



*Handbook  
for  
High Court Staff  
on  
Practice - Procedure -  
Duties & Responsibilities*

Judicial Academy Jharkhand, Ranchi

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**Handbook for  
High Court Staff  
on  
Practice-Procedure-Duties &  
Responsibilities**

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***R. Banumathi***  
Chief Justice



High Court of Jharkhand  
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### **MESSAGE**

In order to develop an efficient Justice Delivery System a professionally skilled, knowledgeable and excellent force of staff members is essential. The study material published by Judicial Academy Jharkhand for the staff of High Court on their Practice - Procedure - Duties & Responsibilities is a commendable step. The staff members of the Court performs various important functions and this handbook which is basically a ready reckoner to get all the procedural information on their finger tips, would help them to serve in a more effective manner.

I am glad to note that this handbook gives detailed information on the day to day movement of files, reminds the staff and officers of their duties and responsibilities and the basic legal and procedural aspects.

I call upon all the staff members closely knitted with the judicial system to dedicate themselves for the cause of the litigants for whom we are here to serve. I wish the staff members of the Court will make full use of this handbook so that the strenuous effort taken by the academy is justified and fulfilled.

Myself and my brother Judges congratulate Sri Ravi Nath Verma, Director, Judicial Academy, Sri Kumar Kamal, Senior Faculty Member and Sri Onkar Nath Choudhary, Administrative Officer and their team of staff members for the success and achieving the goal of publishing this handbook.

*R. Banumathi*  
(R.BANUMATHI)

*Justice D. N. Patel*



**JHARKHAND HIGH COURT**

**RANCHI - 834 033**

Tel No. : (0651) 2480307, 2481308 (O)

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**Dated: The 22<sup>nd</sup> January, 2014**

## **MESSAGE**

**I am delighted to know that the Judicial Academy, Jharkhand, is bringing out a handbook for the staff of the High Court relating to practice-procedures-duties & responsibilities to kindle the lamp of knowledge.**

**The very purpose of the compilation of this handbook is to improve the knowledge, practice, procedures, duties and responsibilities of the staff. Knowledge is empowerment and is essential for every institution both for its survival and smooth running.**

**This handbook will serve as a ready reckoner for the staff to get instant information regarding their day to day practice and procedures and it will also remind them of their duties and responsibilities.**

**This handbook gives a brief introduction of:**

- **Functions of different departments/sections in administrative side.**
- **The procedures followed by sections in judicial side.**
- **Important forms applicable in different nature of cases.**
- **Duties and responsibilities of Section Officers.**
- **Basic legal and procedural aspects for staff members etc.**
- **The important provisions of Cr.P.C., Limitation Act and Court Fees Act.**
- **Right to Information Act, 2005**

**The aim of the Academy is to bring about the institutionalized, integrated and professionalized system of Educating the staff members of the High Court as they are also an important stake holders of the Justice Delivery System.**

**I congratulate the Academy for their strenuous efforts in publishing this type of book for the first time since after the inception of the High Court.**

**I, wish the Academy all success.**

(D.N. Patel)

*Justice Narendra Nath Tiwari*



JHARKHAND HIGH COURT  
RANCHI - 834 033

## **M E S S A G E**

**It is heartening to learn that the Jharkhand Judicial Academy is going to publish a book "Handbook For High Court Staff on Practice-Procedure- Duties & Responsibilities" on the inspiration of our dynamic Chief Justice Hon'ble Ms. Justice R. Banumathi.**

**I hope that the handbook would prove to be very useful for the members of Registry and staff of the High Court in discharging their duties more efficiently and expeditiously.**

**I appreciate the sincere efforts of the Director, Jharkhand Judicial Academy and all those who have contributed in bringing out such a useful handbook.**

**I congratulate the Judicial Academy for providing such a unique handbook to the members of the Registry and staff of the High Court.**

**(Narendra Nath Tiwari)  
Judge,  
Jharkhand High Court,  
Ranchi**

*Justice R. R. Prasad*



HIGH COURT OF JHARKHAND  
RANCHI - 834 033

Dated the 23<sup>rd</sup> December, 2013

## **MESSAGE**

It indeed gives me a great pleasure to note that the Judicial Academy, Jharkhand, under the able guidance of Hon'ble the Chief Justice, Jharkhand High Court, has been publishing a '**Hand Book**' for High Court Staff on Practice, Procedure, Duties and Responsibilities, which would be quite helpful for the Members of Registry and Staff of the High Court in discharging their duties more efficiently and expeditiously.

I am sure that the '**Hand Book**' would be proved as ready reckoner for the Staff in their day to day practice and to remind them to their duties and responsibilities.

I wish it to be a great success.

**(Justice R.R. Prasad)**

*Justice Prashant Kumar*



**JHARKHAND HIGH COURT  
RANCHI - 834 033**

**MESSAGE**

*It gives me immense pleasure to know that on the direction of Hon'ble the Chief Justice, Jharkhand High Court, the Judicial Academy, Ranchi is going to publish a book namely, 'HANDBOOK FOR HIGH COURT STAFF ON PRACTICE-PROCEDURE & DUTIES-RESPONSIBILITIES'.*

*I hope that the aforesaid Handbook will help the members of Registry and other Staff of this Court in discharge of their duties.*

*I convey my best wishes for successful publication of the Book.*

(Prashant Kumar)

*Judge, Jharkhand High Court*





**MESSAGE**

A Book titled "**Hand Book for High Court's Staff on Practice-Procedure and Duties-Responsibilities**" has been prepared and published under the valuable guidance provided by Hon'ble the Chief Justice, Jharkhand High Court. I appreciate the efforts put by the Director, Judicial Academy, Jharkhand, Ranchi and its other Officers and staff members in preparation of the "Hand Book".

An Institution is always governed under rules and procedure. For the purpose of having effective administration, the basic information and knowledge of rules and procedure is essential for each and every officer and staff working with the institute.

For any staff member, it is necessary to understand his/her duties and responsibilities towards the organization where he/she is working. I am sure that this "Hand Book" will be useful to all the officers and staff members for effective discharge of their duties.

Endeavour made by the Director, Judicial Academy, Jharkhand, Ranchi in this regard is worth appreciating. My congratulations and best wishes to all concerned on the occasion of release of the said Book.

(P.P. Bhatt, J.)

*Justice D.N. Upadhyay*



**JHARKHAND HIGH COURT  
RANCHI - 834 033**

Dated 28th. Jan. 2014.

MESSAGE

The idea of bringing out a book for the High Court Staff on "Practice-Procedure, Duties and Responsibilities" has given me immense pleasure and I am sure the experience and research of the authors will have a significant contribution in shaping the work of the High Court and this book will certainly accelerate the efficiency.

With all good wishes .

(D.N. Upadhyay, J.)

*Justice Harish Chandra Mishra*



**JHARKHAND HIGH COURT  
RANCHI - 834 033**

Ranchi, the 28<sup>th</sup> of January, 2014

**MESSAGE**

*I am glad to know that the Academy is bringing out a book for the High Court Staff on "Practice- -Procedures -- Duties & Responsibilities".*

*The Academy aims not only to impart training to Judicial Officers and staff of High Court and Civil Courts, but also to foster the competence, knowledge and skill of the stake holders of the administration of justice.*

*I hope that this book will work as a ready reckoner for all the staff members of the High Court in their day to day work and shall be very useful to them in discharging their duties more effectively and efficiently.*

*My sincere thanks to the Judicial Academy for such a noble endeavour and I am sure that the Academy shall continue to pursue its efforts towards increasing the efficiency of the officers and staff of the High Court and the District Courts.*

*H.C. Mishra*  
28/1/2014

(Justice H.C. Mishra)



MESSAGE

It is indeed a pleasure to know that the Judicial Academy, Jharkhand is going to publish **"Hand Book for High Court Staff on Practice, Procedure, Duties and Responsibilities"**. The Hand Book contains well laid guidelines, instructions as also well established practices which have been codified for the purposes of ensuring better efficiency and performances of the High Court staff at different levels. They provide the support system upon which the Court performs its august duties of Justice Delivery System. They are the vital cog in the wheel. Codification of the practices, procedures, duties and responsibilities of the High Court staff is therefore bound to go a long way in helping better administration for justice. I take this opportunity to convey my best wishes to the Judicial Academy and commend this Hand Book to all the High Court staff for reaching greater heights in discharge of their duties and responsibilities.

*Aparesk Kumar Singh*

Justice Aparesk Kumar Singh

*Justice J. Chandra Shekhar*  
*High Court of Jharkhand*



### **MESSAGE**

The role of judiciary in a democracy has been recognised by everyone. The Constitution of India also gives prime importance to judiciary in India. The High Court being a Court of Record and having powers to issue prerogative Writs, plays a significant role in administration of justice. And, the High Court's staff constitute the back-bone of the system, through which, the High Court functions effectively. The duties and responsibilities of the High Court's staff thus, assume significance. When Mr. R. N. Verma, Director, Judicial Academy, Jharkhand, Ranchi requested me to write a message, I instantly remembered my supporting staff and other High Court staff who work untiringly. I only intend to remind our High Court's staff that they are working in the Temple of Justice and therefore, they must strive to maintain purity of the system. The confidence of the citizens of this country in our judicial system is a manifestation of the integrity, sincerity and devotion to work displayed by the staff members of the judiciary.

(Shree Chandrashekhar, J.)

**Justice Amitav K. Gupta**



**HIGH COURT OF JHARKHAND  
RANCHI - 834 033**

Dated, the 28th January 2014

**MESSAGE**

I am extremely happy to know that Judicial Academy is publishing handbook for **"High Court Staff on Practice-Procedure-Duties & Responsibilities"**.

I sincerely believe that this publication will help in contributing to the knowledge on practice and procedures and all would have clear picture of their duties and responsibilities.

I am sure that this will be of great utility and will prove to be very productive and helpful.

My best wishes to Judicial Academy, Jharkhand on this occasion.

**(Amitav K. Gupta)**

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# INTRODUCTION

A Circuit Bench of the Patna High Court was established at Ranchi with effect from 6th March, 1972 under Clause 36 of the Letter Patent of that High Court. The Bench was established to meet the needs of the Adivasi Population of the Chhotanagpur Area in erstwhile State of Bihar.

The Circuit Bench was made Permanent Bench of Patna High Court, by Act no. 57 of 1976, by High Court at Patna (Establishment of Permanent Bench at Ranchi) Act 1976 with effect from 8th April, 1976

The Jharkhand High Court came into existence after reorganization of State of Bihar in existing State of Bihar and Jharkhand on 15th November, 2000.

The structure of High Court of Jharkhand at Ranchi may be chiefly classified into five major divisions, viz Administrative side, Original Side, Appellate Jurisdiction, Criminal and Writ Jurisdiction.

In the Administrative side, following departments/ sections are functional in the court:-

Administrative Appointment Depptt., Administrative Miscellaneous Depptt. & R.T.I Cell, Administrative Vigilance Depptt, Rules & Statistical Depptt., Legal Cell, Inspection cell & Chief Justices Conference Cell., Accounts Establishment Section, Accounts General Stationery Depptt., Judges Library, Office of the Court Officer, Protocol Section.



# **ADMINISTRATIVE SIDE**



**OFFICERS OF THE REGISTRY OF THE HIGH COURT  
OFFICERS FROM JUDICIAL SERVICE**

- (i) Registrar General
- (ii) Registrar (Vigilance & Inspection)
- (iii) Registrar (Administration)
- (iv) Registrar (Establishment)
- (v) Principal Secretary to the Hon'ble Chief Justice.
- (vi) Central Project Coordinator, E-committee.
- (vii) Joint Registrar (Judicial)
- (viii) Joint Registrar (List & Computer)
- (ix) Assistant Registrar (Judicial – 2 in number)

**OFFICERS FROM MINISTERIAL CADRE**

- (i) Joint Registrar (Administration –I)
- (ii) Joint Registrar-cum-PPS to the Hon'ble Chief Justice
- (iii) Deputy Registrar – I
- (iv) Deputy Registrar – II
- (v) Deputy Registrar – III
- (vi) Assistant Registrars (14 in number)

**Admn. (Appointment) Department.**

- \* Deals with the matters as to the Appointment, Promotion, grant Leave, Pension, Transfer & posting of Judicial Officers of the State. Medical reimbursement, LTC and all the establishment matters in respect of Hon'ble Judges of the High Court as well as the judicial officers of the state.
- \* To make recommendation to the State Government for appointment of Judicial Officer.
- \* Matters relating to permission/ acquisition/ disposal of moveable or immovable properties, forwarding for sanction of G.P.F advances to Judicial Officers.
- \* Matter relating to issuance of NOC to Judicial Officers on their permission to visit abroad and for issuance of Indian Passport.

Permission for pursuing high education by the Judl. Officer,

- \* Reference to Hon'ble Full Court Meeting as well as Meeting of Standing Committee and issuance of Notification in view of the resolutions.
- \* Matters relating to Oath of Hon'ble Judge on appointment/elevation, Leave of Hon'ble Judge, Pension matter of Hon'ble Judge of the High Court.
- \* Matters relating to the nomination of Hon'ble Judge/Judicial Officer for participating in the training programmes of National Judicial Academy, State Judicial Academy, JHALSA, L.N.J.N National Institute of Criminology & Forensic Sciences, etc.
- \* Matters relating to recommendation of Hon'ble Judge/ Judicial Officers for their appointment in Tribunals, Regulatory authorities and permanent Lok Adalats etc.
- \* Matters relating to vesting of powers of Special Judicial Magistrates 2nd Class upon the Executive Magistrate under Sub-section (1) of Section 13 of Cr.P.C 1973 read with Rule 319 of High Court of Jharkhand Rules, 2001.
- \* Matters relating to the Starred/ Unstarred questions rose in the Lok Sabha/ Rajya Sabha by the Hon'ble Members relating to judicial administration of the State.
- \* Deals with the matter relating to inter district transfer of case records.

#### **Vigilance Cell:**

- Matters relating to allegation petitions received in the court against the judicial officers of the state of Jharkhand.
- Matters relating to Departmental proceeding ordered to be initiated against judicial officers of the state.
- Framing of charge, appointment of inquiry officer as well as the presenting officer for conducting departmental proceedings.
- Matters relating to recording of annual confidential remarks in respect of the Judicial Officers of the State, communication of adverse remarks, receiving representations from the Officers for expunction of adverse remarks. Custodian of ACRs of Judicial Officers.
- Modification of zonal structure of the sub-ordinate Courts as well

as matters relating to nomination of zonal Judges.

