

RULES AND ORDERS OF THE LAHORE HIGH COURT, LAHORE

VOLUME V

Relating to Proceedings In the High Court

(REVISED EDITION)
2010

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IN THE NAME OF ALLAH, MOST GRACIOUS MOST MERCIFUL

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RULES AND ORDERS

OF THE

LAHORE HIGH COURT, LAHORE

VOLUME-V

RELATING TO PROCEEDINGS IN THE HIGH COURT

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Rules to proceedings in the High Court: made under the Sanction and Approval of the Competent Authority.

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Printed and published
under the guidance of:

Hon'ble Mr.Justice Khawaja Muhammad Sharif
Chief Justice
Lahore High Court Lahore

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List of Hon'ble Judges as on 13.03.2010

Sr.No.	Name of Hon'ble Judge
1.	The Chief Justice Mr. Justice Khawaja Muhammad Sharif
2.	Mr. Justice Ijaz Ahmad Chaudhry
3.	Mr. Justice Ch. Iftikhar Hussain
4.	Mr. Justice Syed Shabbar Raza Rizvi
5.	Mr. Justice Sh. Azmat Saeed
6.	Mr. Justice Syed Hamid Ali Shah
7.	Mr. Justice Umar Ata Bandial
8.	Mr. Justice Syed Sajjad Hussain Shah
9.	Mr. Justice Hasnat Ahmad Khan
10.	Mr. Justice Iqbal Hameed-Ur-Rehman
11.	Mr. Justice Asad Munir
12.	Mr. Justice Sagheer Ahmed Qadri
13.	Mr. Justice Mansoor Akbar Kokab
14.	Mr. Justice Nasir Saeed Sheikh
15.	Mr. Justice Hafiz Abdul Rehman Ansari
16.	Mr. Justice Sh. Najam-ul-Hassan
17.	Mr. Justice Tariq Javaid
18.	Mr. Justice Kh. Imtiaz Ahmad
19.	Mr. Justice Manzoor Ahmad Malik
20.	Mr. Justice Sardar Tariq Masood
21.	Mr. Justice Ijaz-ul-Ahsan
22.	Mr. Justice Syed Mansoor Ali Shah
23.	Mr. Justice Ch. Muhammad Tariq
24.	Mr. Justice Muhammad Naseem Akhtar Khan
25.	Mr. Justice Sheikh Ahmad Farooq
26.	Mr. Justice Muhammad Anwar Bhaur
27.	Mr. Justice Ch. Shahid Saeed

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28.	Mr. Justice Mian Shahid Iqbal
29.	Mr. Justice Shaukat Umar Pirzada
30.	Mr. Justice Rauf Ahmad Shaikh
31.	Mr. Justice Syed Akhlaq Ahmad
32.	Mr. Justice Ijaz Ahmad
33.	Mr. Justice Muhammad Khalid Mehmood Khan
34.	Mr. Justice Shahid Hameed Dar
35.	Mr. Justice Muhammad Yawar Ali
36.	Mr. Justice Muhammad Anwaarul Haq
37.	Mr. Justice Sardar Muhammad Shamim Khan
38.	Mr. Justice Mamoon Rashid Sheikh
39.	Mr. Justice Muhammad Farrukh Irfan Khan
40.	Mr. Justice Muhammad Qasim Khan
41.	Mr. Justice Syed Mazhar Ali Akbar Naqvi
42.	Mr. Justice Mazhar Iqbal Sidhu
43.	Mr. Justice Waqar Hassan Mir
44.	Hassan Raza Pasha

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RULE COMMITTEE (HIGH COURT RULES AND ORDERS)

1. **Hon'ble Mr. Justice Ijaz Ahmad Chaudhary** **Chairman**
2. **Hon'ble Mr. Justice Sh Azmat Saeed** **Member**
3. **Hon'ble Mr. Justice Umar Ata Bandial** **Member**

Registrar:
Mr. Abdus Sattar Asghar

COMPILED & EDITED BY:
Legislation Wing.



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Key to the symbols used in Volume V

* Substituted vide Lahore High Court Notification No.436/Rules II.D.4(V), dated 6-12-2000

** Added vide Lahore High Court Notification ibid.

*** Omitted vide Lahore High Court Notification ibid.

.....

$*_{01}$ Substituted vide Lahore High Court Notification No.94/Rules II.D.4(V), dated 18-04-2001.

$**_{01}$ Added vide Lahore High Court Notification ibid.

$***_{01}$ Omitted vide Lahore High Court Notification ibid.

$****_{01}$ Substituted vide Lahore High Court Notification No.295 Dated: 20-06-2002.

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Note: For original text and earlier amendments therein, the previous edition(s) of the volume may be consulted.

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Explanation: The words, appearing in the rules as 'the Deputy Registrar", mean the Deputy Registrar (Judicial) and include the Additional Registrar (Judicial) as well.

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CHAPTER 1

Judicial Business

PART A (a) THE PRESENTATION AND RECEPTION OF APPEALS, REVISIONS, APPLICATIONS FOR REVIEW AND OTHER / C PETITIONS.

To be deposited in petition box during court hours

1. (a) All judicial matters to be brought before the Court shall:

(i) be in a specific form prescribed by the High Court in the rules:

(ii) be drawn up in the manner prescribed by law;

(iii) be signed by the party or his counsel, however, pleadings in the original causes be necessarily signed by the party;

(iv) be properly stamped according to law;

(v) specify the law under which it lies;

(vi) be presented within the time limit prescribed by law. And if filed beyond time, be accompanied by an application for condonation of delay;

(vii) be placed in the prescribed folders except in the case of Misc. application arising in a pending matter;

(viii) be accompanied by a photocopy of the National Identity Card of the petitioner / applicant/ appellant;**

(ix) be accompanied by a certificate to the effect that as per instructions of the petitioner/ applicant / appellant no such petition/application/appeal has earlier been filed in the High Court in this matter.** ✓ Vins (x)

(b) All judicial matters not intended to be taken up as urgent shall be deposited in the petition box kept outside the room of the Deputy Registrar Judicial between the working hours as may be prescribed from time to time.

(c) (i) All judicial matters intended to be taken up urgently the next day shall be marked "Urgent" and deposited in the petition box kept outside the room of the Institution Section before 11.00 a.m.
In case a litigant is unable to deposit an urgent matter before 11.00 a.m. or if he wants it to be heard the same day, he may approach the Deputy Registrar (Judicial) for

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the purpose who will look into the urgency and fix the matter for the same day or the next day, or direct the same to be fixed in motion,

(ii) An order passed by the Deputy Registrar (Judicial) not treating the matter as urgent may be challenged before the nominated Judge on administrative side whose decision in the matter shall be final.

(d) The Chief Justice or in his absence the most senior Judge available at Lahore may. in his discretion, entertain at his residence an application requiring immediate orders at a reasonable hour.

(e) Petitions sent by litigants through post for taking some judicial action shall not be entertained but returned per bearing post.

(f) Every memorandum of appeal shall be accompanied by copies of decree and the judgment as prescribed by Order XI.I rule 1 of the Civil Procedure Code. 1908. In the case of second appeals, in addition to the documents prescribed by Order XI.l rule 1 of the said Code, the memorandum shall be accompanied by a copy of the judgment unless the appellate Court dispenses therewith.**

2. ***[Omitted].

3. ***|Omitted|.

Intra Court Appeals, time within which to be filed and exemption of documents.

4. Every Intra Court Appeal to the High Court under the Law Reforms Ordinance. 1972 from a judgment of a Judge sitting singly shall be presented within 20 days from the date *of* judgment appealed from, unless the admitting Bench in its discretion, for good cause shown, in writing, grants further time. ——

In an Intra Court Appeal the memorandum of appeal need not be accompanied by a copy of decree, order or judgment appealed from. The period of limitation prescribed in this rule shall be computed in accordance with the provisions of section 12 of the Limitation Act. 1908.

5. ** [Omitted].

Particular ground to be specified in petition for revision.

6. A petition to the High Court to exercise the powers conferred by section 115 of Civil Procedure Code shall specify the particular ground on which the aid *of* the High Court is invoked.

(a) if the ground be that the court which decided the case exercised a jurisdiction not vested in it by law. the petition shall set out clearly the particular exercise of jurisdiction complained òf:

(b) if it be that the court which decided the case failed to exercise a jurisdiction so vested, the jurisdiction which ought, in the

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petitioner's opinion, to have, and has not been exercised shall be clearly set out:

(c) if it be that the court acted in the exercise of its jurisdiction with material irregularities the particular irregularity or irregularity, complained of shall be similarly set out

Documents to accompany such petitions.

7. -(i) Every such petition shall be stamped as required by law and shall be accompanied by certified copies of the pleadings and the documents which are necessary to support the pleas taken and the relief sought in the petition, unless the Court on sufficient cause shown orders otherwise, as well as a copy of the decree or order in respect of which such application is made and by a copy of the judgment upon which such decree is founded.

Documents to accompany petition for revision of decree or order of appellate court.

(ii) In the case of petition for revision of the decree or order of an appellate court, a certified copy of the judgment or order of the first instance shall also be filed.

The period in which the petition is to be filed and disposed of.

(iii) Every such petition shall be made within ninety days of the decision of the subordinate court which shall provide a copy of such decision within three days thereof and the High Court shall dispose of such petition within three months without calling for the record of the subordinate court.*

Petition for revision of Small Cause Court decrees to specify the error in law.

8. A petition to exercise the power conferred by section 25 of the Provincial Small Cause Courts Act 1887, shall specify in what particular the decree or order of the Small Cause Court is not in accordance with law.

Power to return petition for amendment.

9. For the existing rule 9, the following rule shall be substituted:-

[1]POWER TO RETURN PETITION FOR AMENDMENT.

The Deputy Registrar is authorised to return for amendment, or making up the deficiency or filing the requisite documents within a time to be specified on the objection memo. Appendix I in an order to be recorded by him on the petition, any petition not drawn up in conformity with the foregoing directions.

[1]Sub. by Lahore High Court Lahore Notification No.436 Rules 11.D.4(V) dated 06.12.2000 in Pb. Gazette Part-III publish dated 08.08.2001 Sec PLD 2002 Page 53 Punjab Statutes.

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Display of the list

9-A. A list of petitions, appeals, etc.. ordered to be returned shall be notified on the Notice Board and petitions, appeals, etc, not received back within seven days of the publication of the list shall be placed before a Judge of the High Court for orders on a date to be notified by including such petition in a motion cause list. It is made clear that any delay in placing such petition before the Court or issuing the list shall not furnish any justification for non-receipt of the returned petition in time and non-compliance of the objection taken within time specified by Deputy Registrar (Judicial).*

Application for review to certain certificate that there are sufficient grounds.

10. Every application for review of a judgment or order of a Division Bench, or of a Single Bench of the High Court presented by an Advocate shall be signed by him, and he shall certify that the grounds contained therein are good and sufficient grounds for the review sought. No Advocate shall be heard in support of an application for review of any such judgment or order unless and until he has certified in the manner above prescribed the grounds already taken or any amended grounds of application.

Court fee.

11. No petition, memorandum of appeal or other document, which ought to bear a stamp under the Court Fees Act, 1870, shall be received in the Court until it is properly stamped.

Taxing Officer.

12. The Chief Justice has been pleased to declare that the Registrar of the High Court at the Principal Seat and the Additional Registrars of the Rawalpindi, Multan and Bahawalpur Benches shall be the Taxing Officers within the meaning of section 5 of the Court Fees Act. 1870.

Note: For delegation of powers to the Additional Registrars see Notification No 222-Gaz-I/V. A (17). dated the 25th of October 1984

Improperly stamped document remains invalid unless filed. through mistake and time extended for makin up deficiency.

13. Attention is drawn to the provisions of sections 4 and 28 of the Court Fees Act, and it must be understood in connection with section 5 of the Limitation Act that an improperly stamped document even

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though received, filed or used in the Court remains invalid, unless it is proved to the satisfaction of the Court that it was so filed or used through mistake or inadvertence, and time is extended for making up the deficiency in the Court fee.*

Power to impound documents not duly stamped

14. The Deputy Registrar is authorized to examine and impound under section 33 (2) (b) of the Stamp Act. 1899. any instrument not duly stamped.*

PART A (b) THE PRESENTATION OF PETITIONS FOR REVISION UNDER SECTIONS 435 AND 439 OF THE CODE OF CRIMINAL PROCEDURE.*$_{01}$

To be put in petition box during court hours.

1. Every petition for revision under sections 435 and 439 of Criminal Procedure Code shall state:

(i) that no petition under the aforementioned sections has been moved before the Court of Sessions.

(ii) the reason for not moving the Court of Sessions, and other petitions connected with judicial business of the Court shall be presented by litigants or their Advocates by depositing them in the petition box of the Court outside the room of the Institution Section between the working hours as may be prescribed from time to time.

Urgent petitions to b presented personally.

Appeals, applications, etc.. accompanied by a petition to treat the same as urgent shall, however, be presented personally to the Reader to the Deputy Registrar (Judicial) on any working day before 11.00 a.m. but may in exceptional circumstances be received not later than 12 noon.

Documents to accompany appeal against conviction.

(iii) Appeal under section 410. Cr.P.C. shall be filed within the period of limitation prescribed by law and shall be accompanied by a certified copy of the impugned judgment of the trial court.

Documents to accompany appeal against acquittal.

(iv) Application made by the complainant under section 417 (2), Cr.P.C. shall be filed within sixty days along with the certified copies of the complaint and the impugned judgment and shall be placed before a Single Bench. In case of acceptance of the application by the Single Bench it shall be converted into appeal and shall be placed before a Division Bench.

Time within which appeal to be filed, documents to accompany.

(v) Appeal under section 417(2-A). Cr. P.C. shall be filed by an aggrieved person against the order of acquittal within thirty days and shall be accompanied by the certified copies of the F.I.R. and the impugned judgment. This appeal shall be

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placed before a Division Bench in motion and further action taken in accordance with the orders passed by the Division Bench. *01

Documents to accompany petition for revision of order of acquittal.

1-A. With reference to section 439 (5). Criminal Procedure Code, the Deputy Registrar will not receive any petition for revision of an order of acquittal unless it is accompanied by a copy of an order of the Magistrate of the district, refusing to move the Provincial Government to appeal under section 417. Criminal Procedure Code.

Documents to accompany petition for revision of order in non-appeal ble cases.

2. As regards petitions under section 435 and section 439, Criminal Procedure Code, the Deputy Registrar will not receive petitions for revision of orders of original courts in non-appealable cases, unless the applicant files with his petition a copy of the order of the Sessions Judge to show that he has applied to him and his petition has been refused. The Sessions Judge can release a prisoner on bail or suspend a sentence pending a reference to the High Court.

Bail and Suspension of Sentence pending Reference.

Copies of bail application to be supplied to Advocate General.

3. Copies of all bail applications received in the High Court relating to criminal cases pending in lower courts when bail has already been refused by the lower courts shall be supplied to the Advocate General by the Deputy Registrar to enable him to appear, if desired, on behalf of the State provided that hearing of any particular case by the Judge to whom it is assigned is not delayed by this procedure.

Documents to accompany bail petition

3-A. Every application for bail shall be accompanied by the copy of F.I.R. and the orders of lower courts, if any, unless the Judge specifically dispenses therewith. *01

Documents to accompany petition for transfer or for revision of interlocutory order, record not to be sent for.

4. Petition for transfer or for revision of an interlocutory order in a pending criminal case shall be refused by the Deputy Registrar unless accompanied by attested copies of the documents relied on by the petitioner. If admitted, the records should not be sent for unless a Judge specifically so orders.

Petition for transfer to be treated as urgent.

5. Petitions for transfer of cases shall *ipso facto* be treated and dealt with as urgent petitions.

Procedure for notifying dates of urgent petitions.

6. Notice of the hearing *of* urgent petitions shall not be given individually to the petitioner or his counsel but a list of such petitions shall be hung up for the purpose on the notice board outside the Deputy Registrar's room and / or displayed in electronic media on the day

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preceding the date fixed for the hearing of these petitions giving the name of the Judge by whom the petition will be heard.

Service of notice in transfer petitions.

7. In petitions for transfer of cases under section 526. Criminal Procedure Code, filed in the High Court, the Sessions Judge shall, without fail, return all notices received by him from the High Court, whether for himself or for parties, after service, within one week from the date of their receipt.

Submission of reports by Sessions Judge on transfer petitions.

8. The Sessions Judge shall, without fail, also submit, within one week from the date of receipt of the High Court letter, all reports or explanations called for by the High Court from himself or the Magistrate concerned with regard to allegations contained in the petitions for transfer or affidavit, copy whereof will accompany the said letter.

Certified copies to be called for in petitions Under Section 439 of Cr.P.C.

9. In petitions under section 439. Criminal Procedure Code, against the order of a Magistrate, in cases tried summarily and in which there are no records except entries in the Register of Summary Trials (Criminal Register No. XVII). certified copies of the relevant entries in the register shall be called for. instead of the register unless otherwise directed by the Court. *01

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PART B THE RECEPTION OF PAUPER APPEALS.

Appeals to be accompanied by application for leave up appeal.

1. No application for leave to appeal as a pauper shall be received unless it is accompanied by a memorandum of appeal nor shall a memorandum of appeal purporting to be on behalf of a pauper be received unless it is accompanied by an application for leave to appeal as a pauper.

Who can present.

2. (a) No such application or memorandum shall be received from any person other than the alleged pauper, unless it appears, on the face of the application, that the alleged pauper is a person who is exempt, under section 132 or section 133 of the Code of Civil Procedure, from personal appearance in Court , In the latter case the application or memorandum shall not be received if presented by any person other than an agent duly authorized, who is in a position to answer all material questions relating to the application, and who is willing to be examined in the same manner as the party represented by him might have been examined, had such party attended in person.

Grounds for exemption to be stated if not presented personally.

(b) Every such application, if presented by an agent, shall state. on the face thereof, that the applicant is a person exempted from personal appearance in Court under the provisions of section 132 or section 133 of the Code of Civil Procedure, and shall not be received unless it contains such statement.

Treatment of petition not duly presented.

3. When an application or memorandum of appeal is one that cannot be received under the foregoing directions, the Deputy Registrar shall record, or cause to be recorded thereon, the name of the person presenting such application or memorandum, the date of its presentation, and an order returning the same for due presentation with the reason for such order, and shall sign and date such order with his own hand.

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PART C APPLICATIONS UNDER ORDER XXII, CODE OF CIVIL PROCEDURE.

(i) Legal representatives of deceased parties and appeals by persons who were not parties to the decree or order.

Procedure to make respondent the legal representative of a deceased party who died after the decree or order appealed from.

1. Whenever a party to a decree or order, which is appealable to the High Court, desires to appeal therefrom and to make as a respondent to his appeal the legal representative of a person who, having been a party to such decree or order, has died after the date of such decree or order, and who. if alive, would be a necessary party as a respondent to such appeal, and whose legal representative has not as such been made a party to the decree or order, or to subsequent proceedings thereunder or thereon, the party so desiring to appeal may present to the High Court for admission a memorandum of appeal with the name of such legal representative mentioned therein as such as that of a respondent if at the time when he presents such memorandum of appeal for admission, he along with such memorandum of appeal, presents an application for leave to make such legal representative as such a party as a respondent to his appeal, and. except as hereinafter provided, an affidavit stating such facts as may be necessary in support of his application: Provided always that a Judge of the High Court may. by an order under his hand, allow in his discretion a reasonable time in that behalf for the presentation of such affidavit, if it appears to him that the applicant could not by the exercise of due diligence have procured such affidavit in time for presentation along with the memorandum of appeal.

