is in order, has been presented within time and is accompanied by the requisite papers, he may direct notice of petition for grant of certificate to be issued.</p> <p>7. Removal of defects :- Where the Registrar General finds that the petition is not in order or is not accompanied by the requisite papers, he may either return it or may, subject to the provisions of these rules or any other law, receive it granting time for removal of the defect; provided that the time to be so granted shall not exceed the period prescribed by the Limitation Act, 1963 for such petitions. In other cases, he shall lay the case before the Court for orders.</p> <p>8. Hearing of petition :- Soon after the notice of petition has been served on the opposite party, the petition shall be listed before the Bench for final hearing.</p> <p>9. Disposal of petition :- Such applications shall be heard and disposed of by a Judge sitting alone where leave is sought from judgment, final order or decree passed by a single Judge and, in other cases, by a Division bench. As far as possible such applications shall be laid before the single Judge or Bench which passed the judgment, or final order or decree.</p>	<p>(c) for making deposit for the costs of transmission of the original record; or  (d) for the preparation of transcript of the record in English and for its transmission; or  (e) for the preparation and transmission of the printed transcripts of the record or photocopies thereof.</p> <p>(2) Service of notice upon the Advocate-on-Record of the appellant in the Supreme Court shall be deemed sufficient service under this Chapter.</p> <p><b>6. Procedure on receipt of the notice of lodgment of appeal in the Supreme Court.-</b> (1) On receipt of copy of the petition of appeal from the Supreme Court, a notice of the lodgment of the petition of appeal shall be served on the respondent(s).</p> <p>(2) As soon as the notice as aforesaid is served on the respondent(s), a certificate as to date or dates on which the said notice was served shall be sent to the Supreme Court.</p> <p><b>7. Summoning of record.-</b> The record of the case shall be summoned from the Court below, if the same is not already in the Court.</p> <p><b>8. Notice for filing a list of documents.-</b> (1) On receipt of the record, if any, or otherwise, the Registrar shall cause a notice to be issued to the appellant calling upon him to file, within four weeks of the service of the said notice on him, a list of the documents which he proposes to include in the paper book, a copy whereof shall be served on the respondent.</p> <p>(2) The Registrar shall also cause a notice to be issued to the respondent intimating him the fact that a notice has already been issued to the appellant for filing the list of documents. The notice shall require the respondent to file within three weeks of the service on him of the said list, a list of such additional documents as he considers necessary for the determination of the appeal.</p> <p><b>9. Settling of index.-</b> (1) After the expiry of the time fixed for the filing of the list of additional documents by the respondent, the Registrar shall fix a day for the settlement of the list (hereinafter referred to as the index) of documents to be included in the appeal record and shall give notice thereof to the parties.</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

10. Service of notice of lodgement of petition :- On receipt from the Supreme Court of the copy of the petition of appeal:-

(a) a notice of lodgement of the petition of appeal shall be served on the respondent and as soon as the notice is served a certificate as to date or dates on which the said notice was served shall be sent to the Supreme Court.

(b) Cost of transmission of record and balance to be refunded on an application :- Unless otherwise ordered by the Supreme Court, a notice shall issue to the appellant requiring him to deposit within a week from the date of service of this notice a sum of rupees ten on account of costs of transmission of record to the Supreme Court provided that, after meeting the cost of transmission of the record of the Court below as well as this Court, the balance, if any, shall be refunded to the appellant, on an application in this behalf being made by him.

Default to be reported to Supreme Court :- Any default on the part of the appellant to deposit the amount to cover the cost of transmission of the record as above shall be reported to the Supreme Court for orders; and

(c) Summoning of record :- The record and proceedings of the case shall be summoned from the Court below, if the same are not already in the High Court.

(i) Filing of list of documents :- On receipt of the records a notice shall issue to the appellant calling upon him to file, within four weeks of the service upon him of the said notice a list of documents which he proposes to include in the paper book, after serving a copy thereof on each of the respondents. The appellant shall produce an acknowledgment in writing from each of the respondents that a copy of the list has been served on him.

(ii) Contents of notice to respondent :- The notice to the respondent under sub-rule (a) of Rule 10 shall also intimate to him the fact that a notice has already been issued to the appellant for filing the list of documents, and requiring him (the respondent) to file, within three weeks from the service of a copy of the list on him by the appellant, a list of such additional documents as he desires to be included in the paper book.