- Dealing with the enquiry reports submitted by the Hon'ble Zonal Judges as well as the Registrar Vigilance for consideration in the Court in connection with any matter referred thereto.
- To place vigilance reports before the meeting of Hon'ble Full Court, Hon'ble understanding Committee, Hon'ble ACR Committee, Hon'ble Screening Committee as well as Hon'ble Appointment/Promotion/Selection/ACP and Absorption Committee.
- Matters relating to Inter district transfer & posting of ministerial employees of Civil Courts, their Mutual transfers, administrative transfers & deputations etc.

### **Administrative Miscellaneous Department & R.T.I. Cell**

- \* Matters relating to construction of court rooms, chambers, Offices, Hajats etc. in the subordinate courts. Construction of buildings for the members of Bar in the Civil Courts of the state.
- \* Makes correspondences with the state Government relating to other infrastructural requirements and amenities required in the subordinate Courts of the state.
- \* Matters relating to appeals on seniority, disciplinary action against the staff of the Subordinate Courts and complaints against them.
- \* Dealing with correspondences relating to construction of Quarters for the Judicial Officers & staff of the court in the Civil Courts.
- \* Matters relating to collection of information as well as its transmission to the applicants seeking information under the Right to Information Act, 2005.

### **Rules & Statistical Section**

- Dealing with the matters relating to framing of Rules, Regulations, and Issuance of General Letters for circulation in the High Court as well as in the Subordinate Courts.
- Deals with the matter for Organizing rule committee meetings, revision of criminal rule of practice and civil rules of practice
- Collects and compiles the statistical data from all the Civil Courts in respect of Monthly, Quarterly, Half Yearly and Yearly containing the Institution, Disposal and Pendency of Cases.
- To place the compiled data before concerned Hon'ble Zonal Judges of the Subordinate Courts for perusal and orders and to communicate

the Orders received in the matters to concerned Courts.

- Matters relating to preparation of Calendar of the High Court as well as Subordinate Courts, Greeting Cards & Telephone directory.
- Matters relating to annual inspection of Subordinate Courts by the Hon'ble Zonal Judges as well by the Inspection Teams constituted by the Court.
- Compiles the defects pointed out in the respective inspection reports and communicate the same to the concerned judgeship for removal of defects after obtaining approval from the Hon'ble Zonal Judges/ Chief Justice.

### **Legal Cell & Chief Justices Conference**

- Matters relating to nomination of Senior Advocates, Advocates, and Jr. Counsels etc for conducting cases in the Hon'ble Supreme Court of India as well as in the High Court of Jharkhand, Ranchi through its Registrar General or other Registrars.
- Matters relating to submission of statement of facts as well as Para-wise comments etc in respect of concerned cases, submits the draft counter affidavits received from nominated Ld counsels for its approval in the court, transmits the same after swearing to the concerned nominated counsel for filing in the concerned courts.
- Matters relating to submission of interim or final orders received in the matter before Registrar General, deals with matters regarding payment of professional fees to the nominated counsels.
- Matters relating to departmental proceedings in respect of officers & staff of the High Court,
- Matters relating to conference of the Chief Justices of the High Courts and Chief Ministers of the States, submits the resolutions taken in the conference to all the stake holders for proper compliance, transmission of action taken report to the ministry of Law & Justice, Govt. of India.

### **Accounts General(Administration)**

- Dealing with matters relating to preparation of Salary bills of Hon'ble Judges, Members of Registry and all the ministerial Officers & staff of the High Court.
- Preparation of Medical bills, T.A, L.T.C, temporary/ permanent advances of G.P.F bills etc of Hon'ble Judges, Members of Registry and all the ministerial Officers & staff of the High Court.



- Matters relating to final G.P.F withdrawals, Group Insurance and retrial benefits in respect of staff of the court on their superannuation.
- Processes and prepares all bills relating to categories of contingency bills of the High Court, bills relating to advances etc.
- Receives & deposits the judicial deposits/Misc. deposits, fines etc as per statutory provisions or under the orders of the court.
- Disbursement of cash (Cashier), maintenance of cash book & other scheduled registers indicating the cash flow etc and make refund of statutory deposits after approval of the Court.

### **ACCOUNTS (Establishment)**

- Dealing with creation of posts, recruitment/ appointment/ absorption etc on different class III & IV posts & acceptance of their joining in the service.
- Matters relating to the opening of service books, grant of annual increments, gradation of the staff & class IV employees, conduct of departmental examination, concurrence of circulars of the state government, confirmation & fixation of pay in respect of all the staff of the court etc.
- Matters relating to the grant of G.P.F withdrawals/ advances, deputation of staff & officers retirement benefits, issuance of NOC to visit abroad, declaration of assets, promotion, grant of Assured career progression/ M.A.C.P, maintenance of A.C.R & P.C.R etc. of the Staff of the High Court to other department.
- Matters regarding maintenance of High Court's building, chambers and residences of Hon'ble Judges, Members of Registry, construction of Quarters for the officers & staff of the court as well as its allotment, Health centre, canteen, Post Office, Bank, Shops within the Court campus.
- Dealing with the matters relating to Liveries, dress allowance, long term advances( H.B.A, M.C.A), Medical advance and medical reimbursement, declaration of assets( moveable & immoveable), permission to pursue higher education/ training & deputation in the symposiums, Lok Adalats, transmission of service books to the Law (Judl.), Depptt. & Finance Department, transmission of charge reports & issuance of pay slips etc.
- Queries from different High Courts/ other departments and supply

of information under R.T.I. Issuance of General Order, Standing Orders and its circulation in the Court.

- All matters relating to purchase, maintenance of Telephones, Mobiles, E.P.A.B.X system, installation JHARNET & Internet, computers, Laptops etc. in the Offices of the Court as well as at the residences of Hon'ble Judges.
- Matters relating to purchase & maintenance if Motor Cars as well as other vehicles, its Registration, purchase & maintenance of Air Conditioners, Water Coolers, and Aqua-guard etc. Purchase & maintenance of type writers, Franking machine, Shredder machine, Photocopiers, duplicating machine and Fire Extinguishers etc.
- Matters dealing with designation of Senior Advocates, appointment of Advocate oath Commissioners, issuance of License to Advocate Clerks, issuance of different certificates to the Advocates, issuance of Identity Card to the Hon'ble Judges, members of Registry and officers & staff of the court.

### **Stationary Department**

- Deals with the matter relating to printing and supply of scheduled Registers, Scheduled Forms, Letter Heads of Hon'ble Judges, Members of Registry, purchase of entire Stationary Articles etc.

### **COURT OFFICER**

- Court Officer is entrusted with the duties to post class-IV employees including official drivers at the residence and official chambers of Hon'ble Judges, Members of Registry, posting of peons in the Court rooms as well as in the different offices of the Court.
- Over-all-in-charge of Court premises, maintenance of Court Rooms, security matters in respect of High Court Premises as well as the Residences of Hon'ble Judges, and also during visit of Hon'ble Judges to different districts within state.

### **PROTOCOL DEPARTMENT**

- Ensures the protocol measures in respect of the Hon'ble Judges of the High Court, Visiting Hon'ble Judges of the Apex Court, other High Courts as well as the High Dignitaries etc.

### **LIST & COMPUTER SECTION**

The list and computer section of the court is assigned with the duties as to preparation of cause-list as per the constitution of Bench approved by Hon'ble the Chief justice. The Joint Registrar List and

Computer, being the over-all-in-charge of the Section, is entrusted with the duties to ensure the proper listing of the cases as per the provisions contained in the High Court of Jharkhand Rules, 2001 as well as the direction of the Courts.

- Defect free applications, petitions, memos of appeal, affidavits etc., shall immediately be sent to the concerned Section for being listed before the Bench.
- Criminal Appeals, Criminal Revisions and Criminal Miscellaneous (Bail and Quashing) including motion slips filed before 1.00 P.M shall ordinarily be posted for admission or orders, as the case may be, on the following day.
- Where any interlocutory application is filed in a case which is running before the Bench, on urgency being shown, the same shall be laid on the records of the case without any delay.
- All cases shall be listed for admission along with interlocutory applications seeking interim relief(s), if any, chronologically in accordance with the date of filing. No matter shall be listed for admission out of turn unless so directed by the Chief Justice in this regard, notwithstanding the filing of an interlocutory application for interim relief(s).
- It will be open to the petitioner to make a prayer for interim relief in the main application of a writ petition, except in cases where the Law requires a separate application to be filed for this purpose.
- All application filed in the main case will be registered as interlocutory applications and shall be given a separate number (I.A No.) subject to the Law relating to payment of Court fee.
- No interlocutory Application shall be listed unless a copy of such application is served in advance to the Counsel, if any, appearing for the other side.
- The provisions as contained in this Chapter so far as may be, shall be applicable to filing of Process Fee, Vakalatnama, documents, slips, and any other papers relating to any case.

**Main Works done in List & Computer Section mentioned herein below:-**

1. Progress of all Courts is made here on the basis of reports made by the concerned Court Masters.
2. To notify the Cases as directed by the Hon'ble Courts.

3. Entry of cases on the basis of Bench Slips sent by the Sections in the Daily Cause List.
4. Entry of cases on the basis of the Slips sent by the Courts in Supplementary Cause list or Daily Cause List as directed.

### **Preparation of Supplementary & Daily Cause List**

1. All fixed cases are entered in Supplementary List by the Sections, and then Supplementary Cause List is prepared as per Hon'ble Benches.
2. Other than fixed Cases, all cases are listed in Daily Cause List as per Hon'ble Benches.
3. Daily Cause list for Monday to Friday is prepared in advance on Friday or Saturday in which Fixed and non fixed cases are printed as per Hon'ble Courts.
4. All the cases are printed in Supplementary and Daily Cause List as per the Roster as decided by the Hon'ble Chief Justice.
5. Supplementary Cause List is prepared one day in advance.

### **COPYING DEPARTMENT**

- All the requisitions applied for certified copies by the applicants, shall be dropped in the requisition drop box.
- Requisition drop box is evacuated thrice a day at 11.30 AM, 1.30 PM and 3.30 PM.
- All requisitions are sent to the Assistant Registrar (J) for counter sign and thereafter the requisitions are entered in computer and given a serial no., whereafter; the copy of the same shall be affixed in Institution Register.
- All requisitions are checked in internet whether order is available or not.
- If required order is available on net then, it is printed & notified for requisite folio or stamp.
- If required order or document is not available on internet then the requisition is sent to the concerned Section for compliance.
- For sending the requisition in different sections all requisitions are scrutinized and entered section wise in different registers.
- Concerned Section send the requisition along with original order sheet/documents to the copying section. Whereafter they are

estimated and notified for requisite stamps and folios.

- If the required file is not available in the section then it is reported on the back of the requisition.
- Reported requisition are received in the section, rechecked on internet, and if not available, again sent to the concerned section for compliance.
- After receiving the requisite stamps and folios original record/documents are sent for typing or Xerox work as per the requirement. (Only Hand written orders are typed).
- After verification from original record/document certified copies are prepared. All fees are mentioned in certified copy.
- Copy downloaded from internet is directly sent for pasting of stamps after receiving requisite stamps and folios form the applicant.
- Prepared copies are sent to copying officer for verification from original document and get it signed.
- Signed certified copies are sealed with Hon'ble Jharkhand High Court seal.
- Then, prepared certified copies are delivered to the applicants after receiving counterfoil.
- Serial number of all prepared certified copies are entered in ready register on every working day.
- Requisition institution register is completely filled after verifying original records.
- Original order/document is returned to different sections after entering in record sending register.
- If the required folios or stamps not received within seven days from the applicant then, the same requisition is rejected as per Jharkhand High Court, Rule 2001, mentioned at part-IX.

### **INSPECTION OF RECORDS CELL**

- In view of the provisions contained in Rule 260 to 262 of the High Court of Jharkhand Rules, 2001, the court has permitted the inspection of documents/records by the parties in the inspection of Record Cell.
- The Section Officer of the Cell is entrusted with the duties to ensure that inspection of documents undertaken by any applicant is

carried out under his supervision and strict vigil is kept at the time of inspection so as to ensure that neither any document is removed nor tampered with during the course of inspection.

- The inspection slip for the purpose is received from the filing box and forwarded to the concerned section for transmission of records to the inspection cell.
- On receipt of the records, the same is presented to the Advocates' of the contesting parties on whose behalf the inspection slip has been filed.
- After inspection of records, the same are returned back to the concerned department for its restoration. The inspection register meant for inspection of case records is properly maintained.

### **REVIEW**

- Every application for review of judgment shall be by a petition stating the grounds on which a review is sought and shall be duly supported by an affidavit. The period of limitation for filing review is 30 days from the date of the Order sought to be reviewed.
- Unless and otherwise ordered by the Court, a petition for review shall be disposed of, as far as practicable, by the same judge who delivered the Order sought to be reviewed.

### **SERVICE OF NOTICE AND PROCESS**

- Any notice or process to be issued by the court may be served by any one or more of the following modes as directed by the court:-
  - (i) Service through ordinary process
  - (ii) Service through registered post with AD due.
  - (iii) Personal service of notice.
  - (iv) Substituted service of notice as provided under order-V, Rule-20 of the code.

### **PREPARATION OF PAPER BOOKS**

- In all matters to be heard by Division Bench or Larger Benches, it shall be mandatory that paper books are filed before the hearing starts.
- All paper books, unless there is any order to the contrary passed

by the Court, or the Registrar General, shall be prepared by the appellant/ petitioner.

A respondent within 30 days after service upon him of the notice, or, with the permission of the Court or the Registrar General, may file another set of paper books enclosing papers, other than those inserted in the paper book of the appellant / petitioner to which such respondent desires that a reference shall be made by the Court at the hearing of the appeal.

- All the paper books shall be neatly typed, or printed and shall conform with the following requirements :-
  - (a) The size shall be 32 by 64 cms. Of fullscap folio.
  - (b) Every tenth line on each page shall be numbered, i.e. the tenth line shall be numbered 10, the 20th line 20 and so on.
- In all paper books, unless there is an order to the contrary of the Court or the Registrar General whether prepared by the office of the Court or by the parties, papers in Hindi in Devnagari or Kaithi script shall be printed or typed, as the case may be, in Hindi in Devanagari script. Paper in Urdu shall be in Hindi in Devanagari script and then included in the paper books. Paper in vernacular other than Hindi and Urdu shall be translated in English before being included in the paper books.

At the time of hearing or even before, it is considered necessary to have all or any other the vernacular papers in the paper books, translated into English the required translation and their typing shall be done in the office of the Court and the cost thereof, both the translation and typing, shall, unless otherwise directed by the Court, be borne by the party at whose instance the paper has been included in paper books.