Appeals by persons other than parties to the decree or order appealed from.

2. Whenever by a decree or order which is appealable to the High Court the interest of-

(a) a beneficiary in property which at the date of such decree or order was vested in or in the possession of a trustee, an executor, an administrator, or a receiver or manager appointed by a court who as such was a party to such decree or order, or

(b) a legal representative as such of a deceased party to such decree or order, or

(c) an assignee of a party to such decree or order by assignment subsequent to the date of such decree or order, or

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(d) a person whose interest arose after the date of such decree or order by reason of any creation or devolution of interest, by. through, or from any party to such decree or order is affected.

and such beneficiary, legal representative, assignee, or person was not or has not been made a parts to such decree or order or to proceedings thereunder or thereon, and desires to present to the High Court for admission a memorandum of appeal from such decree or order, he may name himself therein as an appellant if at the time when he presents such memorandum *o\'* appeal for admission he along with such memorandum of appeal presents an application for leave to make himself an appellant, and. except as hereinafter provided, an affidavit stating such facts as may be necessary in support of his application:

Provided always that a Judge of the High Court may. by an order under his hand, allow in his discretion a reasonable time in that behalf for the presentation of such an affidavit, if it appears to him that the applicant could not by the exercise *of* due diligence have procured such affidavit in time for presentation along with the memorandum of appeal.

Procedure to make respondent the legal representative of a party who died before the decree or order appealed from but whose legal representative has not been brought on record.

3. Whenever in any suit or appeal from the decree or order, in which an appeal may be preferred to the High Court, a party has. before the appealable decree or order in such suit or appeal has been made, died, and the name of such deceased party appears in such decree or order as that of a party thereto, and his representative has not been brought upon the record, and such deceased party would, if alive, be a necessary party to an appeal to the High Court from such decree or order, and any party to such decree or order, or the legal representative of any such party. having a right of appeal from such decree or order, desires to appeal from such decree or order, and to make the legal representative of such deceased party a party to the appeal, he may present to the High Court for admission a memorandum of appeal with the name of such legal representative mentioned therein as a party to the appeal, if at the time when he presents such memorandum of appeal for admission he along with such memorandum of appeal presents an application for leave to make such legal representative a party to the appeal, and. except as hereinafter provided, an affidavit showing that he did not know, before the decree or order from which he desires to appeal was made, that such deceased party had died, or that he had no reasonable opportunity of informing the Court which made the decree or order, before such decree or order was made, that such deceased party was dead, and stating such other facts as may be necessary in support of his application: Provided that a Judge of the High Court may. by an order under his hand, allow in his discretion a reasonable time in that behalf for the presentation of such affidavit.

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if it appears to him that the applicant could not by the exercise of due diligence have procured such affidavit in time for presentation along with the memorandum of appeal.

Amendment of memo of appeal when a deceased person made a party in ignorance of death

4. Whenever after a memorandum of appeal has been presented to the High Court, any appellant or any party interested in the maintenance of any objection filed in the appeal under Order XLI rule 22 or 26 of the Code of Civil Procedure first ascertains that a person, whose name appears in the memorandum of appeal as that of a party to the appeal, and who. if alive, would be a necessary party to such appeal or objection, had died before the memorandum of appeal was presented to the High Court or admitted, such appellant or party so interested as aforesaid may. but subject to the law of limitation, apply for an order that the memorandum of appeal be amended by substituting for the person, who had so died as aforesaid, his legal representative, if at the time when he presents such application, he along with such application, except as hereinafter provided, presents for filing an affidavit showing that such application is made with all reasonable diligence after the fact of the death of such person first came to the knowledge of such applicant or the agent, if any, acting on his behalf in the litigation: Provided that a Judge of the High Court may, by an order under his hand, allow in his discretion a reasonable time in that behalf for the presentation of such affidavit, if it appears to him that the applicant would not by the exercise of due diligence have procured such affidavit in time for presentation along with application.

List of legal representatives of appellant.

4-A. (1) In every appeal of the nature referred to in Order XXII rule 3 of the Code of Civil Procedure, the memorandum of appeal shall be accompanied by a statement giving:

(a) the names and addresses of the persons who, in the event of the death of the appellant, may be made a party as his legal representatives;

(b) the name and address of the person who, in the event of the death of the appellant, shall intimate such fact to the Court, furnish the Court with the names, particulars and addresses of the legal representatives of the appellant and make an application for the legal representatives to be a party.

(2) (a) An appellant may at any time file in the Court an amended list of his presumptive legal representatives; and

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(b) nominate another person, in the place of the person nominated under clause (b) of sub-rule (1). for the purposes of that clause.

(3) A nomination made under clause (b) of sub-rule (1) shall unless varied under clause (b) of sub-rule (2) . remain in force throughout the pendency of the appeal and any proceedings arising therefrom, including appeal and review,

(4) If the appellant has filed the aforesaid statement in the suit giving rise to the appeal it shall stand superseded by the statement filed under this rule.**

List of legal representatives of respondent.

4-B. (1) In every appeal of the nature referred to in Order XXII rule 4 of the Code of Civil Procedure the respondent shall by the date. Farzi or actual, specified in the notice of the appeal served on him, file a statement giving:

(a) the names and addresses of the persons who in the event of the death of the respondent, may be made a party as his legal representatives; and

(b) the name and address of the person who. in the event of the death of the respondent . shall intimate such fact to the Court, furnish the Court with the names, particulars and addresses *of* the legal representatives of the respondent and make an application for the legal representatives to be made a party.

(2) **A respondent may at any time:**

(a) file in the Court an amended list of his presumptive legal representatives; and

(b) nominate another person in the place of the person nominated under clause (b) of sub-rule (1). for the purposes of that clause.

(3) A nomination made under clause (b) *of* sub-rule (1) shall, unless varied under clause (b) of sub-rule (2). remain in force throughout the pendency of the appeal and any proceedings arising therefrom, including appeal or review.

(4) If the respondent has filed the aforesaid statement in the suit giving rise to the appeal, it shall stand superseded by the statement filed under this rule.

Application to bring on record legal representative of a party to show date of death.

(5) Notice of appeal issued to the respondent shall contain direction requiring him to file the statement referred to in sub-rule (1) by the date specified in the notice.**

(ii) General Rules as to Suits and Appeals.

5. Every application-

(a) under Order XXII rules 3 (1) and 11 of the Code of Civil Procedure, by a person claiming to be legal representative of

deceased plaintiff or appellant to enter his name on the record in place of the deceased party:

(b) under Order XXII rules 4 and 11 of the Code of Civil Procedure, to make the legal representative of a deceased defendant or respondent a party in place of the deceased: and

(c) under the second clause of Order XX11 rule 3 of the Code of Civil Procedure, by a defendant or respondent:

shall, in addition to any particulars required by law, state approximately the date of the death of the deceased part}.

Application to set aside order made or judgment passed in absence of party, etc.

6. Every application under Order XX11 rule (') (read with rule 11) of the Code of Civil Procedure, by a person claiming to be the legal representative of a deceased party, or the assignee or the receiver of the insolvent plaintiff or appellant for an order to set aside any order made or judgment passed in his absence shall state the cause which prevented him from continuing or defending the suit or appeal, as the case may be.*

Affidavit to accompany application made under rule 5 and 6 and application to add or substitute party.

7. Every application of the kind specified in rules 5 and 6 of these rules and every application under Order XXII rule 10 of the Code of Civil Procedure, to make the petitioner or some other person an additional or substituted party in a suit or appeal, shall, as to the allegations of fact contained in such application, be verified by affidavit.

Mode of presentation.

8. Every application under Order XXII of the Code of Civil Procedure shall ordinarily be presented to the Deputy Registrar, who shall cause the date of presentation to be entered thereon.

Return for Amendment.

9. The Deputy Registrar shall examine the application, and. if it does not satisfy the requirements of the Code or of these rules in that behalf, may return it to the person presenting it. for amendment and re-presentation within a time to be noted on such application under his signature, or may refer the application to a Judge for orders.

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Effect of not presenting application before date of hearing

10. Any such application may be presented to a Judge or to a Bench (as the case may be) on the date fixed for the hearing of the case: but unless sufficient cause be shown for the application not having been presented in the ordinary course to the Deputy Registrar, before such hearing, the applicant will become liable to pay the costs of any adjournment or postponement caused by the omission to present the application to the Deputy Registrar.

Amendment of the record when application accepted.

11. When an application to have the name of the legal representative of a deceased party, or the name of an additional or substituted party, brought on the record, or to have the name of a party struck off the record, is granted by order of a Judge or Bench (as the case may be). the Deputy Registrar shall cause the record of the proceedings in the High Court to be amended in conformity with such order.

Form of Amendment.

12. Every person admitted on the record as the legal representative of a deceased plaintiff, defendant, appellant or respondent, shall be described as "the legal representative of A.B.. deceased plaintiff" (or defendant, appellant or respondent, as the case may be); and. similarly in the case of an insolvent plaintiff, defendant, appellant, or respondent.

(iii) Special Rule as to Suits.

Application in original suits to be grated by the trial Judge.

13. Application under Order XXII of the Code of Civil Procedure, in original suits, when presented to the Deputy Registrar, shall, subject to rule 9 of these rules, be laid by him for orders before a Judge who shall ordinarily be the Judge before whom the suit to which it relates is pending.

(iv) Special Rules as to Appeals.

Certain specified applications in appeals may be granted by Deputy Registrar

14. When an application of the kinds specified in rule 5 of these rules is presented to the Deputy Registrar in relation to an appeal pending before the Court, and is deemed by him sufficient, without or after amendment, and the Deputy Registrar does not deem it necessary to refer the application for the order of a Judge, he is authorized to make an order granting the application "subject to all just exceptions" and to cause the necessary amendments to be made in the memorandum of parties" names and notices to be issued to the

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parties concerned to show cause on the date fixed for hearing the appeal.

Others to be granted by a Judge

15. Every application under Order XXII of the Code of Civil Procedure, not falling within rule 14 of these rules or not granted under that rule, shall be laid before a Judge for orders.

(v) Rules as to proceedings other than Suits and Appeals.

Rules to apply to other proceedings.

16. (i) The foregoing rules shall apply to all proceedings of a civil nature, other than suits or appeals, to which Order XXII of the Code of Civil Procedure is applicable.

(ii) So far as possible, the provisions of the foregoing rule shall also apply to proceedings in the constitutional petitions.**

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PART B THE REPRESENTATION OF MINORS AND PERSONS OF UNSOUND MIND.

Appointment of next friend or guardian.

1. Whenever a Judge or Bench sees cause to appoint a next friend of a minor plaintiff or appellant or a guardian in the suit or appeal of a minor defendant or respondent, and an order to that effect is passed, the Deputy Registrar shall cause the memorandum of parties' names in the suit or appeal to be amended accordingly.

Office to the note minority on memo of appeal for order of the judge.

2. In every appeal presented to the Deputy Registrar in which it appears from the memorandum of appeal or the copies of the judgments filed therewith, that the appellant or respondent or any of the appellants or respondents is a minor, the Deputy Registrar shall cause a note to be made on such appeal for the information and orders of the Judge or Bench exercising jurisdiction in the appeal.

Notice of appeal not to issue until guardian has been appointed.

3. No notice in relation to an appeal shall be issued to any respondent who. from the memorandum of appeal or the proceedings of the lower courts, appears to be a minor, unless and until a guardian for such minor has been appointed by an order of the Court or unless the issue of such notice be authorized by the special order of a Judge.

Rules to apply to proceedings other than appeal.

4. The foregoing rules shall apply, so far as may be. to proceedings in review of judgment or in revision and to proceedings of a civil nature other than suits or appeals, to which Order XXXII of the (ode o\' Civil Procedure is applicable.

Rule to apply in case of persons of unsound mind.

5. The foregoing rules relating to the representation of minors shall apply, *mutatis mutandis,* to the representation of persons of unsound mind, adjudged to be so under any law for the time being in force.

Note to affect the application of local laws.

6. The foregoing rules are subject to the provisions of Order XXXII rule 16 of the Code of Civil Procedure.

A single Judge may Pass orders.

7. Nothing in the foregoing rules shall be deemed to require that any order made thereunder shall be made or signed by more than one Judge of the Court.

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PART E THE MAKING AND FILING OF AFFIDAVITS IN THE HIGH COURT.

Form and attestation of affidavits.

1. Affidavits intended to be presented in the High Court in support of any memorandum of appeal, cross-objection on appeal, application for review or petition for revision or any other application or petition under the Code of Civil Procedure, shall be drawn up and attested in the manner prescribed for the Civil Courts of the Punjab by the rules made by the High Court in that behalf, and be declared before some Court or Magistrate or officer appointed to administer the oath to the deponent.

When affidavits necessary.

2. When a memorandum of appeal, cross-objection on appeal, application for review or petition for revision or any other application or petition presented in a suit or appeal under the Code of Civil Procedure, or in a proceeding to which section 141 of the Code applies, contains an assertion of any fact or facts contrary to or outside the record, or not supported by evidence already on the record, such assertion shall be supported by one or more affidavits.

Affidavits when to be presented.

3. Such affidavit shall ordinarily be presented with the memorandum of appeal, cross-objection, application or petition.

Effect of absence of affidavit.

4. Any ground contained in any such memorandum of appeal, cross-objection, application, or petition containing an assertion of fact not supported by affidavit may on the hearing thereof be ordered, by the Judge or Bench, to be struck out or amended summarily, unless leave be granted to present an affidavit in support thereof.

Counter Affidavits.

5. Facts asserted by a party showing cause against any appeal, application or petition supported by affidavit, shall likewise be supported by affidavit, whether the facts asserted be in contradiction of the facts asserted in support of the same or be fresh matter. Such affidavits must ordinarily be presented before the date fixed for the hearing but may with the permission of the Judge be presented at the hearing.

Evidence to be given by affidavit.

6. When upon any application any evidence is to be given, such evidence shall ordinarily be given by affidavit as provided in Order XIX rule 2 of the Code of Civil Procedure, and not otherwise, unless by an order of a Judge or Bench.

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Explanation. - Evidence given in support of any of the following or similar applications should be given by affidavit unless otherwise ordered:-

(a) application to admit an appeal or application which is *prima facie* barred buy time;
(b) application to add parties or to substitute representatives of parties:
(c) application to re-admit an appeal or application which has been dismissed for default or to re-hear an appeal heard in the absence of the respondent:
(d) application to transfer or withdraw a suit or appeal:
(e) application to stay execution of decree or order:
(f) application for security of costs: and
(g) application for leave to appeal in *forma pauperis.*

Affidavits to be presented to

7. Affidavits intended to be used in any proceeding before the High Court may be presented, unless otherwise directed, to the Judge or Bench at the time when the proceeding is called on. or before such time to the Deputy Registrar, who shall thereupon file them with the proceeding alter noting thereon the date of presentation.

Affidavits to be attested by

8. Under the provisions of section 139(b) of the Code of Civil Procedure and section 539 of the Code of Criminal Procedure, certain ministerial officers of the High Court are appointed from time to time by the High Court to administer oaths and affirmations to deponents of affidavits required to be presented in the High Court. The rules and instructions contained in Chapter 12.Parts A and B. High Court Rules and Orders. Volume IV, will be followed in all respects. The names of the ministerial officers so appointed in the High Court from time to time are communicated to the High Court Bar.

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PART F PROCESS ISSUED BY THE HIGH COURT IN THE EXERCISE OF ITS JURISDICTION.

Amount of process fee.

1. A fee of rupees ten in court-fee labels shall, subject to rules in Chapter 5 B. Rules and Orders of this Court. Volume IV. be charged for each summon, notice or other process issued by the Court.

Whenever there is default in payment of process fee. printing charges or similar dues, the official concerned may without reference to the Deputy Registrar or any other officer place the ease before the Registrar after informing the Advocate concerned of the date and the Registrar may permit the deposit if the fee. charges or other dues, as the case may be. within a further period of seven days. In the event of further default, the case shall be placed before the Court for orders.

However, the office may accept the fee, charges or dues before the case is actually placed before the Registrar.*

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PART G LAHORE HIGH COURT (ESTABLISHMENT OF BENCHES) RULES.

In exercise of the powers conferred by Clause (3) of Article 7 of the Provisional Constitution Order, 1981 (CMLA Order No.l of 1981). the Governor of the Punjab, in consultation with the Chief Justice of the Lahore High Court, was pleased to make the following rules, vide Notification No. SO (CAB)-III-l-17/81 dated 16th July. 1981:-

1. (1) These rules may be called the Lahore High Court (Establishment of Benches) Rules. 1981.
   (2) They shall come into force at once.

2. In these rules, unless the context otherwise requires-

   (a) "Bench" means a Bench established under clause (3) or clause (4) of Article 7 of the Order:
   (b) "Chief Justice"' means the Chief Justice of the Lahore High Court and includes the Judge for the time being acting as Chief Justice of the Lahore High Court;
   (c) "Judge"' means a Judge of the Lahore High Court and includes the Chief Justice. Acting Chief Justice, or Additional Judge of the Lahore High Court ;and
   (d) "Order"" means the Provisional Constitution Order. 1981 (CMLA Order 1 of 1981).

3. All matters arising within the area assigned to a Bench shall be filed before and disposed of by that Bench.
4. There shall be established a "Registry" of the High Court at each Bench consisting of an Additional Registrar and such other officers and servants of the High Court as the Chief Justice may appoint to receive proceedings to be heard before that Bench.
5. The Chief Justice may transfer any proceedings pending at the Principal Seat of the Lahore High Court or a Bench to another Bench or the Principal Seat of the Lahore High Court.
6. The Chief Justice may determine cases or class of cases which may be disposed of at the Principal Seat or a Bench, as may be deemed expedient.
7. If at any time it is found expedient for the efficient functioning of the Principal Seat, the Benches or the Circuit Courts, the Chief Justice may require any Judge to sit, for such period as may be determined by him, at any Bench, Circuit Court or at the Principal Seat.

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8. A Judge nominated by the Chief Justice under clause (5) of Article 7 of the Order to sit at a Bench shall be entitled to the same allowances and privileges as may be admissible to a Judge on transfer under clause (2) of Article 10 of the Order.

9. The area assigned to each Bench shall be its Civil Division:

Provided that if in the interest of justice or efficient working of the Bench it is considered necessary; the Chief Justice may with the prior approval of the Governor make adjustments in the above areas.

10. The most Senior Judge for the time being at a Bench shall exercise such powers of the Chief Justice as may be delegated to him by the Chief Justice.