(2) In settling the index, the Registrar, as well as the parties concerned, shall endeavour to exclude from the record all documents that are not relevant to the subject-matter of the appeal and generally to reduce the bulk of the record as far as practicable.

**10. Procedure where respondent objects to inclusion of documents.-** Where the respondent objects to the inclusion of a document on the ground that it is not necessary or is irrelevant and the appellant nevertheless insists upon its inclusion, the record as finally printed shall, with a view to subsequent adjustment of cost of or incidental to the printing of the said document, indicate in the index of the paper book or otherwise the fact that the respondent has objected to the inclusion of the document and that it has been included at the instance of the appellant.

**11. Procedure where appellant objects to the inclusion of document.-** (1) Where the appellant objects to the inclusion of a document on the ground that it is not necessary or is irrelevant and the respondent nevertheless insists upon its inclusion, the Registrar, if he is of the opinion that the document is not relevant, may direct that the said document be printed separately at the expenses of the respondent and require the respondent to deposit within such time as he may prescribe, the necessary charges therefor.

(2) If the amount so deposited is found insufficient, the Registrar may call upon the respondent to deposit additional amount or amounts within such further time as he may deem necessary.

(3) The question of the costs thereof will be dealt with by the Supreme Court at the time of the determination of the appeal.

**12. Estimate of costs of the preparation of the transcript of record, etc.—** (1) As soon as the index of the record is settled, the Registrar shall cause an estimate of the costs of the preparation of the record to be prepared and served on the appellant and require him to deposit, within 30 days of such service, the said amount. Such costs shall include the costs of transmission of transcript and translation, if any. The appellant may deposit the said amount in lump sum or in such installments as the Registrar

11. (i) Inclusion of records :- Where the decision of the appeal is likely to turn exclusively on a question of law, the appellant may apply for inclusion of such parts only of the record as may be necessary for the discussion of the same.

(ii) List to accompany application.- The application mentioned in sub-rule (i) shall in a case in which a printed record has already been prepared for the use of this Court, be accompanied by;

a list of documents already printed but considered as not relevant to the subject-matter of the appeal;

a list of documents printed on behalf of the opposite party and included in the list under Clause (i); and

a list of documents not already printed but the printing of which is considered essential for the prosecution of the appeal, a short note being entered against each document in the list showing in what respect its inclusion is essential.

The petitioner shall serve copies of these lists on the Advocate for the opposite party.

12. Settling of index.- After the expiry of the time fixed for the list of additional documents by the respondent, the case shall be listed before the Registrar General for the settlement of the list (hereinafter referred to as the Index) of documents to be included in the transcript of the record of appeal and shall notify the same on the notice board of the Court. No separate notices will be issued to the parties or their Advocates. In settling the index, the Registrar General as well as the parties concerned shall endeavor to exclude from the record all documents that are not relevant to the subject-matter of the appeal and generally to reduce the bulk of the record as far as practicable.

13. Procedure where respondent objects to inclusion of document :- Where the respondent objects to the inclusion of a document on the ground that it is not necessary or is irrelevant and the appellant nevertheless insists upon its inclusion, the transcript of the record as finally prepared shall, with a view to subsequent adjustment of costs of or incidental to the printing of the said document, indicate in the index of the transcript or otherwise the fact that the respondent has objected to the

may prescribe.

(2) After meeting the costs of the preparation and transmission of the record, the balance of the deposit, if any, shall be refunded to the appellant.

**13. Where record is printed for appeal before the Court, no fresh transcript necessary.**— Where the record has been printed for the purpose of the appeal before the Court and sufficient number of copies of the said printed record is available, no fresh transcript of the record shall be necessary except of such additional papers as may be required.

**14. Registrar may call for additional deposit if deposit made is insufficient.**— If at any time during the preparation of the record the amount deposited is found insufficient, the Registrar shall call upon the appellant to deposit such further sum as may be necessary within such further time as may be deemed fit, but not exceeding twenty eight days in the aggregate.

**15. Procedure on appellant making default in making deposit.**- (1) Where the appellant fails to make the required deposit, the preparation of the record shall be suspended and the Registrar shall not proceed with the preparation thereof without an order in this behalf of this Court.

(2) The Court may give such accommodation in the matter of time for making the deposit as it deems proper and if the appellant continues the default in spite of the orders of this Court, the Registrar shall obtain an order from the Court for reporting the default to the Supreme Court and report accordingly.