- The paper-books shall consist of three parts. Part I shall contain pleadings and depositions of witness, issues framed, judgments, decrees and miscellaneous papers, if any, of the trial Court. Part II shall contain the record of proceedings in the High Court and Part III shall contain the exhibits and documents. Documents in parts I and II shall be in chronological order. The headings of the Hindi documents will be in Hindi. To every paper-book and if it is in more than one volume, to each volume, shall be prefixed a table of contents in English with references to pages. The table of contents of Part III shall follow the order of exhibit marks and shall be arranged as far as possible in chronological order, each document showing its,

exhibit mark and whether it is a plaintiff's or defendant's document and in all cases document relating to the same matter, such as (a) a series of correspondence, (b) proceeding in a suit other than the one under appeal, shall be kept together.

- The paper book shall contain the following papers / documents:-
  - (i) Memorandum of Appeal;
  - (ii) All the pleadings of all the parties in the Courts below;
  - (iii) Issued and documents in the Courts below, if any;
  - (iv) Evidence of the parties, deposition as well as documentary;
  - (v) Copies of the judgments and decrees of the Courts below and all other orders as are relevant and the material for the disposal of the Appeal.
  - (vi) The paper-books filed in the Letter Patent Appeal shall always contain all the papers as were in the proceedings before the learned Single Judge.
- Such number of copies of paper-books shall be filed in every case as would meet the requirement of the Bench as well as the parties.
- All pages of paper-books shall be true copies of their originals and a certificate of the Advocate to that effect shall always be appended in the Paper-Book at its beginning.
- In case of failure of the party responsible for filing paper-book, the matter shall be listed before the Bench for final orders and the Bench may pass appropriate orders.
- Any party will be always at liberty to apply for making any corrections in the paper-books or for filing supplementary paper-books.

## **DUTIES AND RESPONSIBILITIES OF SECTION OFFICER**

Section Officer is the immediate Supervisory Officer in the different sections of the court. Accordingly, his role in the smooth functioning of the section is very pivotal. The major functions being discharged by the Section Officer is briefly outlined herein under.

- To forward the files for its listing before the Hon'ble Bench(s) on being submitted by the concerned Assistants after making proper checking of the office notes.
- To receive the judicial files and records from different Hon'ble



Benches of the Court.

- To make endorsement thereon keeping in mind the orders/ directions/ judgments of the Court.
- To ensure proper compliance of Courts order(s)/direction(s) accordingly.
- To see all the correspondences relating to his section and to priorities the work accordingly.
- To ensure the strict compliance work entrusted to the Assistants.
- To keep a watch on the flow of works and case records of his section.
- To liaison the matters relating to his section with the Registry of the court.
- To take any further steps for smooth functioning of his section as per the directions of the superior Officers the Registry.

#### **DUTIES OF THE COURT MASTER**

1. The Court Master shall be present in the respective Court Hall at 10.10 A.M.
2. It is the duty of the Court Master to check the case bundles that are being listed to the next day.
3. To check the Cause List placed before the Hon'ble Judge on the Dias whether it is properly stitched and also to check the page numbers.
4. To verify the Cause List whether it pertains to the respective Court Hall.
5. To check whether the Pen Stand is in order and the pens and pencils are kept intact.
6. To check whether the Dias and the Chair of the Hon'ble Judges are cleaned.
7. To arrange the case bundles according to the Cause List.
8. To keep the relevant books ready  
To ask the Advocate who are ready with Case Slips for getting books.
9. To check whether the respective Trial Court records are available in the Court Hall.
10. After calling the first case in the Final Hearing List, handing over the relevant papers to the Hon'ble Judges and then Court Master shall verify the respective Trial Court records whether the documents

were in order as per the index to enable him to place the relevant documents before the Hon'ble Judge as and when required.

11. It is the duty of the Court Master to get the citations, Acts from the respective counsels before the Court proceedings, so as to enable him/her to collect the books from the Library.
12. Every citation if any referred by the counsels during the Court proceedings shall be noted by the Court Master in a separate paper so as to enable him to circulate the same whenever the case is reserved for Order (CAV) by the Hon'ble Court.
13. The Court Master expected to maintain a minutes of the proceedings in each case.
14. In case of civil cases the Court Master shall make note of the time taken for arguments by the respective Appellate/Petitioner and Respondents so as to enable the Court Master to calculate the cost while drafting the decree in the case the Hon'ble Court awards costs.
15. It is the duty of the Court Master to see that at any cost the Trial Court records should not mingle with High Court case bundles.
16. The correct name of the counsels and date shall be marked whenever the Case is disposed of.
17. To keep stationery like Rubber, Pencil, Pens, Scribbling Pad (Pink Book) ready for the Judges.
18. The Court Master shall mark the name of the Counsel who argued on behalf of the associates, etc.,

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# Judicial Side

(LETTERS PATENT, WRIT, ORIGINAL & CIVIL SIDE)



### **CATEGORY OF CASES COMING BEFORE SINGLE BENCH:-**

- Application for Bail & Quashing( Matter arising out of Section 482 of Cr. P.C
- Misc. Petition for transfer of criminal cases.
- Application for cancellation of Bail.
- Criminal Revision:
- Criminal Appeal against substantive sentence of not more than 10 year:
- Appeal against judgment of acquittal in which substantive sentence of less than 10 years of imprisonment have been passed:
- A case coming before the court in the exercise of ordinary or extraordinary original criminal jurisdiction, except the cases under section 15 of Contempt of court Act, 1971.

### **CATEGORY OF CASES COMING BEFORE DIVISION BENCH.**

- \* Appeal or reference under the code of criminal procedure in a case in which a sentence of death or of imprisonment for life has been passed.
- \* Appeal against judgment of acquittal in which a substantive sentence of 10 years imprisonment or more could have been passed.
- \* Appeal under section 377 of Cr. P.C or a case in which notice has been issued under section 401 of Cr. P.C to an accused to show-cause why the sentence should not be enhanced.
- \* Appeal, Revision or reference in which a substantive sentence of 10 years imprisonment or more has been passed.
- \* Appeal or reference under the code of criminal procedure in a case in which a sentence of death or of imprisonment for life has been passed.
- \* Appeal against judgment of acquittal in which a substantive sentence of 10 years imprisonment or more could have been passed.
- \* Appeal under section 377 of Cr. P.C or a case in which notice has been issued under section 401 of Cr. P.C to an accused to show-cause why the sentence should not be enhanced.
- \* Appeal, Revision or reference in which a substantive sentence of 10 years imprisonment or more has been passed.

## **IN THE JUDICIAL SIDE FOLLOWING WINGS ARE FUNCTIONAL IN THE COURT.**

### **ORIGINAL JURISDICTION**

- All Petitions, applications filed under the Companies Act, 1956, Company Appeal, Election Petition filed under the Representation of People Act, 1951, Contempt of Courts Act, 1971, Letters of Administration, Probate Cases, Civil Reference & Civil Suits etc.

### **SUPREME COURT APPEAL SECTIONS**

- I. To maintain files of Formal orders/Signed Orders received from Hon'ble Supreme Court of India.

Criminal Appeal arising out of this Hon'ble High Court's judgment/ Order passed in B.A., A.B.A., Cr.M.P., Crl. Appeal(SJ), Crl. Appeal (DB), Crl. Rev., W.P. (Crl.), related with all districts of the State of Jharkhand.

- II. To communicate orders, transmission of High Court Records and Trial Court Records, Services of Notice and Services of Notice received from other High Courts.

(a) Communication of Orders –

- A file is opened for every Criminal Appeal received from the Hon'ble Supreme Court of India and thereafter the order received are sent to the concerned court or the authority.

(b) Transmission of Original High Court Record –

- After receiving letters from Hon'ble Supreme Court of India regarding transmission of original record to the Hon'ble Supreme Court of India, a table of content is prepared of the record which has to be transmitted and thereafter the record is sent to the Hon'ble Supreme Court through Civil Dispatch Section by registered parcel. Similarly, the Trial Court Record if directed to be transmitted, the concerned section of the High Court call for the records of the Trial Court and send it to the Hon'ble Supreme Court. If the Order/ Judgement, depositions and other relating documents are in Vernacular or in Hindi, the entire LCR handed over to the Translator of the High Court under order of

Registrar General for translation of the same.

### **III. Service of Notices :**

- a) Notices are received from the Hon'ble Supreme Court of India through Criminal Receiving Section.
- b) A letter is drafted on the letter head of the Assistant Registrar and the aforesaid Notices are enclosed with and then sent to the Principal District & Sessions Judge of Civil Court under whose jurisdiction the respondent resides with a request to send the service report to this Hon'ble Court.
- c) After receipt of the service report, if found validly served, then a certificate under the signature of Assistant Registrar regarding the date of service of notice is prepared and sent to the Hon'ble Supreme Court of India with a forwarding letter.
- d) If the notices are returned unserved then an information letter mentioning therein the reason due to which the notices could not be served are sent to the Hon'ble Supreme Court of India.

- 1. **Supreme Court Civil Matters :** Civil Appeal arising out of this Hon'ble High Court's judgement/order passed in L.P.A., Writ, Second Appeal, First Appeal, Civil Review and Miscellaneous Appeal.

#### **i) Communication of Orders :**

- a) Orders/Formal Orders/Signed Orders/Judgment /Decree is received from Hon'ble Supreme Court of India through Civil Receiving Section.
- b) A file is opened for every Civil Appeal received from the Hon'ble Supreme Court of India after instituting the same in Institution Register.
- c) The orders/formal orders/signed orders/judgment/decreed is sent to copying Section for prepared of a true photocopy of the same.
- d) A letter is drafted on the letter head of the Assistant Registrar and the aforesaid true photocopies are enclosed with and then sent to the concerned authority/court of information and necessary action through Civil Dispatch Section.

**ii) Transmission of Original High Court Record :**

- a) Letters are received from Hon'ble Supreme Court of India regarding transmission of Original High Court Record to the Hon'ble Supreme Court of India.
- b) The High Court Records are called for from the concerned Section or Record Room.
- c) A table of content is prepared of the record which has to be transmitted.
- d) The records are conditioned if received in torn condition.
- e) A letter is drafted on the letter head of the Assistant Registrar and the aforesaid original Record are enclosed with and then sent to the Hon'ble Supreme Court of India through Civil Dispatch Section.

**iii) Service of Notices :**

- a) Notices are received from the Hon'ble Supreme Court of India through Criminal Receiving Section.
- b) A letter is drafted on the letter head of the Assistant Registrar and the aforesaid Notices are enclosed with and then sent to the Principal District & Sessions Judge of Civil Court under whose jurisdiction the respondent resides with a request to send the service report to this Hon'ble Court.
- c) After receipt of the service report, if found validly served, then a certificate under the signature of Assistant Registrar regarding the date of service of notice is prepared and sent to the Hon'ble Supreme Court of India with a forwarding letter.
- d) If the notices are returned unserved then an information letter mentioning therein the reason due to which the notices could not be served are sent to the Hon'ble Supreme Court of India.



**iv) Circulation of Orders (in appeal arising out of Order/Judgment of other High Courts):**

- a) Reportable orders/Judgments containing important directions which are circulated to all the High Courts in India are received from the Hon'ble Supreme Court of India for placing before the Hon'ble the Chief Justice.
- b) The aforesaid Orders/Judgments are sent for perusal to the Hon'ble Chief Justice.
- c) A copy of the order is circulated among all the Judicial Officers in the State of Jharkhand and to all the Hon'ble Judges of this High Court or as per direction received.

**v) Circulation of Orders (in Criminal Appeal arising out of Order/Judgment of other High Courts):**

- a) Reportable Orders/Judgments containing important directions which are circulated to all the High Courts in India are received from the Hon'ble Supreme Court of India for placing before the Hon'ble the Chief Justice.
- b) The aforesaid Orders/Judgments are sent for perusal to the Hon'ble the Chief Justice.
- c) A copy of the Order is circulated among all the Judicial Officers in the State of Jharkhand and to all the Hon'ble Judges of the High Court or as per the direction received.

**III. Supreme Court Leave Petition (S.C.L.P)**

- a) S.C.L.P. filed in this Hon'ble High Court for special leave to move to the Hon'ble Apex Court.

**IV. Supreme Court Civil Matters:** Civil Appeal arising out of this Hon'ble High Court's judgment/order passed in L.P.A., Writ, Second Appeal, First Appeal, Civil Review, and Miscellaneous Appeal.

**V. Supreme Court Transfer Petition :** A file is opened for every transfer petition received from Hon'ble Supreme Court of India and after taking a formal order from the Registrar General, the same transfer petition is sent to the court concerned.

- The original record under the transfer order received from other High Court are sent to the Court concerned after taking a formal order of the Registrar General of the Court.
- Similarly, the original record under order of transfer for its onwards transmission to the transferee court is also sent after taking formal order of the Registrar General.

## **VI. Contempt Petition :**

- Every petition for initiating a proceeding for civil contempt and criminal contempt shall be registered as Civil Miscellaneous Petition (CMP) and Original Criminal Miscellaneous Petition (Or. Cr.M.P.).
- State of Jharkhand shall be made a respondent in every petition filed for contempt.
- Each petition shall contain:
  - (a) Name, description, place of residence or complete official address with designation of the petitioners and of person or persons charged.
  - (b) Nature of the contempt alleged, material facts including the date of cause of action for contempt.
  - (c) The petitioner shall give the details of the petition, if previously made and shall also indicate the result thereof with document or documents relied upon by him or her
  - (d) The petition shall be supported by an affidavit.
  - (e) No court fee shall be payable on Contempt Petition.
- Every petition either filed under section 15 of the Contempt of Courts Act shall be presented at the centralized filing counter. The designated officer shall endorse on the petition the date of presentation, shall cause it to be laid before a bench of the court for preliminary hearing and for orders except petitions in respect of civil contempt which is arising out of order or direction passed by a Single Judge or a Division Bench.

- In a case where notices have been directed to be issued, the same shall be issued in Form-I.
- The notice for contempt shall be served personally on the person charged unless the court, for the reasons recorded, direct otherwise and in that event service may be effected under the procedures prescribed in Code of Civil Procedure or Code of Criminal Procedure.
- In a case where court has given direction for issuance of bailable or non-bailable warrant, the same shall be in Form – II.
- If a person is charged with contempt and is held guilty and is sentenced to suffer imprisonment, a warrant of commitment and detention shall be made out in Form – III under the signature of the Registrar General.