11. Without prejudice to the generality of the foregoing rules and subject to the provisions of the Order, the Chief Justice may, from time to time, pass such orders as may be considered necessary for efficient working of the Benches.**

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Appendix I (a) (Civil)

IN THE LAHORE HIGH COURT, LAHORE

OBJECTION SHEET

Mr. _____ ADVOCATE DIARY NO._____

1. It is time barred by _____ days.
2. Separate application U/S 5 of the Limitation Act for condonation of delay may be filed.
3. Court fee is insufficient to the extent of Rs._____.
4. Court fee is insufficient to the extent that it should be paid according to section 7 of the Court Fees Act 1870, as amended by Punjab Finance Act of 1973,
5. Certified copy of the Judgment/Decree/Order of the trial court to be filed.
6. Certified copy of the Judgment /Decree/Order under appeal/revision to be filed.
7. Proper section of law in stay/vacation of stay /dispensation/T.A/Petition to be quoted.
8. Properly executed complete/fresh _____ power of attorney to be filed.
9. Properly attested affidavit to be filed (Full affidavit Correct).
10. Receipt of Rs.500/- advance printing charges to be filed as required by rule 8. Chapter 2-A, High Court Rules and Orders Volume-V.
11. Sold type opening form duly filled is to be attached.
12. Entries in the opening form need correction/completion.
13. Correction/cutting to be properly authenticated.
14. How Appeal/Revision/Application is competent.
15. Memo of parties to be filed.
16. The matter being D.B./S.B requires 1 + 3 copies of paper books to be supplied alongwith 3 file covers/ green rexion.
17. A certificate that no Appeal/Revision/T.A. in the matter was filed earlier be appended.
18. Impugned order to be flagged and page marked according to index/pages are not marked.
19. Certified copies of pleadings and/or other documents have not been filed.
20. Pages are not properly arranged.
21. Please file better written typed copies of pages: _____.
22. Please affix revenue stamp of 3/00/- rupees on each non-judicial paper, pay court fee of Rs.2/- on decree and 50 paisa on each sheet of certified copies.
23. Each better copy be certified as "compared with the original/certified copy and found correct".
24. Uncertified copies of pages_____ be replaced with certified copies.
25. Signature / code number of the counsel is wanting.
26. Photocopy of NIC of the applicant/ appellant to be filed.

Returned with objections at serial Nos._____.

To be re-submitted after removal of these objections within _____ days subject to limitation.

D.R.R (CIVIL)

A.R.(Judl.)/D.R.(Judl.).

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Appendix 1 (b) (Writ)

IN THE LAHORE HIGH COURT, LAHORE

DIARY NO._____

1. It is barred by _____ days,
2. Separate Application for condonation of delay Under Section 5 of the Limitation Act should be filed.
3. The court fee is sufficient to the extent of Rs._____.
4. Revenue stamps with Rs.3.00 to be paid for each non-judicial paper.
5. Signature of learned counsel wanted.
6. Certified copy of the impugned order to be filed.
7. Approved filed cover to be filed _____ spare copies to be filed (Raxion Folder).
8. All annexures and impugned order and C.M's to be flagged.
9. (i) Certificate to the effect that no other petition (I.C.A./Review/ Crl. Org.) of the same subject matter was filed.
   (ii) Certified that this petition has arisen from violation/fulfillment of obligation under (Quote here provision of law) and that alternate remedy provided by law has been availed of by petitioner.
10. Correction/ cutting and fluid are not maintainable. Please retype page No._____.
11. Un/certified copies and d i m copies to be replaced with bright hand-written/typed ones.
12. Designation of respondent No._____ be quoted.
13. Proper section of law is stay/ dispensing etc. to be quoted.
14. Duly executed Power of Attorney to be filed and colourful power of attorney is not maintainable.
15. Typed index to accompany the petition.
16. Uncertified copies of annexures to be attested by learned counsel giving his name in block letters.
17. Application to dispense with the production of certified copies of the impugned order/annexures with necessary particulars to be filed.
18. Annexure(s) is /are insufficiently stamped to the extent of Rs._____
19. Names of respondents wanted as the present petition relate to contempt proceedings.
20. Petition/Appeal has not been drafted by authorized person.
21. Certificate to be approved to the effect that the officer, impleaded by name, as respondent has personal liability.
22. An affidavit duly attested to be filed.
23. One writ petition is not competent. Separate writ petition of each petitioner to be filed.
24. Writ petition is not arranged to the office order/index.
25. (i) Certificate to be given is the effect that I.C.A./Review is competent.
    (ii) Certified that remedy of Appeal/ Revision/ Review of application does not exist under the relating to the present case.
26. Please file it at proper Bench/ Court.
27. Copies to be delivered to Advocate, General/ Deputy Attorney General.
28. Petition is not page marked nor the annexures marked.
29. Writ petition cannot be entertained against private person.
30. Certificate to be given on each and every better copy "compared with the original and found correct".
31. Computer slip/Code number wanted.
32. Details of the annexures mentioned in the index be given in original, certified or uncertified.
33. Certified copies of annexures _____ to be filed.
34. Please deposit Rs.100/- as advance printing charges of I.C.A.
35. Since the Writ Petition has been decoded present C.M. is not maintainable.
36. Photocopy of the NIC of the petitioner's filed.
37. Writ Petition is not maintainable, in view of full bench judgment (PLD 2005 Lahore 470)
38. Please file Writ Petition on behalf of all accused mentioned in the FIR.
39. Petitioner has no locus-standi.
40. Writ Petition/ C.M. is not maintainable.
41. Please mention list of books.

_____

_____

42. Remarked with the objection at serial Nos. _____ above.
43. Should be submitted after removing the objection within _____ days.

D.R.R. (WRIT)

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Appendix J (c) (Criminal)

IN THE LAHORE HIGH COURT, LAHORE

OBJECTION MEMO

DIARY NO._____

1. Revenue stamps of Rs.3.00 to be paid /breach non-judicial paper.
2. Signature of the counsel of the appellant/petitioner is writing.
3. The provision under which the appeal/petition has been filed be mentioned/corrected.
4. Approved file cover be filed.
5. Affidavit is not attested/appended.
6. Appeal petition and certified copies of annexures are not properly indexed/paged/marked.
7. Certificate to be furnished as to whether any Appeal/Petition on the subject was previously filed.
8. No indication of urgency on the urgent form.
9. There should be separate application for each prayer.
10. Copy of Appeal/Petition has not been delivered to the office of the Prosecutor General Punjab/ Deputy Attorney.
11. General / Advocate General.
12. The Appeal/Petition is barred by _____days.
13. Certified copy of _____ be filed.
    (a) Copy of FIR is signed with the designation of the concerned authority.
    (b) Copy of Bail Petition, Ground before ASJ be foiled.
    (c) Attach copy of reference case of this Honourable Court.
    (d) Copy of PMR/ MLR be filed.
14. Correct number of referred case/(s) has not been given.
15. Memorandum of parties' names has not been filed.
16. Petition containing over-writing, addition and deletion is not entertained. Kindly file fair drafted petition.
17. Appeal/Revision is not competent.
18. Power of Attorney has not been attached.
19. Petition should be signed by a person competent to do so.
20. Case relates to _____ Seat/Bench.
21. One more file cover and spare copies be filed.
22. Please specify where the petitioner/appellant is confined/detained?
23. Prescribed form of revision/appeal be filed.
24. Appeal/petition/documents be paged/ flagged/ marked.
25. Certificate "compared with the original/certified copy and found correct and nothing has been deleted, added, omitted or changed" has been made therein.
26. Certificate to be furnished by learned counsel the petitioner in the pre-arrest bail is genuine person and that he identifies him or a photocopy of National Identity Card of the petitioner be filed.
27. Typed index to accompany Appeal/Petition.
28. Separate application for condonation of delay under section 5 of the Limitation Act should be filed.
29. The court fee is insufficient to the extent of Rs._____.
30. _____

_____

Returned with the objection (a) at serial No (s)_____above, to be re-submitted after removing the objection (s) within limitation/three days.

D.R.R. (CRIMINAL)

D.R.(Judl.)

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CHAPTER - 2

Preparation of Paper Book and Records.

PART A THE PREPARATION OF PRIMED RECORDS IN FIRST APPEALS.

Printing of records in first appeals from orders.

1. In first appeals from orders no printing will be required unless specially directed by the Judge admitting the appeal, who will in that case order at his discretion the printing of either

(i) an ordinary' paper book, or
(ii) a printed record under these rules.

Printing of records in first appeals from decrees.

2. In first appeals from decrees admitted to a hearing, a printed record shall, unless special orders are given to the contrary, be prepared in accordance with the instructions hereinafter contained.

Contents of printed record.

3. In the absence of a special order the printed record under rule 2 shall consist of:

(i) (a) The plaint and pleas.

(b) Such documents either referred to in the plaint as forming the basis of the suit or considered by the trial court in its judgment, or duly proved by either of the parties in the trial Court, as may be specified by either party in response to a printed notice within the period of 30 days prescribed in rule 5 (i).

(ii) The autograph record of the trial court.

(iii) The report of the local Commissioner, if any, appointed under Order XXVI of the Civil Procedure Code. With the report should be printed any statements of the parties recorded before the Commissioner and tabular statements prepared by him, if they form an integral portion of his report

(iv) Evidence taken on commission under Order XXVI of the Civil Procedure Code.

(v) The grounds of appeal to the High Court, in English.

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(vi) The order of the Judge or Bench admitting the appeal.

Case in which record not printed my be referred to at the hearing.

4. Any part of the record not printed under rule 3 may be referred to at the hearing with the permission of the Court, but no party shall have a right to refer, during the hearing, to any documents not printed: Provided that extracts from Revenue Records need not be printed *in extenso*. The parties may refer to the original record for such extracts, maps and plans.

Specifying additional documents to be printed and cost of printing.

5. (i) The Deputy Registrar shall, as soon as the record in a First Appeal has been received, cause notice to be given to the appellant and respondent, or their counsel if any. to specify within 30 days of the date of notice the documents mentioned in rule 3 (i)(b) above, which should be included in the printed record of the appeal. In default of their doing so. the printed record will consist of the documents specified in rule 3 (i) (a) and (ii) to (vi) only.

(ii) The cost of including the documents specified in rule 3 (i) (a) and (ii) to (vi) shall be borne by the appellant and shall be paid as provided for in rules 8 and 9 below.

(iii) The cost of including the documents mentioned in rule 3 (i) (b) shall be borne by the party at whose instance they are so included and must be paid within 30 days from the date of demand: otherwise they shall be excluded.

Order of documents in the printed record.

6. All documents included in the printed or photocopied record shall be printed or photocopied according to their serial order, first those produced by the plaintiff and then those produced by the defendant. On each document shall be endorsed the order by, and date on. which it was admitted by the trial court:

Provided that when counsel for both the parties agree that the documents should be arranged for convenience in a different order, the documents shall be printed in that order. In that case, a footnote shall be added on the first page of the volume of documents that the documents have been printed in the order suggested by counsel for the parties.

Translation of vernacular documents.

7. Vernacular documents printed or photocopied by desire of parties under rule 5 shall not ordinarily be translated into English unless especially desired in writing by the party at whose instance they are included in the printed or photocopied record.

Note: Documents in Hindi. Gurmukhi and other characters shall, if their translation into simple idiomatic Urdu is not already on the record, be sent to the trial Court for this purpose. The parties shall be required to

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appear before the trial Court to assist in the translation of such documents. Failure on their part to do so will result in the omission of such documents from the printed or photocopied record. The translation shall be accompanied by an affidavit as to its correctness.

Initial deposit by appellant

8. In every appeal in which under these rules a record has to be printed or photocopied, the appellant shall, with his appeal, attach a receipt for a sum of five hundred rupees which should be deposited with the Treasurer of the High Court to cover the cost of printing or photo-copying the record. No first appeal from a decree shall be received unless such receipt accompanies it.

Exception:- This rule does not apply to an appeal filed in *forma pauperis*, in which case the appellant will be required to pay the approximate cost of printing or copying of such portion of the record as the Judge admitting the appeal, may. under rule 2 of this chapter, order.*

Period for further deposit may be enlarged.

10. The period fixed by rule 9 for the payment of the deposit may, on cause being shown in an application duly stamped, be enlarged by an order of the Court so as to permit the amount of such deposit to be paid by installment.

Number of copies of printed record.

11. Such number of copies of the record shall be printed or photocopied as the Court may. by general rule in this behalf or by special order in any particular case, direct.

Note: The number of copies ordinarily to be printed has been fixed at ten. Enough copies should be printed or photocopied to enable juniors watching the case to be provided with them.

12. The appellant and respondent may each obtain two copies of the printed or photocopied record free of charge and one additional copy free of charge for each Advocate or Pleader employed in excess of two. Additional copies, if available, may be purchased at two rupees per page of printed or photocopied matter.*

13. Parties and counsel shall be entitled to receive copies of the printed or photocopied record on application to the Registrar or Deputy Registrar at least one month before the date fixed for hearing.

14. (a) At the foot of every printed record shall be noted the amount of the printing and incidental charges and the party from whom levied, and such amount shall be included in the costs of the appeal unless the Court shall in any case otherwise direct.

(b) Should the amount so charged be less than the sum or sums

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deposited under rules 5, 8 and 9, the Registrar or the Deputy Registrar shall refund the unexpended balance to the party by whom the deposit was made. Should it be more he will take action under rule 9 or 10.

15. The Registrar or the Deputy Registrar may and, if so required by either party by petition duly stamped, shall refer to the Court any matter not herein expressly required to be referred.

16. For the purposes of these rules, when an order of the Court is required, the order of one Judge shall be sufficient and such order shall, subject to reconsideration by the Bench hearing the appeal, be conclusive.

17. (a) When an order has been made by a Division or Full Bench, under Order XL1 rule 25 or rule 27 of the Code of Civil Procedure, in an appeal to which these rules have been applied, and additional evidence has been taken in pursuance of such order, a Judge may, at any time after completion of the record of the enquiry, make an order that a supplementary printed or photocopied record be prepared of:

(i) the order made under Order XLI rule 25 or rule 27. Civil Procedure Code, and

(ii) the proceedings taken thereunder or any part thereof.

(b) The order shall direct by which party or parties the expense of preparing the supplementary record or any part thereof shall be borne in the first instance.

(c) When a Judge's order for the preparation of a supplementary record has been made, the Registrar or the Deputy Registrar shall deal with the matter under the foregoing rules so far as applicable.

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SCHEDULE A

Index of the papers printed.

FIRST APPEAL NO. OF

*(Name)*_____(Plaintiff or Defendant) – Appellant

*(Name)*_____(Defendant or Plaintiff) – Respondent.

Sr. No.	Date of document, etc.	Description of document	Page
		Petition of plaint (documents referred to in the plaint or considered in the judgment or duly proved by either of the parties in the trial court). Written statement of defendants. Plaintiffs" replication to above. Defendants" rejoinder to above. Issues. Plaintiffs oral evidence (each witness by name). Defendants oral evidence (each witness by name). Notes of the arguments advanced by the parties. Judgment of the trial Court. Decree of the trial Court. Petition of appeal to the High Court. Order of Judge admitting the appeal to a Bench	

N.B.– Intermediate orders of the Court should be inserted in chronological order as they occur.

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SCHEDULE B

The work of transcribing, transliterating, translating, printing the record will be charged for at the following rates under rules 5.

Since the printing 07 paper books has been dispensed with the rates for transcribing examining, certifying, transliterating and translating work are not being fixed.

Typing and revising the record per 1000 words Rs.10/-

Photo copy per page of printed matter Rs. 2/-

Note: Since the printing of paper-books has been dispensed with, the rates for transcribing, examining, certifying, transliterating and translating work are not being fixed.*

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

Paper-books when to be printed.

1. (1) Paper-books shall be printed in all second appeals and revisions admitted to a hearing before or referred to a Division Bench or a Full Bench, unless there is an order to the contrary, passed by the Motion Bench or the referring Judge or Judges.

(2) No paper-book shall be printed in second appeals admitted to hearing before a Single Judge, except when so ordered by the Motion Bench.

Contents.

2. The printed paper-book shall consist of :-

(a) copies or translations of the judgments of the lower courts and the decree of the lower appellate court,

(b) the grounds of appeal or revision and a memorandum of the names of the parties or, if the appeal or revision was filed in vernacular, a translation thereof, and

(c) a copy of the order of the Judge admitting the case to a Bench.

Cost of printing paper-books

3. (1) In every appeal and cross appeal in which a paper-book has under these rules to be printed, the appellant shall, within fifteen days of the date of the order admitting the appeal, deposit with the Treasurer of the High Court, a sum of rupees five hundred to cover the cost of the paper-book at the rates specified in the Schedule.*

(2) An additional sum of rupees fifty for translating the plaint and pleas shall be similarly deposited in every case in which the plaint and the pleas are to be included in the paper-book. The plaint and pleas shall not, however, be printed except at the express request of the parties or their counsel, or. when so directed by the Judge or Judges admitting the appeal.*

Procedure on non-payment of deposit.

4. If the appellant or respondent fails to deposit the sum or sums required under rule 3 within the prescribed period, the procedure laid down in clause (b) of rule 9 of Part A of this Chapter shall be followed.

Number of copies to be printed.

5. Such number of copies of the paper-book "shall be printed as the Court may, by general rule in that behalf or special order in a particular case, direct.

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Note: The number of copies ordinarily to be printed has been fixed at thirteen. Enough copies should be printed to enable juniors watching the case to be provided with a paper-book.

Supply of copies to parties.

6. Each appellant and the respondent appearing separately may obtain two copies of the printed paper-book free of charge, and additional copies, if available, may be purchased at rupees two per page.

Printing expenses to be included in costs.

7. (1) At the foot of every printed paper-book shall be noted the amount of printing and other charges, and the party from whom levied, and such amounts shall be included in the costs of the appeal, unless the Court in any case directs otherwise.

(2) Should the amount so charged be less than the sum or sums deposited under rule 3. the Registrar or the Deputy Registrar shall refund the unexpended balance to the party by whom deposit was made. Should it be more, he will take action under rule 4.

Interpretation

8. For the purposes of rules 3 to 7 the expression "appeal"[1] shall include a petition for revision admitted to a hearing before a Division Bench or referred to a Full Bench and the expression "Appellant" shall include a petitioner in the revision petition.*

Schedule

(referred to in rule 3).

The work of transcribing, transliterating, translating, printing and photocopying the record will be charged for at the following rates under rule 3:-

Typing and revising the record per 1,000 words	Rs.10.00
Photo copy per page of printed matter	Rs. 2.00

Note: Since the printing of paper-books has been dispensed with, the rates for transcribing, examining, certifying, transliterating and translating work are not being fixed.*

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PART C PREPARATION OF PAPER-BOOKS IN INTRA COURT APPEALS.

Ordinarily no printed paper-book required.

1. In Intra Court Appeals no printing will be required unless specially directed by the Judges admitting the appeal.*

Contents.

2. The paper-book in such appeals shall ordinarily consist of

(c) the memorandum of appeal;
(c) a copy of the judgment appealed from;
(c) a copy of the paper-book which was before the Judge from whose judgment the appeal is preferred.

Number of copies.

3. The paper-book shall be prepared in duplicate for the use of the two Judges of the Bench by which the motion for admission of the appeal is heard. One copy shall be made up from the contents of the original record. The other shall be prepared at the expense of the appellant.