**16. Preparation of record.**- (1) Unless the Supreme Court so directs, the record shall not be printed or photocopied in this Court.

(2) Where the Supreme Court directs that the record be printed in this Court, the same shall be printed in accordance with the rules contained in the First Schedule to the Supreme Court Rules, 2013.

(3) Where the paper-book pertaining to the appeal is not likely to consist of more than 200 pages, the Registrar may, instead of having the record printed, have it photocopied.

<p>inclusion of the document and that it has been included at the expense of the appellant.</p>	<p>(4) Unless a party informs its requirements before the printing or the photocopying is undertaken, each party shall be entitled to three copies of the record for its use.</p>
<p>14. Procedure where appellant objects to inclusion of documents :- Where the appellant objects to the inclusion of a document on the ground that it is not necessary or is irrelevant and the respondent nevertheless insists upon its inclusion, the Registrar General, if he is of the opinion that the document is not relevant, may direct that the said document be included separately at the expense of the respondent and require the respondent to deposit within such time as he may prescribe the necessary charges thereof. If the amount so deposited is found insufficient the Registrar General may call upon the respondent to deposit additional amount or amounts within such further time as he may deem necessary. The question of the costs thereof will be dealt with by the Supreme Court at the time of the determination of the appeal.</p>	<p>(5) Where the records are printed for the purpose of the appeal before this Court and the said record be in English, this Court shall prepare 10 extra copies in addition to the number of copies required by this Court for use in the Supreme Court.</p>
<p>15. Estimate of costs of the preparation of the transcript of record, etc. :- As soon as the index of the record is settled, the Registrar General shall cause an estimate of the costs of the preparation of the transcript of the record (and of printing or cyclostyling the record, where it is required to be printed or cyclostyled) to be prepared and served on the appellant and shall require him to deposit within thirty days of such service the said amount. Such costs shall include the costs of translation, if any. The appellant may deposit the said amount in lump sum or in such installments as the Registrar General may prescribe.</p>	<p><b>17. Certification of record.-</b> The Registrar shall, when the record has been made ready, certify the same and give notice to the parties of the certification of the record and append to the record a certificate showing the amount of expenses incurred by the party concerned for the preparation of the record.</p>
<p>16. Where record is printed for High Court appeal, no fresh transcript necessary :- Where the record has been printed for the purpose of the appeal before the High Court and sufficient number of copies of the said printed record is available, no fresh transcript of the record shall be necessary except of such additional papers as may be required.</p>	<p><b>18. Translation of papers.-</b> All documents included in the list which are not in English and are not already translated shall be translated into English. All such translations shall be made or certified as correct by one of the Court translator.</p>
<p>17. Registrar General may call for additional deposit made is insufficient :- If at any time during the preparation of the transcript of the record (or printing or cyclostyling of the record, where it is required to be printed or cyclostyled) the amount deposited is found insufficient, the Registrar General shall call upon the appellant to deposit such further sum as may be necessary within</p>	<p><b>19. Where depositions of witnesses are to be translated.—</b> The deposition of witnesses in the original languages shall not be translated in cases in which the notes of the substance of the depositions are taken in English by the Courts below, unless any one of the parties desires and shows sufficient cause to the Registrar that particular depositions should be translated and the Registrar orders that they should be translated.</p>
<p>16. Where record is printed for High Court appeal, no fresh transcript necessary :- Where the record has been printed for the purpose of the appeal before the High Court and sufficient number of copies of the said printed record is available, no fresh transcript of the record shall be necessary except of such additional papers as may be required.</p>	<p><b>20. Procedure where parties disagree in regard to translations.</b> — The parties shall be invited from time to time to inspect the translations, and in case of disagreement, the points in dispute, which must be stated in writing, shall be submitted within one week to the Registrar for his decision, and the Registrar, after perusal of the same, shall decide the point in dispute. The writings submitted by the parties mentioning the points in dispute with the decision of the Registrar noted thereunder shall form part of the record.</p>
<p>17. Registrar General may call for additional deposit made is insufficient :- If at any time during the preparation of the transcript of the record (or printing or cyclostyling of the record, where it is required to be printed or cyclostyled) the amount deposited is found insufficient, the Registrar General shall call upon the appellant to deposit such further sum as may be necessary within</p>	<p><b>21. Rate of fees for preparation of the transcript, printing, photocopying and translation of record.—</b> For preparing the transcript of record (and for printing or photocopying the same, where it is</p>