**Following forms are applicable in contempt proceeding:**

### **FORM – I**

#### **Notice to a person charged with Contempt of Court**

[See Rule 393]

#### **In the High Court of Jharkhand at Ranchi**

Whereas your attendance is necessary to answer a charge of Contempt of Court by (here briefly state nature of the contempt).

You are hereby required to appear in person (or by Advocate if the Court has so ordered) before this Court at Ranchi on the .....day.....of 20.

\*You shall attend the Court in person the ..... day of .....20..... and shall continue to attend the Court on all days thereafter to which the case against you stands adjourned and until final orders are passed on the charge against you.

Herein fail not.

Dated this .... day of .....20.....

(SEAL)

Registrar General

\*To be omitted where the person charged is allowed or ordered to appear by Advocate.

**FORM – II**  
**Warrant of Arrest**

[See Rule 397]

To

(Name and designation of the person or persons who is or are to execute the warrant)

Whereas .....of ..... Is charged with committing contempt of this Court, you are hereby directed to arrest the said ..... And to produce him before this Court.

Herein fail not.

(If the Court has issued a bailable warrant, the following endorsement shall be made on the warrant)

If the said ..... shall give bail in the sum of Rs. .... with one surety in the sum of Rs. .... (or two sureties each in the sum of Rs.....) to attend before this Court on the ..... Day of .....20..... and to continue so to attend until otherwise directed by this Court, he may be ..... released.

Dated this .... day of .....20.....

(SEAL)

Registrar General

**FORM – III**  
**Warrant of Commitment for Contempt**

[See Rule 403]

**In the High Court of Jharkhand at Ranchi**

To

The Superintendent of the Jail .....

Whereas at the Court holden on this day (name and description of the contemnor) has been adjudged by the Court guilty of willful contempt of Court, and he has been sentenced to suffer imprisonment for the period ..... (here specify the term) / and / or to pay a fine of rupees .....

This is to authorize and require you, the Superintendent of the said Jail, to receive the said (name of the contemner) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (term of imprisonment) or for such shorter period as may hereafter be fixed by order of this Court and intimated to you. You are directed to return this warrant with an endorsement certifying the manner of its execution.

You are further directed that while the said ..... is in your custody, produce the said ..... before this Court at all times when the Court shall so direct.

Given under my hand and the seal of the Court..... this ..... day of .....20

(SEAL)

Registrar General

## **VII. Election Petition :**

- Election Petition filed in the Hon'ble High Court against the election of Legislative Assembly / Lok Sabha / Rajya Sabha of the State of Jharkhand. After institution of the said petition in the concerned Election Department of the Hon'ble Court, information in prescribed performa regarding filing of Election Petition is sent to the State Election Commissioner and Election Commission of India.
- After stamp reporting of the said petition, the same is placed for listing before the designated Hon'ble Election Judge under the heading for orders with office notes and the action or orders passed on the said petition by the Hon'ble Court, if any, the office concerned proceeds further.

## **VIII. Company Petition :**

- After filing of a Company Petition in the Hon'ble High Court either for winding up of a company or amalgamation, the said petition is sent to the concerned company department of the Hon'ble Court.
- The concerned office after instituting the same in the Institution Register, sent the company petition for stamp reporting and with the defect, if any, as pointed out by the Stamp Reported, the same is placed before the designated Hon'ble Company Judge.

## **LETTERS PATENT APPEAL**

### **Introduction**

**Rules under section 27 of the Bihar Reorganization Act, 2000 (Act No. 30 of 2000).**

The High Court of Jharkhand shall have, in respect of the territory included in the state of Jharkhand all such jurisdiction, powers and the authority as, under the law in force immediately before the 15th November, 2000 was exercisable in respect of that part as was exercisable by the High Court of Judicature at Patna, including all the powers and authorities as provided under Letter Patent constituting the High Court of Judicature at Patna (under Acts 5 & 6 Geo. 5. C.61)

## **Rules for Appeals under Clause 10 of the Letters Patent.**

- Every appeal to the court under Clause 10 of the Letters patent from a judgment of one Judge of the Court shall be presented at the Centralized Filing counter within thirty days from the date of the judgment appealed from. The designated Officer shall endorse on the memorandum the date of presentation and after satisfying him that the appeal is in order and is within time shall cause it to be laid before a Bench for orders at any early date. It shall be accompanied by a certified copy of judgment appealed against.
- If an appeal under this rule is filed beyond the period of 30 days, the delay in filing the appeal may be condoned by Court subject to the appellant showing sufficient cause and offering explanation as to the reasons of delay by filing a separate application (I.A) for this purpose duly supported by an affidavit.
- A Letters Patent Appeal arising out of the decision of a single Judge shall consist of the following papers:
  - a) Memorandum of the Letters Patent Appeal;
  - b) Judgment and/decreed under appeal; and
  - c) All such papers and documents as form the record of the Writ Application or other proceedings before the learned Single Judge and before the Court lower than that, on which the appellant seeks reliance, or proposes to make reference.
- Where any interim relief/order is sought, such as stay, injunction etc. such prayer should be made specifically in the memorandum of the Letters Patent Appeal, in a separate numbered paragraph in the prayer portion.
- A separate application (I.A) may also be filed for the aforesaid purpose.
- Procedure for filing L.P.As, the format on which these should be drafted and the particulars required to be mentioned, shall be such as is prescribed and laid down in Chapters VII and VIII of High Court Rules.
- After entries are made, the Designated Officer shall either himself or through office staff under his supervision check the following:
  - a) Format of cause title, including name and address of all the parties, sufficiency of court fees, provision of law, receipt showing service of copy on the Advocate General / other side

as required under rules, reliefs sought for and the number of copies as required.

- b) Certified copy of the order under challenge and/or of any order required under these Rules, or under any other statute or Rules;

Provided that deficiency of Court Fee Stamps will not be considered to be a defect for the purpose of filing it is accompanied by an application seeking leave to pay deficit stamps within a specified period or to contest stamp report.

- Except where the Designated Officer is of the opinion that the stamp report regarding the defects is not correct or that defects can be ignored or that they are not curable, the cases where any defect as specified in Rule 75 is noticed, the filing shall be returned to the person presenting the same with intimation regarding the defects to be refiled after removing the defect within seven days. Any re-filing after the expiry of seven days from the date of return shall be subject to law of limitation.
- Where the Designated Officer is of the opinion that there is bona-fide arguable point pertaining to any defect, he shall refer the matter to the Bench for orders or admission.
- All defect free applications, petitions, memos of appeal etc. including such applications, petitions, memos of appeals in which the defects have been ignored or are considered to be not curable, shall be numbered under the respective heads of cases.
- Submission of defective cases before the Lawazima Board of Joint Registrar (J) for complying with any requirement or for filing requisites etc.
- On non compliance of the direction of L.B of Jt. Registrar (J), the matter is submitted before the Lawazima Board of Registrar General immediately after expiry of time granted by the Joint Registrar (J). However, if the order of L.B of J.R (J) is complied with, making the case defect free then it is placed before the appropriate Bench.
- On non compliance of order of L.B of the Joint Registrar (J), the Registrar General may grant an opportunity to comply with the directions. On being given second opportunity for compliance of direction even then, if there is non compliance, the matter is referred to the court for passing final order.
- The defect free cases are listed before the appropriate Bench under



the heading “**for admission**” and the defective cases under the heading “**For Orders**” before Division Bench.

### **Writ Jurisdiction**

All Writ applications/ petition, Interlocutory applications, affidavits etc are being filed in a prescribed proforma meant for entering in the computer data at the centralized filing Counter before the designated Officer nominated by the Chief Justice.

Window No- 2, Writ Filing:-

- Filing
- Data Entry and issuance of Token number.
- Distribution to Writ Stamp Reporting section.
- Examination of the case whether they are in due forms & properly stamped.
- Receiving the records from Writ stamp report with report.
- Institution of the case by assigning main number. In the computer database.
- Transmission of defective cases to the Defect Removal Center for removal of defects by the Advocate, as pointed out by the stamp reporter.
- Transmission of list of defect free cases to the List & Computer section for listing the same before appropriate Bench.

**Writ section is a pivotal wing of the High Court.** The works being undertaken in the section is described herein :-

- Receiving the defect free cases and defective cases of different nature viz, WP(C), W.P(S), W.P (L), WP (T) &WP (PIL) etc from the centralized filing center after institution.
- Submission of defective cases before the Lawazima Board of Joint Registrar (J) for complying with any requirement or for filing requisites etc.
- On non compliance of the direction of L.B of Jt. Registrar (J), the matter is submitted before the Lawazima Board of Registrar General immediately after expiry of time granted by the Joint Registrar (J).

However, if the order of L.B of J.R (J) is complied with, making the case defect free then it is placed before the appropriate Bench.

- On non compliance of order of L.B of Registrar General showing disability or inability in complying with the directions of the Joint Registrar (J), the Registrar General may grant an opportunity to comply with the directions. On being given second opportunity for compliance of direction L.B of JR (J), in the event of its non compliance, the matter is referred to the court for passing final order.
- The defect free cases are listed before the appropriate Bench under the heading "Fresh Filing" and the defective cases under the heading "For Orders".
- After hearing the Writ Petitions, if the Hon'ble Bench, directs for Issuance of writ / Rule Nisi/ Notice, the records of the cases are sent to the writ section and thereafter, Rule Nisi and Notices are issued. After filing of the Notices by the Advocate, the same are issued and dispatched.
- After receiving of the service reports of the notices (served or unserved) in civil receiving section, the same are forwarded to the Writ section. Assistant of the Writ section put up the notices in the concerned file.
- Cases in which notices are not filed within time as granted by the Hon'ble Court, under preemptory order, the case stand dismissed for default. Information to Advocate is made and a formal order is drawn from the Registrar General. Thereafter these case records are transmitted to the Writ Disposal section.
- Whenever service of Notices could not be effected either through ordinary process or through registered post, then substituted service of notice through Newspaper publication is made with due approval of the Bench.
- Counter affidavits, Supplementary affidavits and Rejoinders filed in the pending cases are received at the centralized filing center which is transmitted to the Writ pending section. Those C.As, S.As & rejoinders put up in the respective case records.
- On receipt of the Order of Stay of further proceeding, vacation of stay, calling for L.C.R etc, the same are communicated to the concerned respondents.
- Whenever application for certified copy is received in respect of Orders, petitions, C.As, S.As, rejoinders etc by the contesting parties, the same are forwarded to the Copying department for issuance of

the same. After issuance of certified copies, the original records are received back and restored to the case record.

- On receipt of the application for Inspection of records by the parties, the original case records are transmitted to the Inspection of Records section. After inspection the records are received back in the Writ section.
- To prepare the cases ready for Hearing, the case records are split up in two parts i.e. Part I & Part II with table of contents and pagination.
- Matters referred to Mediation and Conciliation Center, Lok-Adalat and Tribunals are also forwarded by the Assistants of the Writ Section.
- Matter relating to issuance of notice in compliance of the orders of the Hon'ble Supreme Court of India and transmission of case records to the Apex Court are also done by the Assistants of the section.

#### **Rules for Disposal of Applications under Article 226 and 227 of Constitution of India.**

- An application for a direction, Order or Writ under Article 226 of the Constitution shall state the names, description and addresses of the applicant and the party against whom the relief is sought and the grounds upon which it is sought and be supported by an affidavit by the petitioner who is acquainted with the facts of the case as specified in sub-rule (1) Of Rule 15 of order VI of the code. It shall also state whether an application on the same facts had been previously filed before this court, and if so, with what result.
- Every application under Article **226 & 227** of the constitution for quashing of the investigation with prayer of stay of arrest during the pendency of such Writ application, or for grant of bail or anticipatory bail shall state whether bail or anticipatory bail has been granted or refused earlier in a case, and if so, shall state the number of the case, the date of disposal and result thereof.
- An application under Article 226 of constitution should be drafted, typed, affidavited and filed as prescribed in chapter VII & VIII of High Court of Jharkhand Rules, 2001.

#### **WRIT OF HABEAS CORPUS**

- Notices in respect of writ of habeas corpus where the person is in custody under orders of a State Govt. or Central Govt. shall

invariably be issued by the Court at the first listing and shall be made returnable within 48 hours. The State Government or Central government may file a brief return enclosing the relevant documents to justify the detention. The matter shall be listed after notice on the fourth working day after issuance of notice, and the court shall consider whether more detailed return to the writ is necessary, and, if so required, shall give further time of a week and three days' time for filing a rejoinder. A writ of habeas corpus shall invariably be disposed of within a period of fifteen days. It shall have preference over and above the fast track cases.

### **PUBLIC INTEREST LITIGATION**

- Public Interest Litigation means and includes a writ petition filed in public interest or in any case taken up by the High Court sue motto in public interest, with the permission of the Chief Justice.
- The petitioner in a Public Interest Litigation shall state in clear terms of the relief prayed for in paragraph-1 of the petition and grounds in paragraph-2 thereof. In paragraph-3, the petitioner shall give his/her full and complete details so as to reveal his/her interest, credentials and qualifications relevant for the Public Interest Litigation, along with a qualification that he/she has no personal interest, direct or indirect, in the subject-matter of public interest litigation. In addition, the petitioner shall set out all relevant facts along with available supporting data, reports etc.
- Each Public Interest litigation will chronologically mention in detail all such other and earlier efforts with their result, which are within the petitioner's knowledge, and which have been made by the petitioner or others for obtaining the relief sought by the Public Interest litigation.
- The procedure for dealing with Public Interest litigation shall otherwise be the same as that for a Civil Writ Petition requiring consideration by a Division Bench, usually headed by the Chief Justice or by any other Bench assigned by the Chief Justice.
- The Chief Justice shall have power to amend these Rules, by notification.
- **Application and Affidavit:**
  1. Every application to the High Court shall be by a petition written in English language.

2. Every petition shall state concisely & clearly
- i. The facts, matters and circumstances upon which the applicant relies and the relief sought

(3) (i) the facts stated in every petition shall be verified either by solemn affirmation or on oath of the petitioner, or by a separate affidavit annexed to the petition.

Note: An affidavit sworn before a Notary is not an affirmation before an officer appointed by the High Court. High court will not entertain such an affidavit.

- Every petition and every affidavit with annexure, if any, shall be titled **“IN THE HIGH COURT OF JHARKHAND AT RANCHI”**,

And shall be-

- (i) Couched in proper language;
  - (ii) Signed and dated either by the petitioner or declarant or his pleader;
- In case of the annexure to an affidavit being not the original document or its certified copy, the declarant shall also state in the affidavit that the annexure is a true copy of the original:
  - Unless otherwise specifically provided for in the Rules of the Court, a copy of every petition or affidavit with its enclosure, if any, shall be served upon counsel for the other side and the receipt showing service of the same must be filed along with the petition or the affidavit in question, unless otherwise directed by the Court for any sufficient reason.