Initial deposit by appellant.

4. In every Intra Court Appeal, the appellant shall, with his appeal, attach a receipt for a sum of Rs. 100/-. which should be deposited with the Treasurer of the High Court, to cover the cost of the preparation of the second paper-book at the rates laid down in Schedule B to Part A.*

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PART D PREPARATION OF PAPER-BOOKS IN CUSTOM/USAGE CASES.

***[Omitted]

PART E — THE TRANSLATION OF CERTAIN VERNACULAR DOCUMENTS PRESENTED TO THE HIGH COURT.

What documents to be transferred and at whose expense

1. (i) Such vernacular documents filed in the High Court in its civil appellate or civil revisional jurisdiction as may from time to time be prescribed by the Court.* shall be translated, and. subject to rule 4, the expense of such translation shall be paid by appellant or petitioner.

(ii) Nothing in this part shall be deemed to require the translation of any documents into English for presentation to a Judge sitting in Single Bench.

Agency for translation and scale of charges

2. The translation shall be made and certified by such agency as the Court may from time to time appoint, and the maximum total charge shall not exceed thirty rupees for one thousand words.*

Initial deposit

3. On the presentation of an appeal or petition to which these rules apply, the person presenting the same shall deposit the amount required to defray the cost of translation, if any. and no appeal or petition will be accepted unless accompanied by such deposit.

Payment may be excused in certain cases

4. The Court, in regard to any particular class or classes of cases, by a rule of Court, and a Judge, in respect of any particular case not provided for by rule of Court, by an order stating the grounds thereof, may dispense with the payment prescribed by these rules.

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* The following vernacular documents are required to be translated:-

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

(6) Returns to orders of remand of the High Court.
(7) Objections to orders of remand of High Court.
(8) Deed of compromise.

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CHAPTER 3

Jurisdiction.

PART A RULES REGULATING THE PRACTICE OF THE HIGH COURT IN THE HEARING OF CAUSES AND OTHER MATTERS.

Hours to business

1. The Court will open daily, except on notified holidays, for the transaction of judicial business between such hours as may be prescribed from time to time.
No fresh case will ordinarily be called for hearing by a Bench after 2.30 p.m but the hearing of a part heard case may be continued so long as the Bench hearing it may deem necessary.

Roster of Single and Division Benches.

2. The Judges will sit singly or in benches of two or more Judges in accordance with a roster to be prepared by the Deputy Registrar with the approval of the Chief Justice from time to time.*

Distribution or work to be made by the Deputy Registrar.

3. Plaints, appeals, applications and petitions for a preliminary hearing will be distributed by the Deputy Registrar two days previously. The distribution lists will be initialed by the Deputy Registrar, and no change in them will be made without his authorization and initials. A copy of the list will be supplied to the Judges" Readers and to the Bar Room, and the Judges" Readers will bring to the notice of the Judges and the Deputy Registrar any alterations that appear unauthorized.

Hearing of ordinary and urgent petitions.

4. Ordinary and urgent petitions shall be set down for hearing by the Deputy Registrar before Single and Division Benches in accordance with the roster for the time being prescribed under rule 2 above.

Weekly and daily lists of civil and criminal cases and their adjustment.

5. (a) A register of civil cases, complete in every respect, will be maintained in the High Court. From this register, cases will be taken up according to the order of institution for incorporation in a weekly list of cases to be heard by Division and Single Benches. The weekly list will be broken up into daily list after every week. The special order cases should be placed with indication only. No indication is to be given as 'No.1' without the specific order of the Court or indication on result parcha. The daily cause list for the week shall be issued immediately on preceding Wednesday.
All left-over cases of the week shall, as far as possible, be fixed on the corresponding day of the week following the next

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week, for instance a case left-over on Wednesday, the 24th November. 1965 will be fixed for Wednesday, the 8th December. 1965. No supplementary list of part-heard cases or of cases adjourned by a Judge specifically to the next week will be issued as they are expected to be taken up on the next day unless otherwise directed by the Judge.

(b) A separate register of criminal cases within the jurisdiction of Division and Single Benches, complete in every respect, will be maintained in the High Court. From this register cases will be taken according to order of institution for incorporation in a weekly list of cases to be heard by both Division and Single Benches. The weekly list will be broken up into daily list and dealt with as in rule 5 (a) above.

(c) Full and Special Bench cases which cannot conveniently be heard on ordinary Bench days, will be heard on the first Monday in every month or on such other day or days as the Chief Justice may direct in the event of the first Monday being a holiday, or the work being excessive for one day.*

Cases to be heard in the order of date of admission Exceptions.

6. Cases will be set down in the lists in the order of the date of admission except as directed below and will be heard in that order, unless directed otherwise by the Court.

Exceptions. -

(a) Postponed cases take priority over all other cases before a Bench in their own class.*

(b) Remanded cases take priority over all others except postponed cases.

(c) Cases fixed for "actual dates" under the second proviso to rule 8 shall be listed first in the daily lists subject to part-heard cases. Cases fixed by Judges for actual dates shall be listed next.

(d) Cases marked "very early'" or "early" by order of a Judge or Judges and commercial causes, family matters and rent restrictions cases shall take priority over ordinary cases.*

(e) An appeal or petition against an order of remand of a lower court shall be marked "early" and shall take priority over ordinary cases.

(f) An appeal or petition in connection with which proceedings pending in the lower court are ordered to be stayed or have to be stayed in consequence of the record being sent for by the Hjgh Court for the disposal of such appeal or petition, shall be marked "early" and shall take priority over ordinary cases.

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Postponement of cases.

7. (i) An application for the postponement of a case shall be presented to the Deputy Registrar and shall not be taken direct to a Judge.

(ii) Cases may be postponed by the Deputy Registrar or. in his absence, under the orders of such other officer as may be in charge of the judicial department for the time being:--

(a) if, two days before the date of hearing, the record has not been received, or the case is otherwise incomplete:

(b) if. before the day of hearing, the death of a party is announced and an adjournment is thereby necessitated:

(c) if the lower courts have not complied with a precept or process.

(iv) Except as provided above, no application for the adjournment of a case shall be entertained unless a Bench or Judge, as the case may be. is satisfied that by reason of recent death, sudden illness or domestic bereavement a party cannot be properly represented at the hearing unless such order is made.

(iv) Ordinarily part-heard cases will be proceeded with on the following day or days till they are concluded.

Duty of counsel to attend on date of hearing

8. Parties and their Advocates, or Agents are required to attend the Court on the day or days for which their cases are set down, and on subsequent days until their cases are disposed of or are postponed:

Provided that intimation *of the pacca* date fixed in a case will be sent by post card to such parties as are not represented by counsel at the addresses originally given by them in their appeals or petitions or at the fresh addresses supplied by them at any later stage:

Provided further that in a case in which an Advocate not ordinarily resident in Lahore. Rawalpindi. Multan or Bahawalpur has to appear, the Deputy Registrar concerned shall fix the "'actual date"" sufficiently in advance and give to the said Advocate notice thereof by registered post card. Such date shall not be altered except by an order of the Bench concerned or of the first Division Motion Bench if the case is not listed before a particular Bench.*

Disposal of urgent petitions.

9. (i) Urgent petitions must ordinarily be presented between such hours as may be prescribed from time to time.*

(ii) These petitions will be laid before the Deputy Registrar who shall ordinarily fix them for hearing on the next day. If, however, the Deputy Registrar is satisfied that there is sufficient urgency, he shall mark the petition for hearing on the same day.

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PART B JURISDICTION OF A SINGLE JUDGE AND OF BENCHES OF THE COURT.

Cases ordinarily to be hard by a Single Judge.

1. Save as provided by law or by these rules or by a special order of the Chief Justice, all cases shall be heard and disposed of by a Judge sitting alone.

Explanation. - A case includes a motion application, petition, reference, suit, appeal, revision or other proceedings to be heard and disposed of by the High Court under any law in the exercise of its ordinary, extra-ordinary, original or appellate jurisdiction

Cases to be heard by a division Bench and in certain cases by Single Judge.

2. (1) Save as provided by these rules, the following cases shall be heard and disposed of by a Division Bench:-

(i) (a) A regular first appeal from the decree of a subordinate court, jurisdictional value of which exceeds that of the District Court prescribed by the Civil Courts Ordinance. 1962 (No.II of 1962). and any cross-objection to decree.

(b) An appeal under the Land Acquisition Act if the jurisdictional value involved in the appeal exceeds the one indicated in sub-clause (a) above.

(ii) (a) An appeal or reference in a case in which a sentence of death has been passed.

(b) A case in which a notice has been issued to person sentenced to imprisonment or imprisonment for life requiring him to show cause as to why the sentence should not be altered to death.

(c) An appeal by -

(i) the Provincial Government under section 417(1) of the Code of Criminal Procedure, or

(ii) the complainant under section 417(2) of the Code after grant of leave by a Single Judge, or

(iii) an aggrieved person under section 417(2-A) of the Code,

from an order of acquittal of a charge punishable with death or imprisonment for life.

(2) A Single Judge while sitting in the long vacation or winter holidays, or when he is the only Judge available at a Bench, may exercise the original and appellate jurisdiction vested in the Court-

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(i) in any criminal matter other than one mentioned in clause (ii) of sub-rule (1);

(ii) in any urgent matter connected with, relating to or arising out of. the execution of a decree; and

(iii) in any miscellaneous matter which in his opinion requires immediate attention.

Hearing of review application

3. In cases not provided for by Order XLVII rule 5 of the Civil Procedure Code, an application for a review of a decree or order shall be heard:

(a) if the decree or order review of which is applied for. was passed by a Judge sitting alone, by a Bench of two or more Judges, or

(b) if the said decree or order was passed by a Bench of two or more Judges, by a Bench consisting of at least as many Judges as the Bench review of whose decree or order is applied for.

Constitution of Full Bench.

4. A Full Bench shall ordinarily be constituted of three Judges, but may be constituted of more than three Judges in pursuance of an order in writing by the Chief Justice.

4-A (i). A Judge may. if he thinks fit, refer any matter with the permission of the Chief Justice to a Division Bench of two Judges.

(ii) A Division Bench, if it thinks fit, may refer any matter with the permission of the Chief Justice to a Full Bench.**

Judges of Full Bench shall be nominated by the Chief Justice.

5. The Chief Justice shall nominate the Judges constituting a Division or Full Bench.*

Judge or judges Who refer a case Shall ordinarily sit on Bench which considers the reference.

6. The Judge or Judges of a Bench by whom any question or case is referred shall ordinarily be members of the Division or Full Bench, as the case may be, appointed to consider such question or case.*

Case when a Full Bench shall consist of 4 or more Judges.

7. If a majority of a Full Bench of three Judges so determine, by order in writing at any time before final decision, the Full Bench for the decision of any question or case referred to a Full Bench of three Judges shall be constituted by four or more Judges according to such direction.

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PART C POWERS DELEGATED TO THE REGISTRAR FOR THE DISPOSAL OF CERTAIN JUDICIAL MATTERS

Powers delegated to the Registrar In civil cases

1. In accordance with the powers vested in them by Clause 35 of the Letters Patent, the Chief Justice and the Judges have been pleased to delegate the following functions to the Registrar: Provided that if the Registrar, has had no experience as a Judicial Officer of the status of the District and Sessions Judge or Additional District and Sessions Judge he shall not exercise the powers mentioned in clauses (iii), (iv), (V), (viii) and (xvi) below: Provided further that if an officer other than the Registrar who has had experience as a Judicial Officer of the standing of District and Sessions Judge or Additional District and Sessions Judges be available, then powers mentioned in these clauses shall stand delegated to him:-

(i) Power to issue notices on an application for Probate or Letters of Administration or for revocation of the same,

(ii) Power to dispose of all matters relating to the service of notices or other processes, including substituted service, except the power to dispense with service on *proforma* respondents.

(iii) Power to receive and dispose of an application under Order XXII rules 2. 3.4 and 10 of the Code of Civil Procedure, and to amend the record, if necessary, except in cases under appeal to the Supreme Court,

(iv) Power to appoint or discharge a next friend or guardian *ud-litem* of a minor or person of unsound mind, except in cases under appeal to the Supreme Court and to amend the record accordingly.

(v) Power to receive and dispose of an application for the withdrawal of an appeal or a consent decree or order,

(vi) Power to receive and dispose of an application under Order XLI rule 10 of the Code of Civil Procedure,

(vii) Power to receive an application under Order XLV rule 15 of the Code of Civil Procedure, and to issue notice thereon,

(viii) Power to receive an application for substitution of names in an appeal to the Supreme Court, and to issue notice thereon,

(ix) Power to receive and dispose of an application for the return of a document.

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(x) Power to require any person or party to file an affidavit with respect to any application or matter in respect of which he has power to exercise any discretion or to make any order,

(xi) Power to call for a further deposit when the deposit already made by the appellant in an appeal to the Supreme Court is not sufficient to defray the cost of preparing the record,

(xii) Power to order payment of the profit accruing on Government Securities deposited under Order XLV rule 7 of the Code of Civil Procedure, and to order the refund of any unexpended balance under Order XLV rule 12, C.P.C.

(xiii) Power to direct in what newspapers the publication referred to in Order XLV rule 9-A of the Code of Civil Procedure. shall be made.

(xiv) ***[Omitted]

(xv) Power to pass formal orders regarding translation and typing or photocopying of documentary evidence and to summon files and records,

(xvi) (a) ***[Omitted].
(b) *** [Omitted].

(xvii) Power to grant time for making up deficiency in court-fees in cases referred to him as Taxing Officer under section 5 of the Court Fees Act, 1870.

No application for extension of the time will be refused without the orders of the Court.

Note: (I) The above powers will be exercised by the Registrar subject to any general or special orders passed by the Chief Justice in this behalf.

(2) The power delegated to the Registrar under clauses (i) to (xiii) and (xv) may also be exercised by the Deputy Registrars.*

Power delegated to the Registrar in criminal cases.

2. Under the Code of Criminal Procedure, the Registrar has been delegated with the following functions:-

(1) Power to sign complaints under the proviso to section 476(1), Criminal Procedure Code.

Duties which the Registrar may be empowered by name to perform.

3. In accordance with the powers vested by Clause 35 of the Letters Patent, the Chief Justice and Judges have been pleased to direct that any person holding the post of Registrar of the High Court or any other officer of the High Court who has had experience as Additional District and Sessions Judge or District and Sessions Judge may be empowered by name by the Chief Justice to perform

any of the following duties:-

(a) To decide the question of the necessity for transcribing and printing or photocopying any document not specially applied for by the parties to an appeal to the Supreme Court.

(b) *** [Omitted]

(c) To issue notice to parties in criminal references.

(d) To hear motions for the admission of first appeals and either to admit them or to direct them to be laid before a Bench for orders.

(e) To hear appeals from, or petitions for revision of the orders of District Judges in cases affecting their establishment or those of the Courts subordinate to them, and to advise the Chief Justice what orders should be passed.

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PART D APPEALS FROM DECREES IN COMMERCIAL CAUSES.

Commercial causes, definition.

1. "Commercial causes"' include causes arising out of the ordinary transactions of merchants, bankers and traders, such as those relating to the construction of mercantile documents, export or import of the merchandize, affreightment, carriage of goods by land, insurance, banking and mercantile agency, and mercantile usage. Suits on ordinary loans and mortgages are not "Commercial causes".

Nomination of Judges.

2. The Chief Justice shall, from time to time, nominate one or more of the Judges of the Court to hear "Commercial causes".**

Treatment of other cases as commercial causes.

3. (a) All cases under the Companies Act and cases affecting the responsibility of a Railway Administration as carriers, will be treated as "Commercial causes"

(b) The Judges may, however, mark any other case as a "Commercial cause"* either at the request of the parties or *suo motu,* if satisfied that the said case is a commercial cause as defined in rule 1.

Early hearing of appeals marked as commercial causes.

4. All appeals, which have been marked as "Commercial causes" by order of a Judge under rule 3. shall be brought to a hearing as early as may be practicable, and shall, as far as possible, be set down before the Judge appointed from time to time by the Chief Justice to hear "Commercial causes" or before a Bench of which such Judge is a member. Such causes shall be given priority on the day of hearing over all other appeals except part-heard appeals and cases frequently postponed.

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CHAPTER 4

Special Procedure.

PART - I

(CRIMINAL)

PART A SPECIAL RULES OF PROCEDURE IN CRIMINAL CASES.

Recording evidence.

1. In original trials, in proceedings taken under section 428 of the Code of Criminal Procedure, upon the hearing of an appeal or a revision petition, and in any other criminal proceedings coming before one or more Judges, the Judge or one of the Judges shall make a memorandum in Urdu or English of the substance of the evidence of each witness as the examination proceeds:**$_{01}$

Provided that, by direction of a Judge, the evidence may be taken down in shorthand by an officer of the Court, or other person specially appointed for that purpose.

The transcript of the shorthand shall be corrected and signed by the Judges or one of them and shall then be placed on the record.

Signing evidence.

2. The evidence shall ordinarily be recorded in narrative form, and shall be signed by the Judge or one of the Judges and placed with the record.

Warrants.

3. When a sentence of death or of imprisonment for life or of imprisonment has been passed on an accused person convicted at a trial held before the High Court in exercise of its original criminal jurisdiction, the Court shall issue a warrant in order to cause such sentence to be carried into effect.*$_{01}$

Form of warrants

4. A warrant for the execution of any of the following sentences passed by the Court in exercise of its original criminal jurisdiction, namely, -

(a) sentence of death;
(b) sentence of imprisonment for life;
(c) sentence of imprisonment;

shall conform, as nearly as may be, to the forms prescribed by the Code of Criminal Procedure. *$_{01}$

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Signing of warrant.

5. A warrant for the execution of any sentence mentioned in rule 4 shall be signed by the Judge or one of the Judges, who passed the sentence, or, if this be not practicable, by the Chief Justice.

Forwarding accused and warrant to jail.

6. (a) When the sentence passed upon an accused person is of any of the kinds specified in rule 4, the Court shall forthwith cause the warrant to be forwarded to the jail in which he is to be confined, and unless the accused person is already confined in such jail, shall cause him to be forwarded to such jail with the warrant *01

(b) ***01 [Omitted]

Amended warrants.

7. Whenever, either by reason of the commutation or alteration of any such sentence as aforesaid or otherwise, an amended warrant becomes necessary, such warrant shall conform, so far as may be, *mutatis mutandis,* to Form No. XXXVI in Schedule V of the Code of Criminal Procedure, and shall be signed in the manner prescribed in rule 5.

Order of detention in safe custody of accused acquitted on the ground of lunacy, form of the order.

8. An order under section 471 of the Code of Criminal Procedure shall be made in such form as the Judge making the same thinks fit, and shall be signed by the Judge who makes it, and the Court shall forthwith cause the accused person to be forwarded with the order to the place in which he is to be kept in custody.

Form of warrants of levy of fine.

9. Whenever an offender has been sentenced by the Court in exercise of its original criminal jurisdiction to pay a fine, and the Court directs that a warrant shall be issued under section 386 of the Code of Criminal Procedure, the warrant shall conform, so far as may be, *mutatis mutandis,* to Form No. XXXVII in Schedule V of the said Code, and may be signed by the Deputy Registrar. *01

NOTE.*** [Omitted]

Warrant, etc. to be sealed.