<p>such further time as may be deemed fit but not exceeding 8 days in the aggregate.</p>	<p>required to be printed or photocopied) fees shall be charged on following rates-</p>
<p>18. Procedure on appellant making default in making deposit :- Where the appellant fails to make the required deposit, the preparation of the transcript of the record (and the printing or the cyclostyling of the record, where the same is required to be printed or cyclostyled) shall be suspended and the Registrar General shall not proceed therewith without an order in this behalf of the Supreme Court.</p>	<p>(a) An estimating fee of Rs. 16 in Court fee labels shall be paid by the appellant along with the list of documents filed under Rule 8. (b) Translating Hindi or Urdu portions of record - Rs. 4 for every page or part thereof. (c) Examining Hindi or Urdu portions of record already translated - Rs. 2 for every page or part thereof.</p>
<p>19. (i) Record not to be printed unless ordered by the Supreme Court :- Unless the Supreme Court so directs the record shall not be printed or cyclostyled in this court.</p>	<p>(d) Translation of portions of record in other languages - Rs. 6 for every page or part thereof. (e) Examining portion of record of other languages already translated - Rs. 3 for every page or part thereof.</p>
<p>(ii) Rules regarding printing and cyclostyling :- where the Supreme court directs that the record be printed or cyclostyled in this court the same shall be printed or cyclostyled in accordance with the rules in the First Schedule to the Supreme Court Rules, 1966.</p>	<p>(f) Photocopying of documents for preparation of the transcript of the record - Re. 1 for every page or part thereof.</p>
<p>(iii) Record may be cyclostyled if consisting less than 200 pages:- Where the appeal paper-book is not likely to consist of more than 200 pages, the Registrar General may, instead of having the record printed, have it cyclostyled.</p>	<p>(g) Comparing copies of documents for the preparation of transcript of the record. - Re. 1 for every page or part thereof. (h) Writing Head-Notes to documents in the transcript of the record.- Re. 1 for each head note.</p>
<p>(iv) Number of copies for the use of the Supreme Court:- Unless otherwise directed by the Supreme Court, at least 20 copies of the record shall be prepared for the use of the Supreme Court.</p>	<p>(i) Preparation of Index. - Re. 1 per item. (j) Examination of proofs where the record is required to be printed or photocopied. - Re. 1 for every page printed or photocopied.</p>
<p>(v) Number of copies for the parties:- Unless party informs its requirements before the printing or the cyclostyling is undertaken, each party shall be entitled to three copies of the record for its use.</p>	<p>(k) Certifying of transcript of the record or of printed or photocopied record by the Deputy Registrar. - Re. 1 for every 10 pages or part thereof.</p>
<p>20. Translation of papers :- All documents included in the list which are not in English and are not already translated shall be translated into English. All such translations shall be made or certified as correct by one of the court translator.</p>	<p>(l) Printing charges. - Actual cost not less than Rs. 7 per page. (m) photocopying charges - Rs. 2 per page or part thereof.</p>
<p>21. (i) Transcript of the record to be transmitted to Supreme Court within six months :- The Registrar General shall, within six months 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</p>	<p><b>22. Transmission of original record and transcript thereof.-</b> (1) The Registrar shall, if specifically ordered by the Supreme Court, transmit, at the expense of the appellant, the original record of the case, including the record of the Courts below, to the Supreme Court.</p>

~

in English of their record proper of the appeal to be laid before the Supreme Court, one copy of which shall be duly authenticated by appending to certificate to the same under his signature and the seal of this High Court. If for reason the same cannot be transmitted within the period of six months mentioned above, the Registrar General shall report the facts to the Supreme Court and obtain necessary extension of time for transmitting the same.

(ii) Certificate of expense to be appended to the transcript or forwarded separately :- The Registrar General shall also append to the transcript of the record or separately forward a certificate, showing the amount of expenses incurred by the parties concerned for the preparation and the transmission of the transcript of the record.

22. Form of notice of transmission of the transcription to the parties :- When the transcript has been made ready, the Registrar General shall certify the same and give notice to the parties of the certification and the transmission of the transcript of the record (or of the printed or cyclostyled record, where it is required to be printed or cyclostyled record) and thereafter shall send a certificate to the Supreme Court as to the date or dates on which the notice has been served on the parties in form No. X of Schedule A appended to this Chapter.