If the petition or affidavit has to be heard or considered by a Division Bench, a clear readable and in order second copy thereof with its enclosure. Where the petition is filed in an appeal and has to be heard by the Division Bench a copy of the judgment appealed against shall also be filed for use of the court.

- Every document referred to in an affidavit shall be marked as an exhibit and shall bear the certificate of the Commissioner before whom the affidavit was made in the prescribed form.
- Except under the special orders of the Registrar General no document, being an exhibit to an affidavit or verified petition, or the materials for any application shall be given back unless the document is an original document, in which case it may be taken back on an order of the Registrar General a certified copy being

retained.

- Every Pardanashin woman verifying a petition or making an affidavit shall be identified in the manner specified in the preceding rule and every such petition or affidavit shall be accompanied by the affidavit of identification of such woman made at the time by the person who identified her.
- Every interlineations, alteration or erasure in a petition or affidavit shall be authenticated by the initials of the Commissioner before whom the petition was verified or the affidavit was made.
- The applications, petitions, memo of appeal including interlocutory application (IA), shall be in paper-book form with index typed on full-scape size water marked plain demi paper (pie paper) or bond paper capable of being used in the printer of the computer, with a margin of two inches containing approximately 24 inches, paginated with annexure numbers and shall be accompanied by a synopsis of the case giving the relevant dates of events in chronological order.
- Hand written document used as annexure if not easily readable in Photostat, shall be accompanied by true typed copies,
- All filings shall be noted in the computer as well as in the Register maintained for the purpose under the supervision of the Designated Officers who shall thereafter grant acknowledgment receipt and either himself or through office staff under his supervision check the following:-
  - (a) Format of cause title, including full and complete address of all the parties including the details of the Police Station, Post Office and Postal Index Number.
  - (b) receipt showing service of copy on the Advocate General/ other side as required under these Rules or any other statute or Rules;
  - (c) Sufficiency of Court Fee Stamp.
  - (d) Provision of law under which the filing is made.
  - (e) certified copy of the order under challenge and/or of any order required under these Rules, or under any other statute or Rules;
  - (f) Relief sought for.
  - (g) Sufficiency of number of copies as required under these Rules.
  - (h) Other requirements under these rules or statutory requirement, if any:

Provided that deficiency of Court Fee Stamps will not be considered to be a defect for the purpose of filing if it is accompanied by an application seeking leave to pay deficit stamps within a specified period or to contest stamp report.

- Except where the Designated Officer is of the opinion that the stamp report regarding the defects is not correct or that defects can be ignored or that they are not curable, the cases where any defect as specified in Rule 75 is noticed, the filing shall be returned to the person presenting the same with intimation regarding the defects to be re-filed after removing the defect within seven days. Any re-filing after the expiry of seven days from the date of return shall be subject to law of limitation.
- Where the Designated Officer is of the opinion that there is bona-fide arguable point pertaining to any defect, he shall refer the matter to the Bench for orders or admission.
- All defect free applications, petitions, memos of appeal etc. including such applications, petitions, memos of appeals in which the defects have been ignored or are considered to be not curable, shall be numbered under the respective heads of cases.
- Defect free applications, petitions, memos of appeal, affidavits etc. shall immediately be sent to the concerned Section for being listed before the Bench.

**APPENDIX FORMS**  
**FORM OF PETITION**  
**FORM No. 1**

IN THE HIGH COURT OF JHARKHAND  
(SPECIAL ORIGINAL JURISDICTION)

Writ petition No. of 200..

Between

AB

.....Petitioner

AND

CD

....Respondent

Petition under Article 226 of the Constitution of India

1. The petitioner is (Give description and address)
2. The address of the Petitioner for service of all notices is.....the Respondent is .....(Give description and address)
3. For the reasons set out in the Affidavit filed herewith, the petitioner prays that .....(set out the reliefs sought)

(Signed).....

Petitioner

(Signed).....

Attorney/Advocate for the petitioner



**FORM No. 1A**

IN THE HIGH COURT OF JHARKHAND  
(SPECIAL ORIGINAL JURISDICTION)

Habeas Corpus Petition No. .... Of 200

(In the matter of detenue)(Full Name of the detenue as found in the Order of Detention at Central Prison.....)

AB

.....Petitioner

AND

CD

....Respondent

Petition under Article 226 of the Constitution of India

4. The petitioner is (Give description and address)
5. The address of the Petitioner for service of all notices is.....the Respondent is .....(Give description and address)
6. For the reasons set out in the Affidavit filed herewith, the petitioner prays that .....(set out the reliefs sought)

(Signed).....

Petitioner

(Signed).....

Attorney/Advocate for the petitioner

**SCHEDULE**

- (i) Name of the Detenue;
- (ii) Father's/Husband's Name:
- (iii) Age:
- (iv) Permanent Address:
- (v) Identification Marks (As found in the order of Detention)
- (vi) Date of Detention order:
- (vii) Reference Number of the Detention order:
- (viii) Name of the Prison where the Detenue is lodged:
- (ix) Prison Number:

Strikeout the portion whichever is not necessary or not applicable.

**FORM No. 1**

**IN THE HIGH COURT OF JHARKHAND  
(SPECIAL ORIGINAL JURISDICTION)**

Writ petition No. of 200..

Between

AB

Petitioner

AND

CD

Respondent

Petition under Article 226 of the Constitution of India

7. The petitioner is (Give description and address)
8. The address of the Petitioner for service of all notices is.....the Respondent is .....(Give description and address)
9. For the reasons set out in the Affidavit filed herewith, the petitioner prays that .....(set out the reliefs sought)

(Signed).....

Petitioner

(Signed).....

Attorney/Advocate for the petitioner

**FORM No. 2**

IN THE HIGH COURT OF JHARKHAND

Day,                      the                      day of                      200

PRESENT

THE HONOURABLE MR. JUSTICE

AND

THE HONOURABLE MR. JUSTICE

Habeas Corpus Petition No. of 200

In the matter of detenue in the Central Jail at

**PETITIONER**

Section 491 of the Code of  
Criminal Procedure, 1898

**Petition under Article 226 of the Constitution of India**

Praying that in the circumstances stated therein and in affidavit filed therewith, the High Court will be pleased to issue directions in the/ a Writ of .....

NATURE OF A HABEAS CORPUS for production before the High Court, Jharkhand, the person.....

PROCEEDING UNDER ART 226 OF THE CONSTITUTION of.....A detenue in the Central Jail at ...to be dealt with according to law and direct that he/they be set at liberty.

## ORDER

This petition coming on for Orders/Hearing, upon perusing the petition and the Affidavit filed in support thereof and other papers material to this petition, and upon hearing the arguments of Mr. .... Advocate for the petitioner and Mr. ....for the Public Prosecutor on behalf of the State. IT IS ORDERED THAT.....Now a detenue in the Central Jail at. ....under..... (Specify Act), be released forthwith from custody, unless he is liable to be detained in custody for some other cause.

(Signed).....

Deputy Registrar, Appellate Side

(TRUE COPY)

(Signed).....

Sub./Assistant registrar-Appellate Side

To

1. The Superintendent, Central Jail (In duplicate)
2. The Chief Secretary to the Government of Jharkhand, Public (General-E) Department, (with covering letter)
3. The District Magistrate, dated:

## ORDER

Directing the release from custody of a detenue in the Central Jail at.....

**FORM No. 1**

**IN THE HIGH COURT OF JHARKHAND  
(SPECIAL ORIGINAL JURISDICTION)**

Writ petition No. of 200..

Between

AB

.....Petitioner

AND

CD

...Respondent

Petition under Article 226 of the Constitution of India

10. The petitioner is (Give description and address)
11. The address of the Petitioner for service of all notices is.....the Respondent is .....(Give description and address)
12. For the reasons set out in the Affidavit filed herewith, the petitioner prays that .....(set out the reliefs sought)

(Signed).....

Petitioner

(Signed).....

Attorney/Advocate for the petitioner

**FORM No. 3**

Order directing issue of WRIT OF HABEAS CORPUS  
IN THE HIGH COURT OF JHARKHAND  
HABEAS CORPUS PETITION NO. .... OF 200

DATE

PRESENT

THE HONOURABLE MR. JUSTICE

AND

THE HONOURABLE MR. JUSTICE

**PETITIONER**

**RESPONDENT**

Petition under Article 226 of the Constitution of India praying that in the circumstances set out in the Affidavit filed therewith, the Court may be pleased to issue a HABEAS CORPUS, etc.....

The petition coming on this day for Orders upon reading the petition, etc.....and upon hearing Mr. ....of or the petition and Mr. .... for the respondent, it is ORDERED that a writ of HABEAS CORPUS to issue directed to the Superintendent of Central Jail.....at.....requiring him to produce the body of .....confirmed in the said jail, immediately before this court to be dealt with according to law.

**DEPUTY REGISTRAR**

**FORM No. 4**

**WRIT OF HABEAS CORPUS  
IN THE HIGH COURT OF JHARKHAND**

THE HONOURABLE MR. JUSTICE

Habeas Corpus Petition No. ....of 200

Petitioner

Respondent

To

The Officer-in-charge of (Name of jail)

The Superintendent of (Asylum)

You are hereby directed to produce the body of .....now a prisoner...in/  
now in custody in Asylum/Jail, now in your charge, under safe conduct  
before the High court of Judicature at Jharkhand on .....(date) at .....  
(hour) in the forenoon of the same day and unless, the said ...shall then  
and to the Jail/Asylum/Custody.

Witness the Hon'ble Mr. ....Chief Justice of the High Court of Judicature  
at Jharkhand, this.....day of in the year Two Thousand.

**DEPUTY REGISTRAR**

**FORM No. 4**  
**WRIT OF HABEAS CORPUS**  
**IN THE HIGH COURT OF JHARKHAND**

THE HONOURABLE MR. JUSTICE

Habeas Corpus Petition No. ....of 200

**Petitioner**

**Respondent**

Whereas this Court has granted a Writ of Habeas Corpus directed to..... (Or other person) having the custody of.....commanding him to have the body of.....before the said Court .....at the High Court, Jharkhand, immediately to undergo and receive all and singular such matter and things as the Court shall then and there consider of concerning him in this behalf;

Now take notice, that you are hereby required to have the body of the said.....before the said Court on the said day.....200 at the hour of.....in the forenoon (or afternoon). And to make a return to the said Writ. Or. In default thereof the said Court will then, or, as soon after as counsel can be heard, is moved for an attachment against you for your contempt in not obeying the said writ.

Dated at.....day of.....200

Deputy Registrar, Appellate Side



**FORM No. 6**  
**IN THE HIGH COURT OF JHARKHAND**

Day the day of Two thousand

PRESENT

THE HONOURABLE MR. JUSTICE

Writ Petition No. 200

**Petitioner**

**Respondent**

Petition praying that in the circumstances stated in the affidavit filed therewith, the High Court will be pleased to issue a WRIT OF CERTIORARI calling for records in.....on the file of the .....and quash the order therein.

This petition coming on for orders, upon perusing the petition, the affidavit filed in support thereof and upon hearing the arguments of Mr.....advocate for the petitioner; IT IS ORDERED as follows:

- 1) That a writ of Certiorari nisi returnable to issue to the calling for the records in.....on the file of the .....and quash the order therein.
- 2) That a rule nisi do issue to the respondent herein directing him to appear before this Court in person or by Advocate on at 10.45 A.M and to show cause why this application should not be complied with.

**Assistant Registrar,**

Appellate Side

Dated.....200

**ORDER**

Writ Petition No. of 200 Directing issue of a WRIT OF CERTIORARI calling for the records in on the file of....and RULE NISI in Respondent to show-cause why this application should not be complied with.



**FORM No. 8**  
**WRIT OF CERTIORARI-ORDER ABSOLUTE**  
**IN THE HIGH COURT OF JHARKHAND**

Day of      Two thousand

PRESENT

THE HONOURABLE MR. JUSTICE

Writ Petition No. .... of 200

Petitioner

And

Respondent

This Petition coming on this day of.....200.....on further consideration in the presence of and.....upon perusing the records in.....and comprising in the return....and upon hearing the argument of.....of.....IT.

(1).....

(2).....

Witness the Hon'ble Mr. Chief Justice of the High Court of Judicature at Jharkhand, this day of .....in the year Two thousand

**Assistant Registrar, Appellate Side**

**FORM No. 9**  
**WRIT OF PROHIBITION**  
**IN THE HIGH COURT OF JHARKHAND**

Day,    the day of    200

PRESENT

THE HONOURABLE MR. JUSTICE

Writ Petition No.        200

HCAS 16

Between

**Petitioner**

**And**

**Respondent**

Whereas by a petition filed in this Court by the aforesaid petitioner, it has been brought to the notice of this Court that you, the respondent aforesaid, have taken on your file..... (Here describe the proceeding), whereas, this Court is of opinion that you, the respondent aforesaid, have no jurisdiction to hear and determine the said....by reason that (state facts showing want of jurisdiction)

You are hereby prohibited from further proceeding with the said proceeding.

Witness the Hon'ble Mr. Chief Justice of the High Court of Judicature at Jharkhand, this day of .....in the year Two Thousand.

**Assistant Registrar, Appellate Side.**

**FORM No. 10**  
**ORDER PETITION FOR QUO WARRANTO**  
**IN THE HIGH COURT OF JHARKHAND**

Day,    the day of    Two thousand

PRESENT

THE HONOURABLE MR. JUSTICE

Writ Petition No. ....of 200

Between  
Petitioner

And  
Respondent

Petition praying that in the circumstances stated in the affidavit filed therewith, the High Court will be pleased to issue a Writ of quo warranto directed to the respondent above named, requiring him to show-cause, by what authority he claims to have, use, enjoy, and perform the rights, duties, privileges of the office of.....

The petition coming on for order/hearing this day, upon reading the petition, etc., upon hearing Mr. ....for the petitioner and the said respondent appearing by Mr. ....and entering a disclaimer to the quo warranto, this Court doth order and direct that the said ..... the respondent herein do no intermeddle in any manner with the said office and this Court doth further order and declare that the said office is vacant.

Witness the Hon'ble Mr. Chief Justice of the High Court of Judicature at Jharkhand, this day of .....in the year Two Thousand.