10. Every warrant, amended warrant and order made and signed under the preceding rule shall, before being issued, be sealed with the seal of the Court.

Asst. Registrar may sign the process.

11. Processes issued by the High Court may issue over the signature of the Assistant Registrar of the Branch dealing with the case. *01

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PART B RULES REGARDING THE SUMMONING AND EMPANELLING OF JURORS.

*** [Omitted].

PART C SUBSISTENCE AND TRAVELLING ALLOWANCE TO COMPLAINANTS AND WITNESSES ATTENDING TRIALS BEFORE THE HIGH COURT.

Rules made by the Lahore High Court Lahore, with the previous sanction of the Provincial Government, under the power conferred by section 554 of the Code of Criminal Procedure, regulating the payment of subsistence and traveling allowance to complainants and witnesses attending trials before the High Court, in the exercise of its original criminal jurisdiction, in public prosecutions.

RULES

Disturbing Officer.

1. All disbursements on account of the expenses of complainants and witnesses attending criminal trials before the High Court, will be made by the Deputy Registrar and will be adjusted by him.
The Deputy Registrar will determine the class to which each complainant and witness belongs. *[01]

Mod of journey.

2. The complainant and witnesses shall be paid for the journey at the rate chargeable for the cheapest and expeditious mode of transport.*[01]

Attendance of witnesses in the High Court.

3. The complainant and witnesses shall report themselves to the Deputy Registrar and will inform him of their names, the class to which they belong, the date of their departure to attend the High Court and whether any advances have been made to attend the High Court. *oi

4. ***[01] [Omitted]

5. ***[01] [Omitted]

6. ***[01] [Omitted]

7. ***[01] [Omitted]

Application of rules to trials held elsewhere.

8. These rules apply, *mutatis mutandis,* in the case of trials held by the High Court elsewhere than at Lahore.

Expenses of witnesses in other cases.

9. In the event of a witness being summoned to attend the High Court in a criminal case, other than a trial before the High Court in exercise of its original criminal jurisdiction, the expenses of such witness will be paid by the Registrar at such rates as the Court may direct.

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Fees of Superintendent Lunatic Asylum.

Notes: (l) The Superintendent of the Mental Hospital, being the Government specialist in lunacy, is not entitled to any fee for giving expert evidence on behalf of Government in the High Court.

Fees of Chemical Examiner.

(2) The Chemical Examiner or the Assistant Chemical Examiner when summoned to give evidence before the High Court shall be entitled to recover the following fee for each appearance:-

Chemical Examiner	Rs.100/-
Assistant Chemical Examiner	Rs. 50/-

Charge debitable to audited contingencies.

(3) As charges under rule 7 are debitable to audited contingencies, vouchers for sum above Rs.100/- should accompany the bill sent to the Accountant-General for audit. *[01]

PART D RULES OF PROCEDURE IN CASES UNDER SECTION 374 OF THE CODE OF CRIMINAL PROCEDURE.

Procedure.

1. The rules of procedure to be followed by Sessions Judges in the submission of proceedings to the High Court under section 374 of the Code of Criminal Procedure are contained in Chapter 24-B. High Court Rules and Orders, Volume III.

Printing of record.

2. On receipt of the proceedings the Deputy Registrar shall take immediate steps to have the record printed under the rules next following.

Contents of printed record.

3. The printed record in Murder Reference cases shall consist of the following documents:-

(1) Opening sheet of Sessions record.
(1-A) Forwarding letter from the Sessions Judge along with explanation, if any, for cause of delay.**
(2) Notes and orders of the Sessions Judge.
(3) Charge sheet.
(4) First Information Report in Urdu only.
(5) Report of Chemical Examiner and Serologist, if any.
(6) Statements under sections 342 and 364, Criminal Procedure Code.
(7) *** [Omitted]
(8) Record of evidence in Court of Sessions with any further examination under section 364, Criminal Procedure Code, and altered charge, if any.
(9) Material documentary evidence, if any.
(10) Recovery memos in Urdu only.
(11) Record of opinion of Assessors.
(12) Judgment of Sessions Judge.
(13) Petition of appeal.

Copies of record.

4. Twenty copies of the Sessions record shall be printed at Government expense with the least possible delay, if there is only one accused, but in case the number of the accused exceeds one, an extra copy shall be printed for each additional accused.

Defence counsel at Government expense.

5. In a case where the Sessions Judge certifies that the accused person cannot afford to engage counsel for his defence in the High Court, the Deputy Registrar shall take steps to have counsel engaged for his defence at Government expense.

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Time limit for hearing Murder Reference.

6. The hearing of the Murder Reference, in view of confirmation or otherwise of the sentence of death passed by the Sessions Judge under section 374 of the Code of Criminal Procedure, shall take place as a rule within about six weeks after the date of despatch of the copy of the Sessions Judge's judgment to the convict

Information of decision to accused.

7. Immediately on the sentence of death being confirmed or not confirmed, as the case may be, by the High Court, the Deputy Registrar shall inform the Superintendent of the jail in which the prisoner is confined of the decision and direct him to communicate the same to the prisoner forthwith. The Deputy Registrar shall at the same time inform the Sessions Judge concerned and return the record to him for taking steps under section 381 of the Criminal Procedure Code. Copies of the High Court judgment shall be sent to that officer later, and as promptly as possible.

Record to be Sent to Government.

8. The record of every case as prepared for the use of the High Court in which the sentence of death has been confirmed by the High Court, together with a copy of the High Court judgment and translations of Police *Zimnis*. shall, as soon as orders have been passed confirming the death sentence, be forwarded to the Provincial Government.

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(7) *** [Omitted]
(8) Record of evidence in Court of Sessions with any further examination under section 364, Criminal Procedure Code, and altered charge, if any.
(9) Material documentary evidence, if any.
(10) Recovery memos in Urdu only.
(11) Record of opinion of Assessors.
(12) Judgment of Sessions Judge.
(13) Petition of appeal.

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PART E RULES REGARDING LEGAL ASSISTANCE TO PERSONS CHARGED WITH CAPITAL OFFENCES IN THE HIGH COURT.

The High Court has framed the following rules for giving legal assistance to persons charged with an offence punishable with death:-

Recommendation for legal assistance at Government expense to persons charged with offences punishable with death.

1. (a) When an accused is to be tried by the High Court in its original criminal jurisdiction for an offence punishable with death he shall be asked by the Court whether he can afford to engage counsel for his trial. *[01]

(b) When an accused person has been called upon by the High Court to show cause why a lesser sentence should not be enhanced to a sentence of death, the Sessions Judge, on receipt of notice for service upon the person called upon to show cause, shall, if he is satisfied that the accused is unable, because of poverty, to engage counsel for his defence, furnish a certificate that the accused is entitled to be defended in *forma pauperis.*

(c) When a sentence of death is referred by a Sessions Judge to the High Court for confirmation under the provisions of section 374. Criminal Procedure Code, the Sessions Judge shall note whether the accused person was represented by counsel in his Court, and whether the accused can afford to engage counsel for his defence in the High Court.

(d) When in an appeal against acquittal in a murder case the accused is undefended, the Sessions Judge, on receipt of a notice for service, shall, if he is satisfied that the accused is unable, because of poverty, to engage a counsel for his defence in the High Court, furnish a certificate that the accused is entitled to be defended in *forma pauperis*.

High Court may arrange counsel at Government expense in cases other than of poverty

2. If the High Court decides that the accused is unable on account of poverty to engage counsel for his defence, the High Court shall make arrangements to employ counsel at Government expense

The High Court may also employ counsel, if it thinks fit, in every case when the accused is unrepresented, irrespective of considerations relative to the means of the accused to engage counsel.

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List of selected defence counsels to be Kept.

3. The High Court shall, for the above purpose, maintain a list of legal practitioners whom the Chief Justice may select from time to time as fit to be employed in such cases.

Printed record to be supplied free of cost in advance to defence counsel.

4. When a counsel is required, the Court shall select from this list a legal practitioner to defend the accused. Counsel appointed in such cases should be given sufficient time to enable him to study the necessary documents, which will be the printed record of the case as prepared in the High Court. This will be supplied free of cost.

Scales of fees of defence counsels.

5. The legal practitioner so employed shall receive a fee of not less than Rs.2000/- or if the hearing lasts more than a day, a fee not exceeding Rs.200/- per day. This payment shall be made through the Provincial Law Secretary on the production of a certificate signed by the Deputy Registrar (Judicial), in which the total amount of fees allowed to the legal practitioner by the Judges hearing the case shall be stated.****$_{01}$

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PART F RULES FRAMED UNDER SECTION 491(2) OF THE CODE OF CRIMINAL PROCEDURE, 1898, TO REGULATE PROCEDURE IN CASES UNDER SECTION 491.

1. An application for an order under section 491 shall be made on an affidavit setting forth the circumstances under which the order is sought:

   Provided that all communications addressed to the High Court by a person in the custody of a public officer complaining of his detention or the conditions of his detention, whether supported by affidavit or not. shall be laid before a Judge for orders as applications under this rule.

2. Where the court is of the opinion that a *prima facie* case for granting the application is made out. a rule *nisi* may be issued calling upon the person or persons against whom the order is sought to appear on a day to be named therein to show cause why such order should not be made and at the same time to produce in Court the body of the person or persons alleged to be illegally or improperly detained then and there to be dealt with in accordance with law:
   Provided that if the Court so orders, production of the body of the person alleged to be illegally or improperly detained may be dispensed with.

3. If the application for an order under clause (a) or (b) of sub-section (1) of the section alleges that a person is confined under such circumstances that the confinement amounts to an offence, the Court may. at the time of issuing a rule *nisi,* also issue a search warrant, and the person to whom the warrant is directed may search for the person so confined; and such search shall be made in accordance therewith, and the person, if found, shall be immediately brought before the Court, which shall make such order as in the circumstances of the case may seem to be proper.

4. The provisions of sections 43, 75, 77. 79, 82, 83 and 84, Criminal Procedure Code, shall, so far as may be, apply to all such warrants issued under rule 3.

5. If the Court issuing a search warrant under rule 3 has reasons to believe that the person to whom the warrant has been directed may not be able to identify the person confined, the Court may order a person named in the warrant to accompany the person to whom the warrant is directed, to assist him in the execution of the warrant.

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6. The writ or the warrant shall be served by the bailiff of the Court out of the list prepared by the Registrar in consultation with the Deputy Registrar, or by such other person as may be appointed by the Judge. Where the application is by or on behalf of a security prisoner, the writ will be served on the appropriate Government and not on the officer detaining the prisoner.

A security prisoner means a person who has been detained under the orders of the Federal or Provincial Government under a law providing for preventive detention. *01

7. On the return day of such rule or on any day to which the hearing thereof may be adjourned, where no cause is shown or where cause is shown and disallowed, the Court shall pass an order that the person or persons illegally or improperly detained shall be set at liberty or delivered to the person entitled to his or their custody. Where cause is allowed, the rule shall be discharged.

8. The Court may, if necessary, in disposing of such rule, take evidence or direct a Court of Sessions or a Magistrate to take evidence.

9. Upon the return and production of the party on whose behalf the rule was issued, the custody of the prisoner shall be under the control and direction of the Court until the disposal of the rule. Pending the hearing, the Court may admit the prisoner to bail or remand him to the prison where he is in custody.

10. When a bailiff is deputed by the Court to produce an alleged detenu/detenus, the party requiring the production should deposit with the Treasurer in advance, an amount equal to the calculated expenses for the journeys involved keeping in view his grade of pay and the daily allowance admissible to him under the relevant rules. The amount shall be paid to the bailiff after sanction by Deputy Registrar (Judl.) before proceeding to his destination against a receipt which shall be kept on the file of the case. *01

11. ***01 [Omitted |.

12. ***01(Omitted].

13. In case the bailiff does not submit his claim within the time mentioned in the last rule, the amount or the balance thereof

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should be refunded to the party concerned. In case, however, the party fails to claim refund within six weeks, the amount due to it be credited to Government under the head

"Major head 1200000.
Minor head 1230000 Law & Order Receipts.
Detailed head 1231000 Justice.
1231003 Justice-General fees
fines and forfeitures (74)"

and the treasury challan showing the credit should be attached to the file of the case. *01

14. If the writ is to be executed at State expense, the bailiff should be paid his expenses as admissible under the rules.

15. If, at any time, on sufficient ground shown to the satisfaction of the Registrar, it is proved that the bailiff submitted an exaggerated or incorrect claim or claimed expenses though they were met by the party concerned, this should be taken to be a misconduct and necessary proceedings against him be initiated under the High Court Establishment (Appointment & Conditions of Service) Rules, which may result in major penalty provided by the relevant rules.

16. To check the tendency to file frivolous *habeas corpus* petitions, the Court may. at its discretion, require the party concerned to deposit in advance an amount as fixed by the Court directing the issuance of rule *nisi* to be paid to the detenus as a compensation if the petition is found to be frivolous or vexatious. *01

17. In disposing of any such rule the Court may. in its discretion, make an order for the payment by one side or the other of the costs of the rule.

18. The forms of warrants No.l and 2 in the Appendix to these rules shall be followed.

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APPENDIX
(see rule 18)

Form of Warrant No.1
(see rule 2)

IN THE LAHORE HIGH COURT, LAHORE *01

5. In the Form of search Warrant No.2 and the Appendix (Form of Warrant No.1), for the words "High Court of Judicature at Lahore" wherever occurring, the words "Lahore High Court Principal Seat Lahore/ _____ Bench" shall be substituted and in the Appendix (Form of Warrant No.1) below the note for the words "with our date signature" the words "and date" shall be substituted.

Given under my hand and the seal of the Lahore High Court, _____ this _____ day of _____ 20.....

Deputy Registrar

NOTE:- This warrant is in duplicate. One copy thereof should be signed and dated in token of receipt and forwarded to the High Court with the least possible delay, -01

[1]Sub. by Lahore High Court Lahore Notification No.94/ Rules 11.D.4(V) dated 18.04.2001 publish dated 08.08.2001 Gazette of Punjab Part-III see PLD 2002 Punjab Statutes Page 50

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Form of Search Warrant No.2
(see rules 3 and 5)

IN THE LAHORE HIGH COURT, LAHORE.[01]

To

(The name and designation of
person to whom the warrant is directed).

Whereas information has been laid before this Court that (give name and description of the person alleged to be illegally detained) is being illegally detained in (describe the house or place where the person illegally detained). This is to authorize and require you. with assistance of (give the description *of* the person authorized to accompany the person to whom the warrant is directed) to search for the aforesaid (give the name and description of the person illegally detained) in the (describe the place to which the search is to be confined) and. if found, to produce him forthwith before this Court to be dealt with according to law.

Given under my hand and the seal of the Lahore High Court, _____ this _____ day of _____ 20.....

Deputy Registrar

PART II (CIVIL).

PART G SPECIAL RULES OF PROCEDURE IN ORIGINAL CIVIL CASES.

(a) Evidence.

Record of examination of parties and evidence of witnesses.

1. (i) When, at the first or at any subsequent hearing of a suit, any party appearing in person or present in Court, or any person able to answer any material question relating to the suit by whom such party or his pleader is accompanied, is examined by the Court, the substance of such examination shall be reduced to writing by the Judge and shall form part of the record; the substance of what each witness deposes shall similarly be reduced to writing by the Judge, and shall form part of the record: Provided that the Judge may, if he thinks proper, direct the substance of the examination or the evidence to be recorded in shorthand by an officer of the Court or other person specially appointed for the purpose. In the latter case, the transcript of the shorthand shall be corrected and signed by the Judge and then placed on the record.

(ii) In a suit tried in the High Court by a Bench of two or more Judges the evidence may be recorded by any one Judge. The Judge recording the evidence shall dispose of all objections of whatever nature regarding the relevancy or admissibility of evidence unless he, in his discretion, considers that any objection or objections may be referred to the Bench for decision.

Conduct of trial where the Judge dies before conclusion or ceases to be attached to the Court.

2. If the Judge who has recorded evidence or caused it to be recorded in his presence, under these rules, dies or ceases to be attached to the Court before the conclusion of the suit, the Judge before whom the suit is continued may, if he thinks fit, deal with the evidence so recorded as if it had been recorded by himself or in his presence.

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(b) Judgment and Orders.

Oral and written judgment.

3. Judgments may be written by the Judge in Urdu or English or delivered orally, and in the latter case a note thereof in writing in Urdu, English, or shorthand, shall be taken by an officer of the Court in attendance for the purpose. The note so taken shall be written out or typed in full by the officer by whom it was taken, and shall be submitted by him to the Judge for correction. After being corrected by the Judge, where necessary, it shall be filed as the judgment of the Court.**

Contents of judgment.

4. The judgment shall contain a concise statement of the case, the points for determination, the decision thereon and the reasons for such decision. When issues have been framed, the finding or decision of the Court upon each separate issue shall be stated, with the reason therefore, unless the finding upon any one or more of the issues be sufficient for the decision of the suit.

Pronouncement of judgment.

5. Judgment shall be delivered in open Court, either at the close of the case or on some future day, of which due notice shall be given to the parties or their counsel.

Opinions written before delivery of judgment.

6. When a case has been heard by a Bench of the Court, the written opinions of the Judges who heard the case, but who have ceased to be attached to the Court before delivery of judgment, shall, unless delivered by another Judge of the Bench which heard the case, be deemed to be minutes merely and not judgments.

Death of a party before delivery of judgment.

7. When a party to the suit dies after the last hearing, but before delivery of judgment, the Court may order the judgment to bear the date of the last hearing.

Filing Memo of appeal, in case of oral judgment.

8. A memorandum of appeal in a case in which judgment has been delivered orally, shall be received and filed without a copy of the judgment.

Note of orders passed to be kept.

9. When an order is made in Court or in chambers, a note of its purport shall be made and signed by the Judge or Judges making the order; and if the order disposes of a petition, the reasons for making it shall be stated.

Payment of costs to be condition precedent of permission to withdraw a suit.

10. When a suit is allowed to be withdrawn with leave to bring a fresh suit, the order shall be drawn up so as to make the payment of the costs of the first suit a condition precedent to the plaintiff bringing a fresh suit, unless the Court or the Judge who gave permission shall otherwise direct.

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PART H RULES OF PROCEDURE IN APPEALS.

(a) Judgments and Orders.

Oral and written judgments.

1. Judgments may be written by the Judge in Urdu or English or delivered orally, and in the latter case a note- thereof in writing in Urdu. English, or shorthand, shall be taken by an officer of the Court in attendance for the purpose. The note so taken shall be written out or typed in full by the officer by whom it was taken, and shall be submitted by him to the Judge for correction. After being corrected by the Judge. where necessary, it shall be filed as the judgment of the Court.**

Pronouncing judgment.

2. Judgment shall be delivered in open Court, either at the close of the case or on some future day. of which due notice shall be given to the parties or their counsel.

Opinion recorded before delivery of judgment.

3. When an appeal has been heard by a Bench of the Court, the written opinions of the Judges who heard the appeal, but have ceased to be attached to the Court before delivery of judgment, shall unless delivered by another Judge of the Bench which heard the appeal, be deemed to be minutes merely and not judgments.