23. Procedure regarding investigation of pauperism of applicants to Supreme Court :- When an order of the Supreme Court directing investigating into the pauperism of an appellant is received, it shall be laid before the court for orders as to whether the necessary enquiry in the matter is to be made by the Court itself or by a subordinate court. In the latter case the court shall, while forwarding the findings of the subordinate court to the Supreme Court record its own opinion therein.

24. Notice to appellant where special leave granted by the Supreme Court :- As soon as certified copy of the order of the Supreme Court granting special leave to appeal has been received by the Court, the Registrar General shall give immediate notice thereof to the appellant.

25. Application of Rules in this Chapter and Order XLV of the Code to cases in

(2) The Registrar shall, where the proceedings from which the appeal arises were had in courts below in a language other than English, within six months from the date of the service on the respondent of the notice of petition of appeal, transmit to the Supreme Court in triplicate a transcript in English of the record proper of the appeal to be laid before the Supreme Court, one copy of which shall be duly authenticated by appending the certificate to the same under his signature and the seal of this Court.

(3) The Registrar shall also append to the transcript the certificate as mentioned in Rule 17.

**23. Procedure regarding investigation of indigency of applicant to the Supreme Court.-**

When an order of the Supreme Court, under Rule 3 of Order XVIII of the Supreme Court Rules, 2013, directing investigation into the indigency of an applicant is received, it shall be laid before the Court for orders as to whether the necessary investigation in the matter is to be made, after notice to the interested parties, by the Court itself or by a Court subordinate to it. The Court shall submit a report thereon to the Supreme Court within such time as may be fixed by the order made by the Supreme Court:

Provided that in the latter case, the Court shall, while forwarding the findings of the subordinate Court to the Supreme Court, record its own opinion therein.

**24. Taking of evidence in case of dispute as to legal representative.-**

Where it becomes necessary to take evidence in order to determine whether any person is or is not proper person to be substituted, or entered, on the record in place of, or in addition to, the party on record, the court may either take such evidence itself or direct any lower court to take such evidence and to return it together with its findings and reasons and take such findings and reasons into consideration in determining the questions.

**25. Notice when not required.-**

Nothing in this chapter requiring any notice to be served on or given to an opposite party or respondent shall be deemed to require any notice to be served on or given to the legal representative of any deceased opposite party or deceased respondent



which special leave has been granted :- Subject to such special directions as may be given by the Supreme Court the provisions of the rules contained in this Chapter and Order XLV of the Code of Civil Procedure shall, so far as may be and with such modifications and adaptations as may be found necessary apply to a case in which special leave to appeal has been granted by the Supreme Court.

26. Suits on death of party by or against minor :- Where any party to the petition dies before the certificate is granted the provisions contained in Rules 1 to 6 and 9 of Order XXII and Order XXXII of the Code shall, so far as may be and with necessary modifications and adaptations, apply.

27. Taking of evidence in case of dispute as to legal representative :- Where it becomes necessary to take evidence in order to determine whether any person is or is not proper person to be substituted, or entered, on the record in place of, or in addition to, the party on record, the court may either take such evidence itself or direct any lower court to take such evidence and to return it together with its findings and reasons and take such findings and reasons into consideration in determining the questions.

#### SECTION 'B'- CRIMINAL CASES

28. Applications for a certificate under Art. 132 (1) or Art. 134 (1) (c) of the Constitution:- An application for a certificate under Art. 132 (1) or 134 (1) (c) of the Constitution in criminal proceedings shall be made in writing, stating the grounds on which the leave is sought, within sixty days from the date of the judgment, final order or sentence passed by the court. The provisions of Secs. 4 and 5 of the Limitation Act, 1953 shall apply to such an application and the remaining provisions shall not apply.

In computing the period of limitation prescribed in the preceding paragraph, the time requisite for obtaining a copy of the judgment, final order or sentence passed by the court shall be excluded.

Such application shall be heard and disposed of by a Judge sitting alone where leave is sought from the judgment, final order or sentence passed by a single Judge and in other cases by a Division Bench. As far as possible such application shall be laid

in a case, where such opposite party or respondent did not appear either at the hearing in the Court whose decree is complained of or at any proceedings subsequent to the decree of that Court.

#### Section 'B' - Criminal Cases

**26. Application for leave to Appeal to the Supreme Court.-** (1) A party desiring to appeal to the Supreme Court may apply orally for a Certificate in terms of Article 134-A of the Constitution of India immediately after the pronouncement of the judgment by the Court and the Court may, as soon as may be, after hearing the parties or their counsel, grant or refuse the same:

Provided that if an oral application for Certificate for leave to appeal under sub-rule (1) is made and rejected, no written petition shall lie.