**Assistant Registrar,Appellate Side.**

**FORM No. 11**  
**WRIT OF MANDAMUS**  
**IN THE HIGH COURT OF JHARKHAND**

Day,    the day of    Two thousand

PRESENT

THE HONOURABLE MR. JUSTICE

Petition No. ....of 200

Between

Petitioner

And

Respondent

Whereas by section .....of Act (State provision of Law on which the Act required to be done is founded) you are required .....(Specify the act to be done) and whereas it has been represented to the Court that, contrary to the requirements of the Act, you failed, neglected and refused, to .....(State act refused) in spite of demands made in that behalf. You are hereby directed to do (Specify the act) on or before

Witness the Hon'ble Mr. Chief Justice of the High Court of Judicature at Jharkhand, this day of .....in the Year Two Thousand.

**Assistant Registrar**  
**Appellate Side.**

**FORM No. 12**  
**IN THE HIGH COURT OF JHARKHAND**

Day,    the day of    Two thousand

PRESENT

THE HONOURABLE MR. JUSTICE

Petition No. ....of 200

Between

Petitioner

And

Respondent

**NOTICE**

Whereas Writ Petition No.....of 200 has been filed in the High Court of Jharkhand praying (here set out the relief prayed for) and impleading.....in a representative capacity and whereas in terms of rule 2-A of the rules framed by the High Court to regulate proceedings under Article 226, of the Constitution, any person who considers, himself likely to be selected in the event of the Writ Petition being allowed may apply to the Court to be heard in opposition to the Writ Petition.

Notice is hereby given that any person to be heard at the hearing of the writ petition, may do so by entering appearance on or before..... And appearing in person or through counsel at the hearing on .....at 10.45 A.M before the Court.

Witness the Hon'ble Mr. Chief Justice of the High Court of Judicature at Jharkhand, this day of .....in the Year Two Thousand.

(Sd. /-)

Advocate for petitioner

**FORM No. 13**  
**IN THE HIGH COURT OF JHARKHAND**

Day,    the day of    Two thousand

PRESENT

THE HONOURABLE MR. JUSTICE

Petition No. ....of 200

Between

AB

Petitioner

And

CD

Respondent

Take notice that I have this day entered an appearance on the Appellate side of Judicature at Jharkhand for CD/EF the writ petition who was served on the...that the address for service of the said Advocates, Chambers High Court Jharkhand the High Court of respondent in this day of 200.....and C.D. is (No.....)

Dated this ..... Day of.....200

(Sd.).....

Respondent or his Advocate



**FORM No. 14**  
**MEMORANDUM OF CAVEAT PETITION**

(Under Rule .....High Court Rules)

**IN THE HIGH COURT OF JHARKHAND**

Caveat Petition No.....of 200

In

W.P No. ....of 200

A.....

Caveat Petitioner/s Expected

Respondent/s

Vs

B.....

Caveat Petitioner/s Expected

Respondent/s

The Caveat Petitioner states as follows:

1. The Caveat Petition is  
The address of Caveat Petitioner for service of Notices
2. The Caveat Respondent is  
The address of Respondents for service of Notices
3. The Caveat Respondent is expected to
4. Let nothing be done in the matter without notice to the Caveat Petitioner

(Sd.).....

Caveat Petitioner

(Sd.).....

Advocate for the Caveat Petitioner.

**//BY ORDER//**

HIGH COURT, JHARKHAND

REGISTRAR GENERAL

## **Civil Appellate Jurisdiction**

### **Second Appeal (appeal against appellate decree)**

An appeal is filed in the High Court against the every appellate decree passed by any Court subordinate to the High Court at the centralized filing centre of the High Court.

Window No- 4, Second Appeal Filing:-

- Filing
- Data Entry and institution of the main case no.
- Transmission of the cases to the Second Appeal Section.
- Transmission of the case from second appeal to Civil stamp Report Section.
- Examination of the case whether they are in due forms & properly stamped.
- Receiving the records from civil stamp report with report.
- Transmission of defective cases to the Defect Removal Center for removal of defects by the Advocate, as pointed out by the stamp reporter.
- Submission of defective cases before the Lawazima Board of Joint Registrar (J) for complying with any requirement or for filing requisites etc.
- On non compliance of the direction of L.B of Jt. Registrar (J), the matter is submitted before the Lawazima Board of Registrar General immediately after expiry of time granted by the Joint Registrar (J).  
However, if the order of L.B of J.R (J) is complied with, making the case defect free then it is placed before the appropriate Bench.
- On non compliance of order of L.B of Registrar General showing disability or inability in complying with the directions of the Joint Registrar (J), the Registrar General may grant an opportunity to comply with the directions. On being given second opportunity for compliance of direction L.B of JR (J), in the event of its non compliance, the matter is referred to the court for passing final order.
- The defect free cases are listed before the appropriate Bench under the heading "Fresh Filing" and the defective cases under the heading "For Orders".

- When the second appeal cases are listed before the Hon'ble Bench, Issue of Notice is ordered. Besides, these old cases wherein notice was not served due to certain reasons, fresh Notices are issued. Here all these cases have to be received by the Section Officer and work is being distributed among the Assistants of the section. After filing of the Notices by the Advocate, the same are issued and dispatched.
- An Assistant of the Civil Receiving section receives the service reports of the notices (served or unserved) and forward the same to the Second Appeal section. Assistant of the Second appeal section put up the notices in the concerned file.
- Cases in which notices are not filed within time as granted by the Hon'ble Court, under preemptory order, the case stand dismissed for default. Information to Advocate is made and a formal order is drawn from the Registrar General. Thereafter these case records are transmitted to the Second Appeal Disposal section.

### **FIRST APPEAL (APPEAL AGAINST ORIGINAL DECREE)**

An appeal is filed in the High Court against the every original decree/ award passed by any Court subordinate to the High Court at the centralized filing centre of the High Court.

Window No- 4, First Appeal Filing:-

- Filing
- Data Entry and institution of the main case no.
- Transmission of the cases to the First Appeal Section.
- Transmission of the case from First appeal to Civil stamp Report Section.
- Examination of the case whether they are in due forms & properly stamped.
- Receiving the records from civil stamp report with report.
- Submission of defective cases before the Lawazima Board of Joint Registrar (J) for complying with any requirement or for filing requisites etc.
- On non compliance of the direction of L.B of Jt. Registrar (J), the matter is submitted before the Lawazima Board of Registrar General immediately after expiry of time granted by the Joint Registrar (J).

However, if the order of L.B of J.R (J) is complied with, making the case defect free then it is placed before the appropriate Bench.

- On non compliance of order of L.B of Registrar General showing disability or inability in complying with the directions of the Joint Registrar (J), the Registrar General may grant an opportunity to comply with the directions. On being given second opportunity for compliance of direction L.B of JR (J), in the event of its non compliance, the matter is referred to the court for passing final order.
- The defect free cases are listed before the appropriate Bench under the heading "Fresh Filing" and the defective cases under the heading "For Orders".
- When the First appeal cases are listed before the Hon'ble Bench, Issue of Notice is ordered. Besides, these old cases wherein notice was not served due to certain reasons, fresh Notices are issued. Here all these cases have to be received by the Section Officer and work is being distributed among the Assistants of the section. After filing of the Notices by the Advocate, the same are issued and dispatched.
- An Assistant of the Civil Receiving section receives the service reports of the notices (served or unserved) and forward the same to the First Appeal section. Assistant of the First appeal section put up the notices in the concerned file.
- Cases in which notices are not filed within time as granted by the Hon'ble Court, under preemptory order, the case stand dismissed for default. Information to Advocate is made and a formal order is drawn from the Registrar General. Thereafter these case records are transmitted to the First Appeal Disposal section.

## **CIVIL MISC. APPELLATE JURISDICTION:**

**Under this jurisdiction following nature of cases are filed:**

- i. M.A. (Miscellaneous Appeal)
- ii. A.C. (D.B):- appeal case, i.e. any appeal before the Division Bench against the order of a Single Bench in any matter not specified herein, and not being a L.P.A.
- iii. A.C (S.B):- appeal case, i.e. any appeal before a single Bench against the judgment or order of any Court or Tribunal in any matter not specified herein.
- iv. T.A:- tax appeal. (The appeal as being filed in the High Court under relevant statutes from any order or judgment passed by a statutory authority under any tax statute, such as Section 260A of the Income Tax Act, 1961.)
- v. C. Ref.:- Civil Reference

An appeal is filed in the High Court against the every appellate decree passed by any Court subordinate to the High Court at the centralized filing centre of the High Court.

Window No- 5, Misc. Appeal Filing:- The same procedure as stated above for Second Appeal shall be followed here also.

## **CIVIL REVISIONAL JURISDICTION**

### **CIVIL REVISION CASES:**

A civil revision is filed in the High Court against the every order passed by any Court subordinate to the High Court at the centralized filing centre of the High Court.

## **CIVIL MISCELLANEOUS JURISDICTION**

All civil miscellaneous petitions for restoration, modification, or clarification, vacation of stay order etc., transfer Cases Civil. An Arbitration applications (earlier known as request case), application under Arbitration Act, 1940 or under the Arbitration and Reconciliation Act, 1996, including the applications for appointment of arbitrators u/s 11(4), (5), or (6) of the 1996 Act, Arbitration Appeals under Arbitration Act, 1940 or the Arbitration and Reconciliation Act, 1996, And Civil review Applications

## **C.M.P. CASES**

### **Civil Review Petition**

The same procedure as stated above for Second Appeal shall be followed here also.

#### **TRANSFER PETITION (CIVIL)**

The same procedure as stated above for Second Appeal shall be followed here also.

#### **ARBITRATION APPLICATION AND ARBITRATION APPEAL**

The same procedure as stated above for Second Appeal shall be followed here also.

- **Centralized Filing Section:-**

All application, petition, memos of appeals, affidavits etc are being filed at the centralized filing Counter before the designated Officer nominated by the Chief Justice and are accompanied by a filing sheet in the prescribed pro-forma meant for entering in the computer data.

#### **CIVIL STAMP REPORTING SECTION**

- The role and function of the Civil Stamp Report Section is very pivotal as the section is charged with scrutinizing the petitions, applications, memo of appeals etc whether these are in due form, filed within time or not, properly stamped or not and also whether necessary papers (impugned order, judgment, decree etc) filed or not.
- For making proper stamp report the following statutes are looked into:
  - (i) Civil Procedure Code, 1908
  - (ii) The Indian Limitation Act, 1963
  - (iii) The Court Fee Act & Suit valuation Act.
  - (iv) The Land Acquisition Act.
  - (v) The Family Court, 1984 & other Family Laws.
  - (vi) Contempt of Courts Act, 1971
  - (vii) Workman Compensation Act.
  - (viii) Specific Relief Act.

- (ix) Motor Vehicle Act.
- (x) The Arbitration & Reconciliation Act, 1996
- (xi) The Copy Right Act
- (xii) The Company Act & Rules
- (xiii) The Patent Act
- (xiv) The Trademark Act
- (xv) The Letters Patent Act of High Court of Judicature at Patna, adopted by the Jharkhand High Court.
- (xvi) The High Court of Jharkhand Rules, 2001.

### **WRIT STAMP REPORT SECTION**

The role and function of the Writ Stamp Report Section is very pivotal as the section is charged with to scrutinize the Writ petitions, applications, Contempt Petition (Civil), memo of Letters Patent Appeals etc whether these are in due form, filed within time or not, properly stamped or not and also whether necessary papers (impugned order/judgment etc) filed or not.

#### **The Section is entrusted to check the followings:**

- Format of cause title, including full and complete addresses of all the parties including details of the police stations, post office and postal index number.
- Receipt showing service of copy on the Advocate General / other side as required under High Court Rules or any other statutes or Rules.
- Sufficiency of Court fee stamp.
- Provision of Law under which the filing is made.
- Certified copy of the order under challenge and / or of any order required under the High Court Rules, or under any other statutes, or Rules.
- Relief sought for.
- Sufficiency of number of copies are required under the High Court Rules.
- Other requirements under the High Court Rules or statutory requirement if any.

## DECREE SECTION

(Decree is prepared in following types of cases First Appeal, Second Appeal, Miscellaneous Appeal, C.M.P., WRIT (Civil) arising out of Land Acquisition Cases, L.P.A., Probate, Election Cases, Company Cases)

1. Files received from disposal Section of the concerned section.
2. Institution Register is maintained with all details viz case No., Party name, date of disposal, date of receiving, No of sheets of judgments and name of the Hon'ble judges who delivered the judgment.
3. Files is first checked for the kind of judgment:-
  - a) If D.F.D. (dismissed for defects). Then the file is returned to concerned section, with report as "No formal order(N.F.O.)"
  - b) If the case is dismissed/allowed, then it is checked for if it is related to money suit, compensation, land acquisition—
    - I) If "not" then the L.C.R. is returned to disposal section for returning it to Lower Court.
    - II) If "yes" then L.C.R. is kept with Disposal File for reference in Decree Preparation.
4. Decree is then prepared in files. Decree is prepared in both in original and one set true copy for communication to the Lower Court. In decree following things find place
  - Details of the case from which the appeal arises.
  - Advocate's name verified from Vakalatnama.
  - Party's names and address, verified with Lower Court's decree.
  - appeal values & court Fee.
  - extract of the judgment.
  - If calculation is needed to make then done as per judgment and/or Land Acquisition Act 1984.
  - If case is disposed of in terms of compromise between the parties, then the compromise petition also forms part of the decree and a true copy of compromise petition is also prepared for enclosing with the true copy set of the decree.
  - If disposed of with cost, then cost incurred is also calculated as per Jharkhand High Court Rules.



5. Then the files are notified and one week time is given to concerned advocates in following lines “let parties, advocates and attorneys be informed that the decrees and formal orders in the following cases have been drawn up and that they may peruse or file any objection with the Joint Registrar judicial on or before date given”.
6. If no objection is raised by the concerned advocates, files are then placed before the Joint Registrar Judicial, for decree to be sealed and signed.
7. Then, the files are returned to concerned disposal Section, with its prepared H.C Decree.



# Judicial Side

(CRIMINAL JURISDICTION)



## **Various Type of Cases are dealt within Criminal Section.**

### **Criminal Miscellenous Jurisdiction**

- Regular Bail Application (B.A)
- Anticipatory Bail Application (A.B.A)
- Cr. M.P. (U/s 482 of Cr. P.C for quashing), Relaxation, Modification, Amendment, Extension of Time, Stay, Suspension of Sentence, Interim Orders, & other Misc. Petitions etc.
- Cr. Revision, Contempt Case (Cr.), Transfer Petition (Cr.)