Predating of judgment when party dies.

4. When a party to the appeal dies after the last hearing, but before delivery of judgment, the Court may order the judgment to bear the date of the last hearing.

Reference in case of difference of opinion.

5. When an appeal is heard by a Bench consisting of two Judges and the Judges composing the Bench being equally divided in opinion as to the decision on a point, state that point for reference to another Judge or Judges under clause 26 of the Letters Patent, the case shall be heard on that point by one or more Judges to be nominated by the Chief Justice. The Chief Justice may be such other Judge or one of such other Judges.

(b) Appellate Decrees.

Decrees in Urdu or English.

6. The decree of the High Court shall be drawn up in Urdu or English, and shall bear the same date as' the judgment.**

Contents of decree.

7. (i) The decree shall contain the number of the appeal, the names and description of the appellant and respondent, the names of the plaintiff and defendant in the suit, and the description of the court from

whose decree or order the appeal is preferred, with the date of such decree or order; and shall clearly state the relief granted or other determination of the appeal, in such manner as not to render reference to other documents necessary, except the decrees of the courts below, when those decrees are affirmed or varied, but not reversed.

Note: In all important cases the Deputy Registrar will, if this can be done without undue delay or inconvenience, obtain the signature of counsel to the draft decree.

Decree in mention costs.

(ii) The decree shall also state the amount of costs incurred in the appeal, and by what parties and in what proportions the same, and the costs incurred in the courts below, shall be paid.

Decrees in pauper appeals.

(iii) In pauper appeals the provisions of Order XXXIII rule 10 of the Code of Civil Procedure shall be observed.

The heading of the decree should run--,"
Appeal in *forma pauperis* by —."
In the body should be inserted—

" The following Court-fee costs are recoverable by Government as a first charge upon the subject-matter, under Order XXXIII rule 10 of the Code of Civil Procedure."

Objection to draft of decrees.

8. (i) As soon as a decree has been drawn up, the Deputy Registrar shall cause a notice to be exhibited on the notice board, stating that the decree has been drawn up, and that any party to the decree or counsel of any party to the decree may, within 3 days, peruse the decree and sign it or file with the Deputy. Registrar an objection to the decree on the ground that there is in the judgment a clerical error or omission or that the decree is not in accordance with the judgment upon which it is based. Such objection, if any, shall state clearly what is the clerical error or omission alleged or in what respect the decree is not in accordance with the judgment, and shall be signed and dated by the party or by the Advocate filing it.

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Objection to be laid before a Judge

(ii) Should any such objection, as is mentioned in clause (i). be filed on or before the date specified in the notice, the Deputy Registrar shall, on notice to all the parties, put up the appeal or case together with the judgment therein, the draft decree and the objection, for orders before the Judge or Judges, or one of them, who delivered the judgment: or if such Judge or Judges has or have ceased to be Judge or Judges of the Court or be absent on leave or furlough, then before such Judge or Judges as the Chief Justice shall appoint for that purpose.

Cases in which decree my be signed by the Deputy Registrar.

(iii) Should no such objection, as is mentioned in clause (i). be filed on or before the date specified in the notice, the Deputy Registrar or such other officer as may be in charge of the judicial department for the time being having first dated the decree as of the day when the judgment upon which the decree is founded was delivered, shall sign the decree and seal it with the seal of the Court.

Above procedure to apply to other final orders.

(iv) The above procedure shall also be observed in respect of final orders in all miscellaneous., revision, or other cases.

Note: Under no circumstances shall any decree or order passed or made by a Judge or Judges be altered, varied or departed from in any particular in the office, except under an order, in writing, of the Judge or Judges who passed or made such decree or order or except under an order made on appeal from such decree or order or except under an order made in review.

No decree under Order XLI rule 11.

9. No decree shall be drawn up in cases in which the decision of the lower court is confirmed under Order XLI rule 11 of the Code of Civil Procedure.

Procedure for notice to parties when draft to be settled in their presence.

10. (i) When the draft of any decree or order has been ordered to be settled in the presence of the parties or when none of the Judges who concurred in the judgment continues attached to the Court and the Deputy Registrar thinks it necessary that it should be so settled, the Deputy Registrar shall, by notice in writing, which shall be accompanied by copies of the draft prepared for approval, appoint a time for settling the same, and the parties or their counsel must attend such appointment and produce before the Deputy Registrar such documents as may be necessary to enable him to settle the draft. The notice will be sent from the Deputy Registrar's office to counsel, if any, of the parties, with

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a receipt book, in which shall be obtained the signature of the person with whom the notice is left,

Mode of service of notice.

(ii) The notice shall be served on the parties who have appeared in person by the party who has the carriage of the decree or the order. When so served, the original notice, with a memorandum endorsed thereon of the service of a copy thereof, signed by the party by whom such service was made, must be delivered to the Deputy Registrar who may, if not satisfied that service has been duly made, require such service to be verified by affidavit.

Settlement of draft in case parties fail to act.

11. If any party fails to attend the Deputy Registrar's appointment for settling the draft of a decree or order, or fails to produce any document called for by the Deputy Registrar, the Deputy Registrar may proceed to settle such draft in his absence, or without the production of the documents aforesaid, or may mention the matter to the Court.

Adjournment of settlement of draft.

12. The Deputy Registrar may adjourn any appointment for settling the draft of any decree or order to such time as he may think fit, and the parties who attend the appointment shall be bound to attend the adjourned appointment without further notice.

Right of parties Dissatisfied with Deputy Registrar's Settlement.

13. If any party is dissatisfied with any decree or order as settled by the Deputy Registrar, and intends to mention the matter to the Court, the Deputy Registrar, if informed of such intention, shall not proceed to complete the decree without allowing such party sufficient time to apply to the Court. The application must be made by motion, or notice to the parties who appeared at the hearing.

Variation of draft settled by the Deputy Registrar.

14. When a variation is made by the Court in a draft settled by the Deputy Registrar, such variation shall be embodied in the decree or order, and. except when the costs of the application are ordered to be paid, no fresh order need be drawn up.

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PART I RULES FRAMED BY THE HIGH COURT OF WEST PAKISTAN, LAHORE, REGARDING THE GRANT OF CERTIFICATE UNDER ARTICLE 159 (C) OF THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN.

***[Omitted]

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PART J RULES FOR THE ISSUE OF ORDERS/ DIRECTIONS UNDER ARTICLES 199 AND 202 OF THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN, 1973 AND CLAUSE 27 OF THE LETTERS PATENT.

PART I - HABEAS CORPUS APPLICATION.

1. Application for the issue of orders under Article 199 (1) (a) (i) shall be governed by rules 1 to 18 of Chapter 4-F. High Court Rules & Orders, Volume-V.*

PART II - CONSTITUTIONAL REMEDIES.

2. (1) An application under the Constitution shall:

(a) set out concisely in numbered paragraphs the facts upon which the applicant relies;
(b) mention the grounds upon which the Court is asked to make an order;
(c) state exactly the nature of the relief sought;
(d) be accompanied by an affidavit or affidavits in proof of the facts and certified copies of all pleadings, documents, orders of the subordinate court or authority or tribunal including the evidence recorded, if any, and unless dispensed with by the Court;*
(e) state whether the applicant has moved the High Court previously for the same relief and if so. with what result.

(2) The provisions of rule 1 of Chapter 1-A shall apply, *mutatis mutandis,* to applications seeking constitutional remedies.

3. Unless otherwise ordered by the Chief Justice the application shall be laid before a Single Bench which may summarily dismiss it or pass such order as it may deem necessary. During vacation the application may be disposed of by a Vacation Judge.**

4. Subject to the directions of the Court, notice of every application shall be served on all parties directly affected and for this purpose the applicant shall file within a week of the admitting order as many authenticated copies of the application and affidavits as there are parties to be served and the prescribed process fee: Provided that at the hearing of the application any person, who

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desires to be heard in opposition to the application and appears to the Court to be a proper person to be heard, shall be heard, notwithstanding that he has not been served with a notice and subject to such conditions as to costs as the Court may deem fit to impose.

5. An application under these rules may be made by the petitioner in person or through a counsel.

6. Respondents in writ petitions should be required when notices are issued, to file written statements, counter-affidavits, if any. and other documents on which they rely at least two days before the hearing.

7. All questions arising for determination of such petitions shall be decided ordinarily upon affidavits but the Court may direct that such questions as it may consider necessary be decided on such other evidence and in such manner as it may deem fit and in that case it may follow such procedure and may pass such order as may appear to it to be just.

8. The writ under these rules shall be served personally, if possible, upon the parties to whom it has been directed or in such manner as the Court issuing the writ may direct.

PART III - MISCELLANEOUS.

9. Costs shall be in the discretion of the Court in each case.

10.(i) A court-fee of Rs. 500/- shall be payable on each petition but no court-fee shall be required in case a writ is required in respect of the detention of any person by or under orders of any public authority.*

(ii) In every writ petition the petitioner shall deposit with the Treasurer of the High Court within seven days from the date of its admission a sum sufficient to cover typing and binding charges of paper books, failing which it will be liable to dismissal for non-prosecution.

10-A. A court-fee of Rs. 1000/- shall be payable on each appeal filed under the Law Reforms Ordinance. 1972. against an order passed in exercise of constitutional jurisdiction.*

11. The forms set out in the Appendix shall be used with suitable modifications wherever necessary.

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APPENDIX.

(Referred to in rule 11 of Part-III. Chapter-J of the Rules framed for the issue of Writs under Article 199 of the Constitution of the Islamic Republic of Pakistan)

FORM NO. 1.

FORM OF PETITION

IN THE LAHORE HIGH COURT, LAHORE

SPECIAL ORIGINAL JURISDICTION

Writ Petition No. .. ..of 20.....
AB. ... ... Petitioner.
AND
CD. ... ... Respondent.

Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan.

The petitioner above named states as follows_____

1. The petitioner is (give description and address).
2. The address of the petitioner for service of all notices is.
3. The respondent is (give description and address).
4. Facts on which the applicant relies and the grounds on which the relief is sought
5. For the reasons set out above, the petitioner prays that (set out the reliefs sought).

(Signed)
_____
Petitioner

(Signed)
Advocate for the petitioner.

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FORM NO. 2.

Day. the day of two thousand and
Present Mr. Justice
Writ Petition No. 1 of 20.....
In the matter of
a detenu in the Central Jail at 7 Petitioner.

Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan praying that in the circumstances 8 stated therein and in the affidavit filed therewith, the High Court will be pleased to issue a writ of Habeas Corpus for production before the Lahore High Court, 106 the person of detenu in the Central Jail at 1 to be dealt with according to law and direct that he be set at liberty.

ORDER

This petition coming on for 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. Z Advocate for the petitioner and of Mr. _____ for the Public Prosecutor on behalf of the State, IT IS ORDERED THAT 11, now a detenu 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.

Additional Registrar/ Deputy Registrar.

To

(1) The Superintendent, Central Jail _____(in duplicate)
(2) The Chief Secretary to the Government of the Punjab.
(3) The Sessions Judge, _____.
Dated: _____.

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FORM NO. 3.

Orders directing issue of a Writ of Habeas Corpus

IN THE LAHORE HIGH COURT, LAHORE.

Writ Petition No. of 20.....

Date

Present

Mr. Justice _____

(1) _____, Petitioner

(2) _____, Respondent

Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan praying that in the circumstances set out in the petition and affidavit filed therewith, the Court may be pleased to issue a Writ of Habeas Corpus, etc.

The petition coming on this day for orders, upon reading the petition etc., and upon hearing Mr._____for the petitioner and Mr._____ for the respondent, it is ordered that the Superintendent, Central Jail at _____ be required to produce the body of _____ confined in the said jail, immediately before this Court to be dealt with according to law.

Additional Registrar/ Deputy Registrar.

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FORM NO.4.

IN THE LAHORE HIGH COURT, LAHORE.

Writ Petition No. of 20.....
Day. Day of

Two Thousand and_____

Mr. Justice _____

(1) _____, Petitioner

(2) _____, 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 under Article 199(1) (a)(ii) of the Constitution of the Islamic Republic of Pakistan, 1973, calling for the records in _____ on the file of _____and quash the order therein.**

This petition coming on for orders, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr._____ Advocate for petitioner, it is ordered as follows:-

(1) that a writ of certiorari returnable_____ do issue to the _____ calling for the records in _____on the file of _____.

(2) that a notice do issue to the respondent herein directing him to appear before this Court in person or by Advocate on _____ at _____ a.m. and to show cause why the application should not be complied with.

Dated: 20..... Additional Registrar/ Deputy Registrar.

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WRIT AND NOTICE

Writ Petition No. of 20....

Return of the Writ of Certiorari (under Article 199(1)(a)(ii) of the Constitution of the Islamic Republic of Pakistan 1973) **

Notice

(To be endorsed on Writ of Produce).

The process of the Writ of Certiorari whereof mention is within made with all things touching the same in the _____several papers hereto as within command.

The answer of the respondent herein.

Dated: the day of 20...

(Signed).

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FORM NO.5.

Writ of Certiorari. Order Absolute

(under Article 199(1) (a) (ii) of the Constitution of the Islamic Republic of Pakistan 1973.)**

IN THE LAHORE HIGH COURT, LAHORE.

The Day of 20.....

Writ Petition No. of 20.....

Between

_____ Petitioner

and

_____ Respondent

This petition coming on this _____ day of _____20_____ on further consideration in the presence of _____ and _____ upon perusing the records in and comprised in the return _____ to the writ made by _____ and upon hearing the arguments of _____ for petitioner and of _____ for respondent, it is ordered as follows:-

(1)

(2)

Additional Registrar/Deputy Registrar.

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FORM NO.6.

Writ of Prohibition
(under article 199(1)(a) (i) of the Constitution
of the Islamic Republic of Pakistan, 1973)***

IN THE LAHORE HIGH COURT, LAHORE.

The day of 20.....

Writ Petition No. of 20.....

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 respondent, aforesaid, have taken on your file _____ (here describe the proceeding), and 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_____.

Additional Registrar/ Deputy Registrar.

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FORM NO.7.

Order on Petition for Quo Warranto
(under Article 199(1)(b)(ii) of the Constitution of the
Islamic Republic of Pakistan, 1973)**

IN THE LAHORE HIGH COURT, LAHORE.

The Day of 20.....

Writ Petition No. of 20.....

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 direct 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 hearing this day, upon reading the petition, ,etc., 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 _____ respondent herein do not intermeddle in any manner with the said office and this Court doth further order and declare that the said office of _____ is vacant.

Additional Registrar/ Deputy Registrar.

FORM NO.8.

Writ of Mandamus
(under Article 199(1)(a)(i) of
the Constitution of the Islamic Republic of Pakistan, 1973)**

IN THE LAHORE HIGH COURT, LAHORE.

The Day of 20.....

Writ Petition No. of 20.....

Between

_____Petitioner

and

_____ Respondent

To

Whereas by section _____ of Act _____ you are required to _____ (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 or refused to_____ in spite of demands made in that behalf.

You are hereby directed to _____ on or before _____

Additional Registrar/ Deputy Registrar.

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PART K DESTITUTE LITIGANT FUND RULES, 1974.

Whereas the Provincial Government allocates funds to be given by the High Court to the deserving destitute litigants.

The Chief Justice and Judges have framed the following rules to ensure just and fair utilization of funds placed at the disposal of the High Court on such persons as really deserve this assistance.

1. (a) These rules may be called the "Destitute Litigant Fund Rules, 1974".

(b) They shall come into force at once.

2. In these rules, except as otherwise provided:

(a) "Authority" means the Chief Justice Lahore High Court or any other Judge or Officer of the Court specially empowered by him in this behalf.

(b) "Court" means the Lahore High Court.

(c) "Destitute" means a litigant who has no means to pay court fee or any other legal charges in connection with a writ petition to be filed in the Court.

(d) "Fund" means the Destitute Litigant Fund

(e) "Inquiry Officer" means an officer appointed by the Authority to enquire into the financial position of the applicant.

3. (a) Every application seeking assistance out of the Fund shall be accompanied with a schedule of both moveable and immoveable property, if any. belonging to the applicant, with estimated value thereof and any other source of income along with a copy of the writ petition with enclosures intended to be filed in the Court.

(b) It shall be signed and verified in the manner prescribed for signing and verification of pleadings.

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4. Notwithstanding anything contained in these rules, the application shall be presented in person to the Deputy Registrar (Judicial) or any other Officer of the Court so appointed by the Authority to receive such applications.

5. (a) Where the application is in proper form and duly presented, the Authority may. if it thinks fit, require the Inquiry Officer to examine the applicant in order to ascertain his financial position.

(b) The Inquiry Officer may fix a date and record such evidence as the applicant may adduce in proof of his being destitute.

(c) The Inquiry Officer may. if he is not satisfied with the evidence produced before him by the applicant, call for a report from the Collector concerned in regard to the statement of the applicant of being a destitute.

(d) The Inquiry Officer shall thereafter proceed to record his opinion and present the same to the Authority.

(e) Before a destitute litigant is provided funds to file a cause in this Court, an Officer of the High Court should certify that there is *a prima facie* case to be agitated before the Court.

6. On receipt of report from the Inquiry Officer the Authority may pass such order as it considers necessary for any financial assistance from the Fund or reject the application.

7. The decision of the Authority shall be final.

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CHAPTER 5

Records — their inspection, grant of copies and destruction.

PART A THE INSPECTION OF RECORDS.

Inspection of decided cases.

1. The inspection of records of decided cases will be allowed only under the orders of the Deputy Registrar concerned.**

Inspection of pending cases by parties or agents.

2. Records of pending cases will be open, as of right, for inspection of parties or their authorized agents or any Advocate of the Court, who is duly authorized to act in the case or junior counsel duly authorized by a certificate from such Advocate, on the application, that he has authorized his junior to inspect the record for him:
Provided that an Advocate of the Court may inspect the record of any such case on giving an assurance that he is in communication with one of the parties with a view to being retained in it.
Provided also that the inspection of a record will not be permitted on the date fixed for hearing without the special order of the Judge or one of the Judges before whom the case is pending.*

Access to records.

3. With the exception of the persons above-mentioned no one will be allowed access to the record of a pending case without the special order of a Judge.

Court-fee on application for inspection.

4. Applications under rules 1 and 3 shall be made by petition duly stamped with a court-fee label of Rs.l0/-. Other applications for inspection shall be in writing on a printed form to which must be affixed a court-fee label of the value prescribed below:-

(a) If ordinary inspection is desired, a court-fee label of Rs.5/-*

(b) If urgent inspection on the date of hearing or on a day other than the date of hearing is desired, a court-fee label of Rs.l0/-.*

Exemption from Court-fees

Note: (1) No fees should be charged for the inspection of records in civil and criminal cases by the Advocate-General. Public Prosecutor or Advocate of the Custodian of Evacuee Property, as such, or by any counsel appearing for Government in civil and criminal cases or by counsel appearing for accused or appellant in cases where the latter is a pauper or is defended by counsel provided at Government expense.