(2) Nothing in sub-rule (1) shall affect the power of the Court to grant the said Certificate on its own motion.

**27. Cost of preparation, transmission etc. of the transcript of record.-** Except as otherwise ordered by the Supreme Court, the preparation of the transcript of the record (and of the printed or the photocopied record, where the same is required to be printed or photocopied) and the transmission thereof shall be at the expense of the appellant:

Provided that in appeals involving sentence of death, the record shall be printed at the expense of the State.

**28. Preparation of record.-** (1) Where the records are printed for the purpose of the appeal before this Court, the Court shall prepare 10 extra copies in addition to the number of copies required by the Court for use in the Supreme Court, if the said record be in English.

(2) Where the record has been printed for the purposes of appeal before this Court, all available copies of the printed record except one, if the record be in English, shall be dispatched to the Supreme Court along with the entire original record, including the records of the Court below. One of such copies shall be duly authenticated by the Registrar:

Provided that in criminal appeals other than those involving sentence of life imprisonment or death penalty, the

before the single Judge or Bench which passed the judgment, final order or the sentence :

Provided that where the applicant has been sentenced to a term of imprisonment the application shall not be entertained until the applicant has surrendered and in proof thereof has filed a certificate either of the Magistrate before whom he has surrendered or of the Superintendent of Jailor of the Jail in which he has been lodged unless the court on a written application for that purpose orders otherwise. Where the application for a certificate is accompanied by such an application both the applications shall be listed together before the court.

29. Intimation of application to Sessions Judge :- As soon as an application for grant of a certificate under Art. 134 of the Constitution of India from or on behalf of the condemned prisoner is received the fact shall be notified to the Sessions Judge concerned to enable him to defer execution of the sentence of death. Intimation will again be sent to the Sessions Judge when application is finally disposed of.

30. Appeal to Supreme Court on cases covered under Sec. 426, Cr.P.C.:- (1) On the applicants executing a bond with or without sureties undertaking to lodge an appeal in the Supreme Court within prescribed time, the Court may--

(1) in a case covered by Section 426 (2-A) of the Code of Criminal Procedure order that the appellant be released on bail for a period sufficient in the opinion of the court to enable him to present the appeal and obtain the order, of the Supreme Court under Section 426(1);

(2) in cases under Section 426(2-B) order that pending the appeal, the sentence or order appealed against be suspended and also if the applicant is in confinement, that he be released on bail;

Provided that a person applying under Section 426 (2-B) shall make an averment to the effect that he has not made a similar application to the Supreme Court.

(2) No application for bail or suspension of sentence or order shall be entertained unless the applicant has surrendered himself in court and has noted the fact in his application.

original record of the case, including the record of the Courts below, shall be dispatched only when specifically ordered by the Supreme Court.

(3) As soon as the record is ready, the Registrar shall give notice thereof to the parties to the appeal and send to the Registrar of the Supreme Court a certificate as to date or dates on which the notice has been served.

(4) Where the appellant fails to take necessary steps to have the record prepared and transmitted to the Supreme Court with due diligence, the Registrar shall report the default to the Registrar of the Supreme Court.

**29. Number of copies to be printed where record is directed to be printed.-** In the event of the Supreme Court ordering the printing of the record under the supervision of the Registrar of this Court, he shall dispatch to the Registrar of the Supreme Court, unless otherwise directed, not less than 15 copies where the appeal raises a question as to the interpretation of the Constitution, and not less than 10 copies in other cases.

**30. Documents translated for High Court appeal need not be translated again.—** For the purposes of the transcript of the record, such of the documents in vernacular as have already been translated for the purposes of the High Court Appeal and which are included in the High Court Appeal Paper-Book need not be translated again.

**31. Special time-limit for preparation and transmission of record in cases involving sentence of death.-** (1) In all cases involving a sentence of death, the printed record shall be made ready and dispatched to the Supreme Court within a period of 60 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.

(2) In cases where such record cannot be dispatched within 60 days as stated in sub-rule (1), the Registrar shall explain the circumstances under which it cannot be so dispatched and obtain extension of time from the Supreme Court.

**32. Interpretation.-** For the purposes of Rules 28 to 31 (both inclusive):