### **Criminal Appellate Jurisdiction**

- Cr. Appeal
- W.P (Cr.)-Habeas Corpus
- Cr. Reference u/s 366 of Cr. P.C & U/s 395 Cr. P.C.

### **Window No- 1, Criminal Filing:-**

- Filing
- Data Entry and issuance of Token number.
- Duplicate checking to ascertain that the relief sought for has earlier been moved in the court or not.
- Distribution to Criminal Stamp Reporting section.
- Examination of the case whether they are in due forms, properly stamped & filed within time or not.
- Receiving the records from criminal stamp report with report.
- Institution of the case by assigning main number and feeding the detailed information regarding the P.S case / G.R No etc in the computer database.
- Transmission of defective cases to the Defect Removal Center for removal of defects by the Advocate, as pointed out by the stamp reporter.
- Transmission of list of defect free cases to the List & Computer section for listing the same before appropriate Transmission of case records of defect free cases to the concerned sections.
- Receiving the defect free cases from the centralized filing center

after institution.

- Receives the defective cases from the defect removal section in which the defects could not be removed by the Advocate within due time and submission of those defective cases before Lawazima Boards of Joint Registrar (J) and the Registrar General as stated earlier.
- To check the files which are the tide up matters and connected files are brought from the criminal disposal section and is placed before the appropriate Bench.
- The defect free cases are listed before the appropriate Bench under the heading “for admission” and the defective cases under the heading “For Orders” before Division Bench.

### **CRIMINAL STAMP REPORT SECTION**

- The Criminal Stamp Report Section is charged with to scrutinize the petitions, applications, memos of appeals etc whether these are in due form, filed within time or not, properly stamped or not and also whether necessary papers (impugned order, judgment, decree etc) filed or not.
- For making proper stamp report the following statues are looked into :
  - (ii) Criminal Procedure Code, 1973
  - (iii) The High Court of Jharkhand Rules, 2001
  - (iv) The Family court, 1984
  - (v) The Indian Limitation Act, 1963
  - (vi) Contempt of Courts Act, 1971
  - (vii) Juvenile Justice (Care & Protection of Children) Act, 2000

### **PROCEDURE IN CRIMINAL CASES AS CONTAINED IN RULE 139 TO 164 OF HIGH COURT OF JHARKHAND RULES, 2001**

- Every memorandum of appeal and every application for revision shall immediately below the title have endorsed on it “criminal revision” “Cr. M.P., or “Criminal Appeal”, as the case may be, and shall state-
  - 1) The name and address of each appellant or applicants and respondents.
  - 2) The provision of the code of Criminal procedure under which

the appeal or application is sought to be presented:

- 3) Facts of the case in brief with ground or grounds numbered serially and the case number, date of judgment and other particulars including the name of Presiding Officer of the court below.
  - 4) A certificate should be given in “para-2” of the petitions filed before the High Court stating therein whether the applicant or appellant earlier moved before the Court for same relief:
- Every such appeal or application or revision petition under section 397 and 401 or quashing application under section 482 of Code of Criminal Procedure shall be accompanied by certified copy of the Order aggrieved along with.
  - In an appeal against conviction no application or motion for bail shall be heard for admission unless the accused has surrendered to the order of the Court below convicting him to a sentence of imprisonment for a term and an intimation to this effect has been filed except in case where the appellant has been released on bail by the trial court.
  - No application for admission to bail or any application for interim relief shall be made without notice in writing given to the Advocate General not later than noon of the day preceding that on which the application is to be made.
  - Jail appeals may be received by post. In the case of such appeals, after the office has reported that it is within time and is admissible, the Registrar General shall submit it with a copy of judgment or order appealed against to a Bench for orders.
  - As soon as the notices have been issued, the Registrar shall cause paper book to be prepared.
  - The paper book shall contain-
    1. The petition of appeal;
    2. The judgment appealed against;
    3. Any other petition or affidavit which may be filed and ordered by the Bench to be considered at the time of hearing of the appeal.
  - Upon receipt of the record, the Registrar shall cause paper-book of the Lower Court record to be prepared.

- The paper book shall contain:-
  1. First Information Report;
  2. Charge;
  3. Oral evidence;
  4. Dying declaration, if any;
  5. Post-Mortem Report/Inquest report, if any;
  6. Confession, if any;
  7. List of Exhibits;
  8. Statements of the accused who has made some positive statement;
  9. Judgment of the Trial Court;
  10. Such other document as may be ordered to be included in the paper book by the Court at the time of admission of the appeal or thereafter.
- In case of an order of acquittal passed in any case instituted on complaint, the complainant may present an appeal to the Court if the Court grants special leave to appeal on an application made in the manner hereinafter provided.
- No application for grant of anticipatory bail or regular bail under any provision of law shall lie unless a notice in advance has been served upon the Advocate General or some other officer appointed in this behalf at least 24 hours before the time of filing.



## CRIMINAL PROCEDURE CODE

Sl. No.	Description	Section
1.		
	Jurisdiction in the case of Juveniles	Sec. 27
2.	Arrest of Persons	Chapter V of the Code
3.	Person Arrested to be Taken Before Magistrate	Sec. 56
4.	Arrested persons not be detained more than 24 hours	Sec. 57
5.	Procedure when Investigation cannot be completed in 24 hours	Sec. 167
6.	Form of Summons and Procedure of service	Sec. 61 to 69
7.	Warrant of Arrest	Sec. 70 to 81
8.	Examination of witnesses by police	Sec. 125 to 128
9.	Examination of witnesses by police	Sec. 161
10.	prosecution of judges and public servants	Sec. 197
11.	Prosecution of offence u/s 498-A of IPC	Sec. 198-A
12.	Prosecution for defamation	Sec. 199
13.	Complaints to magistrates	Sec. 200 to 206
14.	Procedure to be followed when there is a complaint case and police investigation in respect of the same offence	Sec. 210
15.	Court may alter charge	Sec. 216
16.	Discharge	Sec. 227
17.	Acquittal	Sec. 232
18.	Judgment of acquittal or conviction	Sec. 235
19.	Acquittal or conviction	Sec. 255
20.	Non-appearance or death of complainant	Sec. 256
21.	Person once convicted or acquitted not be tried for same offence	Sec. 300
22.	Compounding of offences	Sec. 320

23.	Provisions as to offence affecting the administration of justice and procedure	Sec. 195 and Sec. 340 to 352
24.	Bar for review, (court not to alter judgment)	Sec. 362
25.	Submission of death sentences for confirmation	Sec. 366
26.	Appeal	Sec. 374
27.	Appeals from conviction to Supreme Court	Sec. 374(1)
28.	To High Court	Sec. 374(2)
29.	To others	Sec. 374(3)
30.	No appeal in pleaded guilty	Sec. 375
31.	No appeal in petty cases	Sec. 376
32.	Enhancement (appeal by state on ground of inadequacy)	Sec. 377
33.	Appeal in case of acquittal	Sec. 378
34.	To High court	Sec. 378(1) along with leave of the High Court
35.	Special leave	Sec. 378(3) in case of government appeal sec. 378(4). In case of private ( c o m p l a i n a n t ) appeal.
36.	Form of appeal	Sec. 382
37.	Suspension of sentence pending the appeal, Release of appellant on bail	Sec. 389(1), Sec. 389(2)
38.	Abatement of appeals	Sec. 394
39.	Reference to High Court by Lower Courts	Sec. 395
40.	Revision	Sec. 397 r/w sec. 401
41.	Power of High Court to withdraw or transfer Revision cases	Sec. 402
42.	Transfer power of High Court	Sec. 407
43.	Execution of sentence of Death passed by the High court	Sec. 414
44.	Set off	Sec. 428

## REMISSION

Sl. No.	Description	Section
1.	Powers of the Appropriate Government on Remission	Sec. 432 to 435
2.	Anticipatory bail	Sec. 438
3.	Bail	Sec. 439
4.	Recall (cancellation of Bail)	Sec. 439(2)
5.	Disposal of property	Sec. 451 to 454
6.	Pending trial	Sec. 451
7.	Sessions	Sec. 452
8.	Appeal against order under Sec. 452 or 453 before High Court	Sec. 452
9.	Powers of High Court to make Rules	Sec. 477
10.	Criminal original petition (under inherent powers of court)	Sec. 482
11.	Duty of High Court to exercise continuous Superintendence over Courts of Judicial Magistrates	Sec. 483

## CRIMINAL REVISION CASES

SL. No.	Section	SUBJECT	WHETHER LIE OR NOT
1.	70(2)	Form or Warrant of arrest and duration	
2.	91	Submissions to produce document	
3.	125	Order of maintenance	
4.	127	Order for Alteration of allowance	
5.	156(3)	To direct the respondent the Police Officer to investigate the case	
6.	173(8)	To make further investigation	
7.	190	Cognizance of offence by Magistrate	
8.	195	Prosecution for contempt of lawful authority of public servants for offences against Public Justice and for offences relating to documents	
9.	199	Prosecution for defamation	
10.	200	Examination of complainant	
11.	202	Postponement of issue of process	
12.	203	Dismissal of complaint	
13.	204	Issue of process	
14.	205	Magistrate may dispense with personal attendance of accused	
15.	216	Court may alter charge	
16.	227	Discharge	
17.	239	When accused shall be discharged	
18.	317	Provision for and trial being held in the absence of accused in certain cases	
19.	451	Order for custody and disposal of property pending trial in certain cases	
20.	457	Procedure by Police upon seizure of property	

# THE LIMITATION ACT

## Bar of Limitation

Subject to the provisions contained in Sections 4 to 24 (inclusive), every suit instituted, appeal preferred and application made after the prescribed period shall be dismissed, although limitation has not been set up as a defence [Section 3(i)].

## EXPIRY OF PRESCRIBED PERIOD WHEN COURT IS CLOSED (Section 4)

Where the prescribed period for any suit, appeal or application expires on a day when the court is closed, the suit, appeal or application may be instituted, preferred or made on the day when the Court re-opens.

E xplanation: - A Court shall be deemed to be closed on any day within the meaning of this Section if during any part of its normal working hours it remains closed on that day.

## EXTENSION OF PRESCRIBED PERIOD IN CERTAIN CASES (Section 5)

Any appeal or any application, other than an application under any of the provisions of Order XXI of the CPC may be admitted after the prescribed period if the appellant or the applicant satisfied the Court that he had sufficient cause for not preferring the appeal or making the application within such period.

E xplanation :- The fact that the appellant or the applicant was misled by any order, practice or judgment of the High Court in ascertaining or computing the prescribed period may be sufficient cause within the meaning of this Section.

## COMPUTATION OF PERIOD OF LIMITATION

### Section 12 - Exclusion of time in legal proceedings

(1) In computing the period of limitation for any suit, appeal or application, the day from which such period is to be reckoned, shall be excluded.

(2) In computing the period of limitation for an appeal or an application for leave to appeal or for revision or for review of a judgment, the day on which the judgment complained of was pronounced and the time requisite for obtaining a copy of the decree, sentence or order appealed from or sought to be revised or reviewed shall be excluded.

(3) Where a decree or order is appealed from or sought to be revised or reviewed, or where an application is made for leave to appeal from a

decree or order, the time requisite for obtaining a copy of the judgment on which the decree or order is founded shall also be excluded.

(4) In computing the period of limitation for an application to set aside an award, the time requisite for obtaining a copy of the award shall be excluded.

Explanation:- In computing under this Section the time requisite for obtaining a copy of a decree or an order, any time taken by the Court to prepare the decree or order before an application for a copy thereof is made shall not be excluded.

### Important Provisions under Limitation Act and Court Fees Act

S. No.	Name of Suits	Period of Ltn.	Article under Ltn. Act	Commencement of Limitation	Court Fees Section
1	<i>Suit based upon current account</i>	<i>Three Years</i>	<i>Art. 1</i>	<i>The close of the year in which last item entered in account</i>	<i>Sec. 22</i>
2	<i>Suit for account of dissolved partnership firm</i>	<i>-do-</i>	<i>Art. 5</i>	<i>The date of dissolution</i>	<i>-do-</i>
3	<i>Balance price money for delivered goods</i>	<i>-do-</i>	<i>Art. 13 &amp; 14</i>	<i>The date of goods delivered</i>	<i>-do-</i>
4	<i>Suit on promissory note/ bill of exchange</i>	<i>-do-</i>	<i>Art. 31 &amp; 35</i>	<i>When the bill or note falls due</i>	<i>-do-</i>
5	<i>suit on Bond</i>	<i>-do-</i>	<i>Art. Art 28 &amp; 29</i>	<i>The day so specified or the date of executing bond</i>	<i>-do-</i>
6	<i>For Arrears of rent</i>	<i>-do-</i>	<i>Art. 52</i>	<i>When the arrears becomes due</i>	<i>-do-</i>

<b>S. No.</b>	<b>Name of Suits</b>	<b>Period of Ltn.</b>	<b>Article under Ltn. Act</b>	<b>Commencement of Limitation</b>	<b>Court Fees Section</b>
7	<i>Declaration of title</i>	-do-	Art. 58	<i>when the right to sue first accrues</i>	Sec. 25(d)
8	<i>Set aside/ cancel the instrument or decree(Sec. 40 If plaintiff was party to deed / decree. Sec. 25(d) if the plaintiff not party to the deed/ decree.)</i>	-do-	Art. 59	<i>when the fact entitling plaintiff to have the instrument or decree cancelled or set aside.</i>	Sec.40 or Sec. 25(d)
9	<i>set aside the sale of minor property</i>	-do-	Art. 60	<i>When the minor attains majority</i>	Sec. 25(d)
10	<i>Redeem-possessory mortgage</i>	30 years	Art. 61 (a)	<i>When the right to redeem or recover of possession accrues.</i>	SEC.33
11	<i>Redeem other mortgage</i>	12 years	Art. 62	<i>when the money becomes due</i>	-do-
12	<i>foreclosure of mortgage</i>	30 years	Art.63 (a)	<i>When the money secured by mortgage becomes due</i>	Sec. 33(9)
13	<i>suit for recovery of possession based on previous possession</i>	12 years	Art. 64	<i>date of dispossession</i>	Sec. 30