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Note:(2) No fee shall be charged for inspection by parties and counsel in criminal cases but fees will have to be paid in case of a-
(a) second inspection of the same record, or
(b) inspection on the day the application for inspection is made

Contents of applications and when to be presented.

5. Applications must distinctly specify the record of which inspection is desired and shall be presented to the Inspection Clerk between 8.00 a.m. to 10.30 a.m.*

6. *** [Omitted].

Copying in pen and ink and marking not allowed. Taking of copy and notes in pencil allowed.

7. (i) No mark shall be made on any record or paper inspected, and no clerk shall be allowed to take notes except in the presence and under the supervision of the Advocate with whom he is attached. The copying of any document or portion of the record in pen and ink is strictly prohibited; but pencil copies of a document or portion of the record may be made. Any person infringing or attempting to infringe the rule shall be liable to be deprived of the right to inspect records for such period as the Administration Judge may think fit.*

Inspection of records on a single fee.

(ii) Except in the case of connected records, inspection of which has been permitted for a single fee. access will be permitted to the record of one case only at a time.

Inspection of records for more than one day.

8. The fee provided in rule 4 shall entitle the applicant to inspect the record on one day only. If inspection of the record is desired to be continued, a fresh application shall be required and a fresh fee paid for every succeeding day.*

Inspection of records for more than one day.

9. Police papers received in the Court in connection with any pending criminal case and translation of such papers shall not be available for inspection, either by the convict or accused or by his agent or by any legal practitioner retained on his behalf.

Ordinary and urgent applications how dealt with

10. All applications bearing a court-fee label of Rs.10/- shall be dealt with by the office at once. All ordinary applications shall be dealt with in the ordinary course of business.*

Previous notice to office required for ordinary application

11. In the case of an application for ordinary inspection of pending record, the applicant shall give the Inspection Clerk 24 hours' notice, in writing in the application of the day and the time on which it is desired to inspect such record.

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Inspection by Advocate-General of certain record for purposes of filing appeal against acquittal.

12. When any records are in the custody of the High Court either in connection with an appeal from a conviction or have been received in accordance with the procedure laid down in rule 6(b) of Chapter 25-E, High Court Rules and Orders, Volume III, the Deputy Registrar of the High Court, on being informed by the State that an appeal against acquittal is contemplated shall hand over the required records to the Advocate-General on demand during such period as they are not required for the purposes of the appeal.*

Inspection of registers fee of charge.

13. In order to trace particulars of a suit or document, counsel may, with the previous permission in writing of the Deputy Registrar concerned and in the presence of a court official, inspect civil an criminal registers of the Court on behalf of parties, free of charge.**

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COPY BRANCH RULES

Copy petitions.

1. Petitions for supply of copies will be received by the Copy Clerk at the Counter.

Checking of copy copy.

2. The Copy Clerk shall be responsible for checking the correctness of the details of the petition and of the deposit. After checking and initialing the petition and entering it in his register (Appendix 'H'). he will obtain orders from the Supervisor, Copy Branch, whether or not copy should be supplied.

Order for supply of copy.

3. If the Supervisor, Copy Branch, orders supply of copy to the petitioner, the Copy Clerk will hand over the petition to the Miscellaneous Clerk for further necessary action.

Copy Clerk to maintain registers.

4. For the aforementioned purposes, the Copy Clerk shall maintain a register showing the number of petition, date of receipt, case number, details of deposit, receipt, (the date of supply to the petitioner), etc., as shown in the register HC. J.D. 28.

Misc. Clerk to maintain registers.

5. The Miscellaneous Clerk will maintain the following registers showing all the movements of the petitions and will be responsible for securing the relevant case from the Branch concerned, expeditiously:-

(i) Main Register — showing movement of petition till the case concerned is received by him. Appendix 'A'.

(ii) Branch-wise Register — showing time and date of requisition from the Branches and their results. Appendix 'B".

Decided Cases

Spare copies of decided cases.

6. (a) In "decided cases", the Miscellaneous Clerk will obtain spare copy(ies) from the Record Keeper Judicial.

(b) The Record Keeper Judicial shall supply the spare copy(ies) on requisition. If he cannot, he will give reasons therefore. If

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there is no spare copy, a new copy shall be prepared and supplied,

Copies for Supreme Court use.

(c) Where the Branch concerned has reported that the file has not been received from the Court, the Supervisor of the Copying Branch shall, in the case of copies applied for Supreme Court use. ask the Reader of the Hon'ble Judge on the *proforma* (Appendix 'I') to intimate the approximate time when the case is likely to be sent to the Branch.

Pending Cases

Duty of Misc. Clerk.

7. In pending cases, the Miscellaneous Clerk will secure the relevant case from the Branch concerned.

Case to be Passed on to Examiner.

8. After a spare copy/relevant case has been secured the Miscellaneous Clerk will, after making necessary entries in his register pass it on to the Examiner. Copy Supply Section.

Action in Copy Supply Section

Examiner to maintain register.

9. The Examiner, Copy Supply Section, will maintain a register (see (Appendix 'C') showing receipt of work, its allotment to the typists and dates of return of the case to the Miscellaneous Clerk.

Typists to maintain register.

10. (a) The Typists shall maintain a "Typists Register" which will consist of two parts:-

Case Diary

I Part-A showing receipt, total number of words and final return of petition with copies. (Appendix 'D')

II Part-B daily standard, showing number of words and charged by the typist. (Appendix 'E')

Return of cases.

(b) While returning these cases to the Examiner, the Typist shall obtain signature of the Copy Holder to the Examiner in Part-A of the Register.

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Copy section to supply spare copies.

11. If a spare copy is supplied by the Judgment Copy Section columns 5 and 6 of the Examiner's Register should bear the entry "Spare Copy received".

Delivery of Copies

Entry in cost register.

12. After entering the copies in the cost register, and putting the prescribed seal along with the particulars given in Appendix 'J' thereon, the Examiner, Copy Supply Section, will deliver them to the Copy Clerk obtaining the latter's signature on the register. The Copy Clerk will, in turn, pass them on to the Supervisor. Copy Section after completing the accounts.

Delivery of copy.

13. After making the necessary checks, the Supervisor Copy Section will have the copy delivered to the petitioner through the Copy Clerk.

Priority of Petitions

Urgent petitions to take priority.

14. All petitions for copies on which urgent fee has been paid, will be stamped "URGENT" and will take priority over those that are not so stamped.

Priority as between Urgent Petitions

Petitions in bail, stay matters to have priority.

14-A. All urgent petitions for copies, for the purposes of bail applications, applications for stay of proceedings, or relating to matter in respect of which a direction has been given that copies be supplied immediately, shall be further stamped as "TOP PRIORITY", and shall take priority over those that are not so stamped.

Record to be made available the same day in urgent petitions.

15. (a) The petition for supply of copy bearing the stamp "URGENT", should be treated with "TOP PRIORITY" by the Branches concerned, i.e.. Criminal. Civil and Miscellaneous and the Record Keeper Judicial, the record being made available on the very day the petition is received in the Branch concerned. Reasons should be given if the records are made available the next morning.

Record in ordinary petitions.

(b) In the case of ordinary petitions, the case should be sent or petition returned with proper reports by the next day at the latest.

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Additional copy to be made by Copy Section.

16. (a) Where a copy of judgment or decree or both are applied for on ordinary fee, and the case is either already with or on its way to the Judgment Copy Section that Section should give such cases as much priority as possible and will simultaneously turn out an additional copy (carbon/photo) if necessary.

Preparation of decrees

(b) The Decree Writer will be informed by the Civil Branch of all the cases in which decrees have been applied for and he will accordingly prepare the decree on priority basis and pass on the case to the Judgment Copy Section.

Case to be spared for copy of judgment.

17. When copies of judgment are applied for and the case is with the Decree Writer for the preparation of decree, if the decree cannot be prepared immediately, the Decree Writer will spare the case immediately for copying of judgments.

Top priority to copies of judgment and decree on urgent for.

18. Where judgment and decree are applied for on urgent fee. the process outlined in rules 15 and 16 above will be executed on top priority basis.

Register to be maintained by Branches

Every branch to maintain register.

19. (a) Every Branch will maintain a separate register (see Appendix "F") showing Receipt of petition and movement of the case concerned, particularly the notes of despatch to and return from the Copy Supply Section.

Daily checking of Register.

(b) The Assistant Registrar of each Branch will invariably check this register daily before the close of the office, and send the following statement to the Supervisor. Copy Branch, the next morning :-

(i) Number of applications received;
(ii) Number of applications returned with cases to Copy Supply Section;
(iii) Number of applications remaining without compliance; and
(iv) Reasons for non-compliance.

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Daily Statements

Statements to be consolidated.

20. (a) The Supervisor, Copy Section, will consolidate the above mentioned statements in the following form:-

(i) Number of applications received with cases:

(ii) Dates on which copies are actually prepared, compared and supplied;

(iii) Number of applications awaited from different Branches;

(iv) Dates of applications remained without compliance.

Submission of daily statements.

(b) The Supervisor, Copy Branch, shall submit this consolidated statement daily to the Assistant Registrar who will see whether the reasons advanced for applications remaining without compliance are genuine or otherwise, and will take necessary action to have them expedited.

General

Control and supervision.

21. The Supervisor, Copy Section, being in charge of work in the Copy Branch, shall exercise proper control to ensure that no undue delay is caused in the supply of copies, and he shall pursue the applications personally and keep the Assistant Registrars concerned informed about the delays or the non-return of applications with cases to the Copy Supply Section.

Time and date in urgent petitions.

22. In case of urgent petitions, the actual time of receipt and disposal of the requisition will be given along with the dates, at every stage.

Objection statement to be pasted on notice board

23. Where petitions are found to be either incompetent or defective, an "Objection Statement" concerning such petitions will be pasted on the Notice Board, showing details given in Appendix "G".

Date or delivery of copies to be given.

24. Applicants applying for copies shall be given a date in writing on which delivery of the copy is to be taken. If the copy is not then completed such date (s) shall be extended from time to time until the copy is ready for delivery. Intimation of the extended date or dates

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will be given to the applicant in writing, when he calls to take delivery of the copy on or after the due date. The final date so intimated shall, for the purposes of calculation required by this rule, be deemed to be the day on which the copy is given.

Date to be given in copies for Supreme Court.

25. If the copy applied for is for Supreme Court use and is not ready on the date given, the applicant may be given the date following or, for reasons given, any later date.

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APPENDIX 'A'

REGISTERS TO BE MAINTAINED BY THE MISCELLANEOUS CLERK.

1. Main Register.

Petition No.	Date of Receipt.	Movement of the petition

APPENDIX 'B'

1. Branch-wise Register

Date & Time	Petition Number.	Signature of the recipient.	Result

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APPENDIX 'C'

REGISTERS TO BE MAINTAINED BY THE EXAMINER. COPY SUPPLY SECTION.

1	2	3	4	5	6	7
Date on which the petition is received	P tion number & date	Case No.	Estimated number of words/ pages.	Name of typist/ copyist with his initials.	Date of return to Examiner with initials of Copy of holder & the typist.	Date of examination, return of case to the Misc. Clerk with his initials.

APPENDIX 'D'

TYPISTS' REGISTER

PART 'A'

Petition No. and date	Date of		Total No. of Words charged.	Pages on which charged
	Receipt.	Return with Copy Holder's signature.		

APPENDIX 'E'

TYPISTS' REGISTER

PART 'B"

Date	Petition No. & Date/ Case No.	No. of words charged.

APPENDIX 'F'

BRANCH REGISTER OF PETITIONS FOR COPIES.

Petition Particulars No.	Disposal.	Signature of the recipient.	Date of return of case	Name of the person to whom returned.

APPENDIX 'G'

OBJECTION STATEMENT

Petition No.	Date.	Name of applicant	Objection.

APPENDIX 'H'
(HC. J.D. 28.)

COPY OF CLERKS' REGISTER.

1.	Serial No.
2.	Date of presentation of application for copy.
3.	Date of deposit of advance.
4.	Name of applicant and his full address.
5.	No. of the case.
6.	Appellant/Petitioner.
7.	Respondent.
8.	Amount deposited.
9.	Amount of urgent fee.
10.	Signature of the Supervisor.
11.	Amount of court fee stamp (if any).
12.	Name of Section where made.
13.	Excess amount of copying fee recovered.
14.	Excess amount of deposit refunded.
15.	Attested English manuscript copies.
16.	Attested vernacular manuscript copies.

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17.	Applications returned.
18.	Copies struck off by Straker's process.
18-A.	Date given to the applicant for receiving copy.
19.	Date when copy was ready for delivery.
20.	Date when copy was delivered.

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APPENDIX 'I'

4

Petition No._____ dated _____ 20 ____ has been filed in the Copy Branch in case N._____ fro supply of certified copies for filing an appeal in Supreme Court. Branch concerned has reported that the case in question is still in Court. Please intimate as to when this case is likely to be sent to the Branch, so that an approximate date can be given to the petitioner for supply of copies.

Reader to Mr. Justice _____

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APPENDIX 'J'

COSTS REGISTER

1	2	3	4	5	6	7
No. & date of petition.	No. of Words.	No. of Pages.	Costs.	Urgent fee.	Other fees.	Name of the typist/copyist.

PART B THE GRANT OF COPIES AND TRANSLATION OF RECORDS.

A. Persons entitled to copies.

Copy to be granted to person entitled.

1. A copy or translation of a judicial record may be granted in the manner prescribed by these rules to any person who is legally entitled to receive it.

Party entitled to copies of records and exhibits.

2. (i) A party to a suit or appeal is entitled, at any stage of the suit or appeal, to obtain on payment copies of the record of the suit or appeal, including exhibits which have been put in and finally accepted by the Court in evidence.

Note: A party who has been ordered to file a written statement is not entitled to inspect or take a copy of a written statement filed by another party, until he has first filed his own.

Grant of certain copies of stranger.

(ii) A stranger to the suit or appeal may, after decree, obtain as of right on payment copies of the plaint, memorandum of appeal, written statements, affidavits and petitions filed in the suit or appeal; and may, for sufficient reason shown to the satisfaction of the Court, obtain copies of any such documents before decree.

Grant of certain copies to stranger.

(iii) A stranger to the suit or appeal may also obtain as of right, on payment copies of judgments, decrees or orders, at any time after they have been passed or made.

Grant of copies of exhibits to stranger.

(iv) A stranger to the suit or appeal has no right to obtain copies of exhibits put in evidence, except with the consent of the person by whom they were produced.

Grant of translation.

(v) Any person entitled to obtain a copy of a judicial record may apply for a translation thereof.

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B. Application for copies and translation of records.

Mode of presenting.

3. (i) Copies or translations of judicial records of the High Court will be supplied on application made to the Court.

Note: Every such application shall bear a Court-fee label of five rupees. - vide Schedule 11, Article I (d) (iv). Court-Fee Act. 1870. as amended by Punjab Finance Act. 1973 (see Gazette of Punjab Extra-ordinary. 29'" June. 1973).*

(ii) Every such application may be either-

(a) presented in the ordinary course ; or

(b) transmitted through the post, addressed to the Registrar or the Deputy Registrar.

Contents of particulars.

4. Every application for a copy or translation shall contain the following particulars, namely.-

(a) the name of the cause;

(b) if the cause is pending, the date of institution thereof, and the date fixed for hearing, if any;

(c) if the cause has been decided, the date of decision;

(d) where the information referred to in clause (b) and (c) is not available to the applicant, such other information as may be sufficient to enable the cause to be identified and traced;

(e) the nature of the document, a copy or translation of which is required;

(f) in the case of a copy, whether for private or general use;

(g) the name and full postal address of applicant.

Procedure of dealing with the application.

5. (i) Upon the presentation or receipt by post of an application for copy or translation, the proper officer shall-

(a) endorse or cause to be endorsed thereon the date of presentation;

(b) initial the endorsement;

(c) cause the application to be registered as hereinafter provided; and

(d) cause the court-fee thereon to be cancelled according to law.

The application will then be examined and an order passed thereon as hereinafter prescribed.

Note: The Incharge, Judicial Copy Section, is authorized to deal with applications for copies and translations under these rules.

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Order if application is in order.

(ii) If the application is in proper form and is one which may properly be granted under the rules and practice of the Court, an order will be recorded thereon directing the copy or translation required to be made and delivered.

Order if application not in order.

(iii) If the application is not in proper form or is one which may not properly be granted under the rules and practice of the Court, an order will be recorded thereon specifying the requirements to be complied with and directing its return to the applicant, or refusing the application and directing that it be filed, according to the circumstances of the case.

Late application.

(iv) Applications for copies which are made so late that the copies cannot be completed by the date on which they are required, will be returned to the applicant with an endorsement to that effect.

C. Description of copies.

Kinds of copies and scale of fees and court fees.

6. Copies supplied are of three kinds, namely.-

(i) Attested copies (supplied in either English or Vernacular). for private use, which do not require a court-fee stamp, but cannot be used officially until the prescribed court-fee has been affixed.

(ii) Attested copies (supplied in either English or Vernacular) for general use, on which the court-fee prescribed by Article 6. 7. 8 or 9 (as the case may be) of Schedule 1 of Act Vll of 1870 must be affixed before delivery, namely:

On copies of decrees	Rs. 4.00
On copies of judgment	Rs. 8.00
Other copies -	
	Rs. 1.50*
For every 360 words or fraction thereof	

(iii) Unattested copies of plaints, exhibits and depositions prepared by court stenographers under the orders of the Presiding Judge when application is made before hand, are supplied to parties at the rate of Rs. 1.00 per page, for the first four pages - Rs.1.00 with an additional charge of Rs.1.00 for each additional;
one-fourth of the fees so realized shall be paid to the court stenographer concerned.*

(iv) Unattested copies of orders passed in a departmental case in the High Court required by a party to the case for the

purposes of appeal are supplied by Copying Agency at the rate of Rs. 4/- for every order,

(v) Every application for attested copy will be entertained subject to deposit of cost in advance as may be fixed by the Chief Justice from time to time. The amount so deposited will be adjusted at the time of delivery of copy.

Copying fees.

7. (i) Consolidated fees shall be charged for attested copies according to the following scales or as may be prescribed from time to time :-

		Rs.
(a)	English copy (attested)	
	For first 200 words or under	--- 1.50
	Every additional 100 words or under	--- 1.00
(b)	Vernacular copy (attested)	
	First 200 words or under	--- 1.50
	Every additional 100 words or under	--- 1.00
(c)	Copies of judgments supplied for purposes of reporting to the reporters of Private Law Journals. which undertake to publish only judgments approved for reporting such copies to be marked "For reporting only" per page	--- Rs.2.00
(d)	Copies of judgments supplied for purposes of reporting to authorized representatives of newspapers who give an undertaking that copies so supplied will be used only for reporting such copies to be marked "For reporting only" per copy	--- Rs. 8.00

Copying fees for maps, etc.

(ii) For field maps, boundary maps, tabular work and similar work, a special fee which must always be a multiple of Rs.5/- shall be fixed by the Deputy Registrar. --- Rs.5.00

Fees to include cost of paper.

(iii) The above fees shall include the cost of the paper which will be supplied by Government. --- Rs.5.00

Extra fee on urgent copies for each separate paper.