<b>S. No.</b>	<b>Name of Suits</b>	<b>Period of Ltn.</b>	<b>Article under Ltn. Act</b>	<b>Commencement of Limitation</b>	<b>Court Fees Section</b>
14	<i>Recovery of possession upon title</i>	12 years	Art. 65	<i>When the possession of defendant becomes adverse to plaintiff</i>	Sec. 25(a)
15	<i>Recovery of possession from tenant</i>	12 years	Art. 67	<i>when the tenancy is terminated</i>	Sec.43
16	<i>Recovery of movable property</i>	3 years	Art. 68	<i>when the plaintiff learns in whose possession it is.</i>	Sec.24
17	<i>Damages/ compensation for malicious prosecution</i>	1 years	Art.74	<i>when the plaintiff acquitted</i>	Sec. 22
18	<i>suit for infringing copy rights</i>	3 years	Art-88	<i>The date of infringement</i>	Sec.50
19	<i>Recovery of Trust/ Endowment property</i>	12 years	Art.92 &96	<i>When the transfer known to plaintiff</i>	Sec.28
20	<i>Suit for pre-emption</i>	1year	Art. 97	<i>when the sale is registered/ physical possession of property.</i>	Sec.32
21	<i>Arrears of Maintenance</i>	3 years	Art. 105	<i>when the arrears payable</i>	Sec. 23
22	<i>suit for partition (excluded from joint family)</i>	12 years	Art. 110	<i>when the exclusion known to plaintiff</i>	Sec. 37(1)



<b>S. No.</b>	<b>Name of Suits</b>	<b>Period of Ltn.</b>	<b>Article under Ltn. Act</b>	<b>Commencement of Limitation</b>	<b>Court Fees Section</b>
23	<i>suit for any other declaration</i>	<i>3 years</i>	<i>Art. 113</i>	<i>when the right to sue accrues</i>	<i>Sec. 50</i>
<b>APPEALS</b>					
24	<i>Appeal from acquittal</i>	<i>90 days</i>	<i>Art. 114</i>	<i>Date of order</i>	
25	<i>Appeal against conviction</i>	<i>30 days</i>	<i>Art. 115(b)(ii)</i>	<i>from date of sentence</i>	
26	<i>Appeal against decree/ order</i>	<i>30 days</i>	<i>Art. 116(b)</i>	<i>The date of decree or order</i>	<i>Sec.52</i>
<b>INTERLOCUTORY APPLICATIONS</b>					
27	<i>Leave to defend the summary suit U/O.XXXVII, Rule 1 of C.P.C</i>	<i>10 days</i>	<i>Art.118</i>	<i>When the summons for judgment served</i>	<i>Sch.II Art.11</i>
28	<i>To implead Legal Representative of plaintiff/ defendant</i>	<i>90 days</i>	<i>Art. 120</i>	<i>The date of death</i>	<i>-do-</i>
29	<i>To set aside abatement</i>	<i>60 days</i>	<i>Art.121</i>	<i>The date of abatement</i>	<i>Sch.II Art.11</i>
30	<i>To restore the suit in service stage U/O.IX, Rule. 4 of C.P.C</i>	<i>30 days</i>	<i>Art.122</i>	<i>The date of dismissal</i>	<i>-do-</i>
31	<i>To restore the suit in after service was completed. U/O. IX. Rule 9 of C.P.C</i>	<i>-30 days</i>	<i>-do-</i>	<i>-do-</i>	<i>-do-</i>

<b>S. No.</b>	<b>Name of Suits</b>	<b>Period of Ltn.</b>	<b>Article under Ltn. Act</b>	<b>Commencement of Limitation</b>	<b>Court Fees Section</b>
32	<i>Restoration of Appeal. U/O. XLI. Rule. 19 of C.P.C.</i>	30 days	-do-	-do-	-do-
33	<i>To set aside the exparte decree. U/O. IX. Rule 13 of C.P.C. passed against the defendant</i>	30 days	Art.123	<i>The date of decree or date of knowledge when the notice/ summon not duly served</i>	-do-
34	<i>To set aside the exparte decree in Appeal passed against the respondent. U/ O, XLI. Rule 21 of C.P.C.</i>	30 days	-do-	-do-	-do-
35	<i>To review the judgment</i>	30 days	Art.124	<i>The date of decree/ order</i>	-do-
<b>EXECUTION OF DECREE</b>					
36	<i>To record payments or adjustment. U/O. XXI, Rule 2 of C.P.C.</i>	30 days	Art. 125	<i>When the payment or adjustment</i>	<i>Sch.II Art.11</i>
37	<i>To set aside the sale by Judgment Debtor. U/O. XXI, Rule 90 of C.P.C.</i>	30 days	Art. 127	<i>The date of sale</i>	-do-
38	<i>For restoration of possession. U/O. XXI, Rule 99 of C.P.C.</i>	30 days	Art. 128	<i>The date of dispossession</i>	-do-

<b>S. No.</b>	<b>Name of Suits</b>	<b>Period of Ltn.</b>	<b>Article under Ltn. Act</b>	<b>Commencement of Limitation</b>	<b>Court Fees Section</b>
39	<i>To remove the obstruction or resistance. U/O. XXI, Rule 97 of C.P.C</i>	30 days	Art. 129	<i>The date of obstruction/ resistance</i>	-do-
40	<i>For delivery of possession by action purchaser. U/O. XXI, Rule 95 of C.P.C.</i>	1 year	Art. 134	<i>When the sale becomes absolute/ confirmed.</i>	-do-
41	<i>To execute the Mandatory injunction decree. U/O. XXI, Rule 11(2) of C.P.C</i>	3 years	Art. 135	<i>The date of decree or when date is fixed for performance, such date</i>	-do-
42	<i>Execution of other decrees (other than decree for perpetual injunction and Maintenance decree)U/O. XXI, Rule 11(2) of C.P.C</i>	12 years	Art. 136	<i>When the decree becomes enforceable</i>	-do-

**Court Fees Act  
Schedule**

1. Application or Petition	(a) When presented to any Civil Court other than a Principal Civil Court of original Jurisdiction or to any Court of Small Causes constituted under Act No. XI of 1865 or under Act No. XVI of 1868 in relation to any suit or case in which the amount or value of the subject-matter is less than fifty rupees;	Rs. 2.00
	(b) When containing a complaint or charge of any offence other than an offence for which police officer may, under the Criminal Procedure Code, arrest without warrant and present to any Criminal Court.	Rs. 5.00
	Or for determination by a Court of the amount of compensation to be paid by a landlord to his tenant	Rs. 5.00
2. Application to any Civil Court that records may be called for from another Court.	When the Court grants the application and is of opinion that the transmission of such records involves the use of the post	Rs. 5.00
3. Application for leave to sue as a pauper		Rs. 2.00
4. Application for leave to appeal as a pauper	(a) When presented to District Court.	Rs. 200
	(b) When presented to High Court	Rs. 500
5. Complaint or memorandum of appeal in a suit to establish or disprove a right of occupancy		Rs. 5.00

6. Bail Bond or other instruments of obligation given in pursuance of any order made by a Court or.		Rs. 5.00
7. Magistrate under any section of the Code of Criminal Procedure, 1973 or the Code of Civil Procedure, 1908 and not otherwise provided for by this Act		Rs. 5.00
8. Undertaking under Section 89 of the Indian Divorce Act, 1869 (4 of 1869)		Rs. 5.00
9. Mukhtarnama or Vakalatnama.  Note – Every Vakalatnama must be stamped with Advocate Welfare stamp of Rs. 2.50 under Section 23 of Bihar State Advocate Welfare Fund Act, 1983.	(a) to any Civil, Criminal Court, other than a High Court.  (b) to a High Court	Rs. 5.00  Rs. 15.00
10. Memorandum of Appeal when the appeal is not from a decree or an order having the force of a decree, and is presented.	(a) to any Civil Court other than a High Court  (b) to a High Court	Rs. 5.00  Rs. 15.00
11. Caveat		Rs. 30.00

<p>12.           Plaint           or Memorandum of Appeal in each of the following suits :</p> <p>(i) to alter or set aside a summary decision or order of any of the Civil Courts but not established by to alter or set aside a summary decision or order of any of the Civil Courts but not established by Letters Patent .</p> <p>(ii) to obtain a declaratory decree where no consequential relief is prayed.</p> <p>(iii) to set aside an award</p> <p>(iv) to set aside an adoption</p>		<p>Rs. 250.00</p>
<p>13. Every petition under the Indian Divorce Act, 1869 except petitions under sections 44 of the same Act and every memorandum of appeal under section 55 of the same act.</p>		<p>Rs. 125.00</p>
<p>14.           Plaint           or Memorandum of Appeal under the Parsi Marriage &amp; Divorce Act, 1865</p>		<p>Rs. 125.00</p>

**RIGHT TO  
INFORMATION  
ACT, 2005**





# RIGHT TO INFORMATION ACT, 2005

After passing of the Right to Information Act, 2005 on 15/6/2005 by the Parliament of India, the High Court of Jharkhand established the Right to Information Section to cover the activities under the said Act.

## **Jharkhand High Court (Right to Information) Rules, 2007**

In exercise of the powers conferred under Section 28(1) of the Right to Information Act, 2005, and all enabling provisions in that behalf, the Chief Justice of Jharkhand High Court makes the following Rules for carrying out the provisions of the Right to Information Act.

### **1. Short title, commencement and application:**

- (i) These Rules shall be called the Jharkhand High Court Right to Information Rules, 2007
- (ii) They shall come into force with effect from the date of publication in the Official Gazette.
- (iii) These Rules shall be applicable to the High Court of Jharkhand, Ranchi and all the subordinate courts under the control of the Jharkhand High Court.

### **2. Definitions:** In these Rules, unless the context otherwise requires:

- (a) 'Act' means the Right to Information Act, 2005;
- (b) 'State Public Information Officer' means an Officer of the rank of Joint Registrar, High Court as designated by the Chief Justice of the High Court under section 5(1) of the Act.
- (c) 'State Assistant Public Information Officer' means the Judge Incharge, Administration/ Registrar or Munsif in the Sub-Division as the case may be as designated by the Chief Justice of the High Court under Section 5(2) of the Act.
- (d) 'Registrar General', means the Registrar General, Jharkhand High Court, Ranchi.
- (e) 'High Court' means the High Court of Jharkhand.
- (f) 'Subordinate Courts' means and includes Civil Courts, Small Causes Court, District Courts, Motor Accidents Claims Tribunals, Courts of Judicial Magistrates or other Courts under the administrative control of the High Court.
- (g) 'Section' means Section of the Act.

- (h) All other word and expressions used herein but not defined in the Act shall have the same meanings as assigned in the Act.
- (i) 'Applicant' means the person making request for any information or inspection under the Act.

**3. Fee for providing the information:**

- (i) The fee payable for providing the information except by way of inspection of documents or records shall be Rs. 15/- per page of information, or as prescribed by the competent authority from time to time and such fee shall be paid by way of adhesive court fee stamps.
  - (ii) The fee for inspection of documents or records shall be Rs. 50/- for each hour or part of any hour and shall be paid by way of adhesive court fee stamp.
4. The information requested for shall be so sufficiently specified in the application as to lead to its identification without any difficulty, ambiguity or doubt.

**5. Procedure regarding inspection of documents:**

For the purpose of inspection of documents or records, the applicant shall not cause any hindrance to the office work and shall cooperate with the staff and complete the inspection as soon as possible in presence of an Officer of the Court. The State Public Information Officer concerned shall have the right to fix the time and date of the inspection according to administrative convenience and his/her decision shall be final.

**6. Information to be provided in the form of certified copies:**

Information as requested by the party shall be provided in the form of certified copies/Xerox copies certified to be true by the State Public Information Officer. The Applicant shall not be entitled to take the originals from the custody of the Officer/Sections concerned.

**7. Register to be maintained:**

The State Public Information Officer/Assistant Public Information Officers shall maintain a register in the format as per the appendix and make necessary entries in the register with regard to the requests received, processed and disposed. 8 If the State Public Information Officer fails to give decision on the request of

information within the prescribed period of thirty days, he shall be deemed to have refused the request.

9. Notwithstanding anything contained anywhere else in these Rules, the applicant will be furnished with the information requested for, only if:

- (a) the furnishing of such information is
  - (i) requested for with a positive assertion that the motive for obtaining such information is proper and legal;
  - (ii) in accordance with the provisions of the said Act;
  - (iii) not likely disproportionately to divert the resource of the High Court or the Subordinate Court, as the case might be;
  - (iv) not likely to be detrimental to the safety or preservation of the record in question and
  - (v) not otherwise against any law or practice prevailing in the material regard; and
- (b) after the processing of the application therefore, permission has been obtained in that behalf from Hon'ble the Chief Justice, or any of the other Hon'ble Judges of the Jharkhand High Court , who might in that regard be, or have been, nominated by Hon'ble the Chief Justice.

10. If any person does not receive the desired information or decision for rejecting the request within the time specified in the Act, he/she may prefer an appeal to the appellate authority notified under rules of the Act within thirty days from the date of expiry of period prescribed under the Act/Rules for taking a decision.

11. State Public Information Officer shall not be liable to provide any information, which can be obtained under the provision of the Jharkhand High Court Rules, 2001 in case of High Court and under General Rule (Civil/Criminal) in case of subordinate Courts. Such information may be obtained by adhering to the prescribed procedure and payment of fees prescribed in the Jharkhand High Court Rules, 2001, or General Rules (Civil/Criminal), as the case may be.

12. State Public Information Officer will not entertain any application from any citizen for providing any information relating to matters, which are pending adjudication before the High Court or Courts

subordinate thereto. The information relating to judicial matters may be obtained as per the procedure prescribed in the Jharkhand High Court Rules, 2001 and General Rules (Civil/Criminal) respectively.

13. State Public Information Officer will not entertain any application from any citizen for inspection of any record which can be inspected under the Jharkhand High Court Rules, 2001 and General Rules(Civil/Criminal) as the case may be.
14. **Appeal:** An Officer of the rank of Registrar, High Court of Jharkhand as designated by the Chief Justice shall be the Officer to whom an appeal can be preferred under section 19(1) of the Act against a decision or refusal of information by the State Public Information Officer of the High Court; and to an Officer of the rank of Additional District Judge of a district in respect to a decision or refusal by the State Public Information Officer in a district as designated by the Chief Justice; and such authorities shall exercise all the power/ jurisdiction as first appellate authority as provided under the Act.

### Appendix

Sl. No.	Date of Application	Name and Address of the Party-Applicant	Purpose of Request	Information Required	Fee Paid	Date on which Information Furnished	Remark
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

### HIGH COURT INFORMATION CELL

The authorities designated under the Right to Information Act, 2005

Appellate Authority : Registrar General, High Court of Jharkhand, Ranchi

Public Information Officer : Joint Registrar (Administration I) Assistant Registrar

Section Officer

□□□

## **JUDICIAL ACADEMY JHARKHAND**

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