(iv) On application for urgent copies, i.e., copies to take precedence of other copying work, a uniform extra fee of two rupees shall be charged. --- Rs.2.00

Note: For the purpose of (iv) above, the extra fee to be charged shall be for each paper copied which can properly be regarded as a separate paper, e.g., every deposition of a witness or written statement of a party or order of the Court is a separate paper. In case of doubt as to whether a paper is separate or not. the Deputy Registrar shall decide.

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(iv-a) The fees shall be charged for attested copies (English & Urdu) prepared on photocopier according to Rs. 2.00 per page* ----------2

Copies of translation.

8. Copies of translations of records which have already been translated or of records ordinarily translated free of charge, will be supplied under the rules applicable to ordinary copies.
Copies of translations of records which have not been translated already or of records not ordinarily translated free of charge, will be supplied under the rules applicable to translations.

Time for delivery of copies.

9. Copies shall ordinarily be delivered to the applicant not later than three days from the date on which the fees required under these rules are deposited.

Refund of fees and recovery of balance.

10. If the actual amount of the charge is to be made in respect of a copy or translation-

(i) exceeds the amount deposited, the balance will be recovered before the copy is delivered;

(ii) falls short of the amount deposited, the surplus will be returned to the person entitled to the copy at the time of delivering the copy to him.

Supply of copies free of charge in case of conviction of public officers and military pensioners.

11. Copies of record required for public purposes by public officers as defined in section 2(17) of the Code of Civil Procedure of the Federal or Provincial Governments in Pakistan shall be supplied free of charge provided the application for copy is endorsed by the Head of the Department concerned.*

12. A copy of the judgment of the High Court, in appeal or revision in every criminal case in which, as a result of the decision of the High Court, any convicted person is required to undergo imprisonment for a period of not less than two years shall be supplied free of cost to the Superintendent of the Jail concerned within one month from the date of judgment or order.

13. When a death sentence is passed or confirmed by the High Court and the condemned prisoner wishes to appeal to the Supreme Court, he should be given a copy of the judgment of the High Court free of cost.

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PART C THE DESTRUCTION OF RECORDS.

Rules framed by the High Court under section 3 of the Destruction of the Records Act. 1917. with the previous approval of the Provincial Government.

PART I- GENERAL.

Destruction records to be made in accordance with the following

1. All judicial records, books and papers in respect of which the period, hereinafter prescribed, for their preservation has expired shall be destroyed in accordance with the directions contained in the rules next following:
Provided that the Deputy Registrar may order, for reasons to be specified, that any particular paper or the record of any particular case be preserved beyond such period.

Supervision of destruction.

2. The destruction of judicial records, books and papers shall be carried out from time to time as may be necessary; and. subject to the general superintendence of the Deputy Registrar, shall be supervised by such officer, hereinafter called the supervising officer, as may be appointed by the Chief Justice and the Judges for the purpose.

Manner of destruction of records and stamps.

3. The destruction of judicial records, books and papers shall be effected by burning. All court-fee stamps affixed to documents which are to be destroyed shall first be removed therefrom and burnt by, or in the presence of, the supervising officer. *01

PART II- JUDICIAL RECORDS.

Division into part A and B.

4. Every judicial record shall, for the purposes of these rules, consist of two parts, namely. (1) part A and (2) part B. Every document admitted to such records shall be marked with the letter A or the letter B according as it belongs to part A or part B and shall be placed with such file and shall without delay be entered in the general index prefixed to each such record.

Part A of civil judicial record

5. Part A of a civil judicial record shall consist of the following documents, namely:-

(a) In original suits.

(1) The *tablak* or envelope containing particulars of the case and a brief abstract of the orders in English.
(2) The index of papers.
(3) The order sheet.
(4) The plaint, together with any schedule annexed thereto, and all documents, whether original or copies, filed with the plaint.

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Note: In miscellaneous cases the petition or written application of the party setting the Court in motion will take the place of the plaint.

(5) The written statements and pleadings of the parties.
(6) Applications of parties who are strangers to the suit, with the Court's order thereon.
(7) Orders of appointment, removal or discharge of a guardian or next friend.
(8) The memorandum of issues, with amended or additional issues, if any.
(9) All depositions of witnesses.
(10) Order for fining a witness.
(11) All documents or certified copies thereof received by the Court during the trial as evidence between the parties.
(12) Order impounding a document.
(13) Commissions, proceedings held thereunder and reports and examination of Commissioners.
(14) Affidavits.
(15) Reports furnished by the record department.
(16) Applications to refer to arbitration, references to arbitration, the award or other final return of the arbitrators, with the proceedings, depositions and documents submitted therewith, and any application to set aside the award, with the Court's orders thereon.
(17) Instruments of withdrawal, compromise or confession of judgment.
(18) Orders of arrest or attachment before judgment with all documents relating thereto.
(19) Interlocutory orders of the Court.
(20) The judgment, translation thereof (if any), or other final order.
(21) The decree and all documents relating to the preparation or amendment thereof.
(22) All notes in the handwriting of the Judge.
(23) Application for the re-admission of a suit dismissed for default or for the re-hearing of a suit decreed *ex-parte*.
(24) Application for review of judgment with the Court's orders thereon.
(25) All receipts and acknowledgments filed in execution proceedings.
(26) Petitions for substitution, addition or striking out of names of parties or for substitution of the names of the heirs of a deceased plaintiff or defendant, if allowed.

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(b) In Appeals and Miscellaneous cases (including Reference and Revision proceedings).

(1) The *tublak* or cover containing particulars of the case and a brief abstract of orders in English.
(2) The index.
(3) The memorandum of appeal.
(4) The notice, with report of service, in *ex-parte* cases.
(5) Memorandum of objections under Order XL! rule 22 or 26 of the Civil Procedure Code.
(6) The finding on issues referred to the lower court for trial under Order,XLI rule 25 of the Civil Procedure Code.
(7) Security bond for costs filed by the appellant.
(8) Petitions for substitution, addition or striking out of names of parties or for substitution of the names of the heirs of a deceased appellant or respondent, if allowed.
(9) Depositions of parties or witnesses taken in this Court or by the lower court on remand.
(10) Order for fining a witness.
(11) Commissions, proceedings held thereunder and reports and examination of Commissioners.
(12) Order of appointment, removal or discharge of a guardian or next friend.
(13) Documents filed by the parties.
(14) Order impounding a document.
(15) Affidavits, except those presented with applications which are rejected.
(16) Applications to refer to arbitration, references to arbitration, the award or other final return of the arbitrators, with the proceedings, depositions and documents, submitted therewith, and any application to set aside the award with the Court's orders thereon.
(17) Instruments of withdrawal, compromise or confession of judgment.
(18) Interlocutory orders.
(19) The Court's judgment, translation thereof (if any), or other final order.
(20) The decree and all documents relating to the preparation or amendment thereof.
(21) Application for the re-admission of an appeal, application or petition dismissed for default, or for the re-hearing of an appeal, application or petition decreed *ex-parte* with final order thereon.
(22) Application for review of judgment with final order thereon.

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(23) Application for revision under section 115 of the Code of Civil Procedure, 1908.

(24) Judgment and final order on applications referred to in (21) to (23).

(25) Reference under Order XLVI rule 1 of the Civil Procedure Code or other law, with the final order.

(26) Three copies of the printed record of civil appeals heard by the High Court.

Part B of civil judicial record.

6. Subject to any direction by the Court to the contrary, part B of a civil judicial record shall consist of all documents in such records as are not indicated in the preceding rule as belonging to part A.

Part A of criminal judicial record.

7. Part A of a criminal judicial record shall consist of the following documents, namely:-

(a) In an original trial, of all papers.

(b) In an appeal, reference and revision, of -

(1) The *tablak* or envelope containing particulars of the case and a brief abstract of the orders in English.

(2) The index.

(3) The petition of appeal or revision or letter of reference.

(4) Any additional evidence taken under the orders of the High Court on remand.

(5) Translation of police reports.

(6) Interlocutory orders of the Court.

(7) Judgment and formal order of the Court, and translation of the same.

(8) All notes in the handwriting of a Judge.

(9) Copies of the judgments of the lower courts.

Part B of criminal judicial record.

8. Subject to any direction by the Court to the contrary, part B of criminal judicial record shall consist of all documents in such records as are not indicated in the preceding rule as belonging to part A.

What documents in Part A of judicial record to be preserved permanently.

9. The following documents belonging to part A of a judicial record shall be preserved ***permanently,*** namely:-

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In Civil Cases

(1) The index.
(2) The judgment of the Court.
(3) The decree of the Court.
(4) Unreturned deeds.
(5) One copy of the printed paper book in all cases in which a paper book is printed and in other cases copies of the judgments of the courts below and the memorandum of appeal presented in the High Court.

In Criminal Cases

(1) The index.
(2) The judgment of the Court.
(3) Warrants of commitment or execution, when returned.
(4) Unreturned deeds.
(5) One copy of the printed paper book in all cases in which a paper book is printed and in other cases copies of the judgments of the courts below and the memorandum of appeal presented in the High Court.

Records to be preserved for thirty years

10. Subject to the provisions of rule 9, the following records shall be preserved for ***thirty*** years, namely:-

(1) Part A in all original civil cases.
(2) Pan A of all appeals involving title to immovable property as defined in section 3, clause 25 of Act X of 1897.
(3) Part A of all appeals relating to the succession to an office or to establish or set aside an adoption or otherwise determine the status of an individual, and of all appeals relating to trusts or religious endowments.
(4) Part A of proceedings under Guardians and Wards Act VIII of 1890 and Succession Act XXXIX of 1925 and all cases connected with the custody and disposal of intestate property.
(5) Proceedings under the Divorce Act IV of 1869.*
(6) Judgments of Supreme Court of Pakistan in appeals preferred from orders of the High Court.
(7) Murder references.
(8) Original criminal trials.
(9) Part A of criminal appeal and reference cases relating to cases decided by the Courts of Session, or by Magistrates empowered under section 30, Criminal Procedure Code, and of all cases coming under Chapters XII and XVII. Pakistan Penal Code, to which section 75 of the Pakistan Penal Code is applicable:

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Provided that in the cases referred to in (9), (10) and (11), if the sentence has not been fully executed, the record shall be preserved until the return of the warrant, and shall then be destroyed.

(10) Part A of appeals or reference under Chapter XXXII, Criminal Procedure Code, in which the orders of the courts below have been interfered with.

(11) Cases in which any public servant has been tried as such.

(12) Records relating to the disposal of immovable property forfeited to Government under section 62, Pakistan Penal Code.

(13) Part A of cases heard, in the exercise of insolvency jurisdiction other than that conferred by Act V of 1920.

(14) Part A of criminal cases in which a lunatic is concerned unless the lunatic shall have been subsequently tried or have died.

Records to be preserved for twelve years.

11. Subject to the provisions of rule 9, the following records shall be preserved for *twelve* years, namely:-

Part A of civil and criminal appeals and civil and criminal reference cases not mentioned in rule 10.

Records to be preserved for six years.

12. Subject to the provisions of rule 9, the following records shall be preserved for *six years,* namely:-

Part A of the record in applications for the exercise by the Court of its revisional jurisdiction under the Civil Procedure Code or the Code of Criminal Procedure

Time of destruction of Part B.

13. Part B of a judicial record and applications of a miscellaneous character filed with such record shall be destroyed before such record is consigned to the record-room:

Provided that, where an appeal lies to the Supreme Court of Pakistan, part B of the record of such appeal shall be preserved until the period for the presentation of an appeal has expired, or where an appeal has been made, till the judgment of the Supreme Court of Pakistan, has been communicated to the High Court:

Provided also that when a case in this Court has been dismissed for default or heard *ex-parte,* part B of the record shall not be destroyed until the expiry of six months from the date of the decision:

Provided further that a power of attorney filed in a civil appeal in which Intra Court Appeal lies to the High Court shall be preserved until the period for the presentation of an Intra Court Appeal has

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expired, or where an appeal has been made till the judgment therein has been pronounced. *01

Date from which period to be reckoned.

14. The period prescribed by rules 10. 11 and 12 of these rules for the preservation of a judicial record shall be reckoned from the date of the final order of the Court in the case.

Note of destruction to be made in register, etc.

15. A note of every judicial record destroyed under the provisions of these rules shall be made, under the signature of the supervising officer, at the time of destruction in the register in which the case is entered, and also in the general index prefixed to such record.

Private, Government documents how to be dealt with.

16. (i) Documents belonging to private persons or to Government as a party to the proceedings or which have been impounded in the cases in which they were produced shall not be destroyed, but shall be dealt with in the manner provided by the clauses of this rule next following.

(ii) When the period prescribed by rules 10, 11 and 12 of these rules for the preservation of part A of a judicial record has expired, and before such part is destroyed all documents of the nature specified in clause (i) of this rule shall be removed therefrom and kept till application is made for their return.

(iii) A document shall not be returned within the period specified in Order XIII rule 9 of the Code of Civil Procedure, until a certified copy thereof has been delivered to be substituted for the original, nor shall a document be returned which has been ordered to be impounded or which has, by force of a decree or order of the Court, become void or useless, or which is required by law to be filed and preserved, e.g., a will under section 294 of the Succession Act XXXIX of 1925.

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PART III - REGISTERS

Classification

17. The registers of the Court shall, for the purposes of these rules, be divided into three classes, namely:-

A. Primary.
B. Subsidiary.
C. Statistical.

All the registers shall be maintained in English.

A. Primary.

Primary registers definition and period of preservation.

18. (i) The primary registers are those which have to do directly with cases filed in court, and which form an abstract of the progress and disposal of such cases.

(ii) The following primary registers shall be maintained and shall be preserved for the period specified against each:-

No. of Register.	Name of register.	Branch	Period for which to be kept.
1.	Civil First Appeals (Regular and Executions).	Civil	For ever.
2.	Civil Second Appeals (Regular and Executions).	Ditto	Ditto.
3.	Civil First Appeals from Orders.	Miscellaneous	Ditto.
4.	Civil Second Appeals from Orders.	Ditto.	Ditto.
5.	Civil Revisions	Ditto.	Ditto.
6.	Civil Miscellaneous	Ditto.	Ditto.
7.	Ditto	Civil	Ditto.
8.	Civil Originals	Miscellaneous	Ditto.
9.	References under the Punjab Tenancy Act and Order XLVI, Civil Procedure Code	Ditto	Twelve years.
10.	Original Matrimonial cases.	Ditto	Forever.
11.	Matrimonial References	Ditto	Ditto.
11-A	Matrimonial Appeals	Ditto	Ditto.

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12.	Probate and Administration	Miscellaneous	Forever.
13.	Letters Patent Appeals or Intra Court Appeals.**[01]	Ditto	Ditto.
14.	Criminal Appeals	Criminal	Ditto.
15.	Criminal Revisions	Ditto	Ditto.
16.	Criminal Miscellaneous	Ditto	Ditto.
17.	Murder References.	Ditto	Ditto.
18.	Criminal Originals.	Ditto	Ditto.
19.	Trial of European British Subjects.	Ditto	Ditto.
20.	Roznamcha.	Civil	Twelve years.
21.	Ditto.	Miscellaneous	Ditto.
22.	Ditto.	Criminal	Ditto.
23.	Civil Regular and Execution First Appeal (by districts)	Civil	For ever.
24.	Civil Regular and Execution Second Appeals (by districts)	Ditto	Ditto.
25.	First Appeals from Orders (by districts).	Miscellaneous	Ditto.
26.	Second Appeals from Orders (by districts).	Ditto	Ditto.
27.	Civil Revision (by districts).	Ditto	Ditto.
28.	Criminal Appeals (by districts).	Criminal	Ditto.
29.	Criminal Revisions (by districts).	Ditto	Ditto.
30.	Supreme Court Civil Appeals.	Civil	Ditto.
31.	Supreme Court Criminal Appeals.	Criminal	Ditto.

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B. Subsidiary

Subsidiary registers definition and period of preservation.

19. The subsidiary registers are for the administrative purpose, and the following shall be maintained, and shall be preserved for the period specified against each:-

No. of Register.	Name of register.	Branch	Period for which to be kept.
1.	Outstation Dak Book (files).	Despatch	One year.
2.	Outstation Dak Book.	Ditto	Ditto.
3.	Outstation suggestion letters and notice cards.	Ditto	Ditto.
4.	Station Dak Book.	Ditto	Ditto.
5.	Despatch Diary (Number Book)	Ditto	Five years.
6.	Return of files in all cases (Record Registers).	Ditto	Three years.
7.	Issue Diary (Divisional Register).	Despatch	Five years.
8.	Postal Receipts.	Despatch	One year.
9.	Ledger of Stamp Account.	Ditto	Five years.
10.	Certificate for refund of stamp duty (Appeals).	Civil	Twelve years.
11.	Certificate for refund of stamp duty (Revisions).	Miscellaneous	Ditto.
12.	Certificate for refund of fine.	Criminal	Ditto.
13.	Receipt of Records.	Miscellaneous	Three years.
14.	Process realized.	Civil	Twelve years.
15.	Process fees realized.	Miscellaneous	Ditto
16.	Cause Book for Division Bench cases (Civil).	Cause Register Clerk	One year.
17.	Cause Book for Single Bench cases (Civil)	Cause Register Clerk	One year.

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18.	Cause Book for Division Bench Criminal cases.	Ditto	Ditto.
19.	Cause Book for Single Bench Criminal cases.	Ditto	Ditto.
20.	Incomplete cases of expired dates.	Civil	Ditto.
21.	Incomplete cases of expired dates.	Miscellaneous	Ditto.
22.	Remand cases.	Civil	Ditto.
23.	Remand cases.	Miscellaneous	Ditto.
24.	Remand cases.	Criminal	Ditto.
25.	Petition Cause Book.	Civil	Ditto.
26.	Petition Cause Book.	Miscellaneous	Ditto.
27.	Petition Cause Book.	Criminal	Ditto.
28.	Deposit Order Book (Printing fee of First Appeals).	Civil	Five years.
29.	Deposit Order Book (I and II Appeals both).	Ditto	Ditto.
30.	Deposit Order Book.	Miscellaneous	Ditto.
31.	Deposit Order Book.	Criminal	Ditto.
32.	Payment Order Book (Refund of Process fees in First Appeals).	Civil	Ditto.
33.	Payment Order book (I and II Appeals both).	Ditto	Ditto.
34.	Payment Order Book.	Miscellaneous	Ditto.
35.	Payment Order Book.	Criminal	Ditto.
36.	Cases given on requisition.	Civil	Three years.
37.	Cases given on requisition.	Miscellaneous	Ditto.
38.	Cases given on requisition.	Criminal	Ditto.

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39.	Cause laid before the Registrar (Reported cases).	Criminal	One year.
40.	Receipt Diary.	Miscellaneous	Twelve years.
41.	Issue (Baramdagi) Book.	Judicial Record	Five years
42.	Cases in which memo of costs is prepared.	Civil	For ever.
43.	Cases in which memo of costs is prepared.	Civil	Ditto.
43-A	Kaifiat Register	Judicial Record	Twelve years.
44.	Civil Index	Ditto	For ever.
45.	Criminal Index	Ditto	Ditto.
46.	Probate Index.	Ditto	Ditto.
47.	Index of Matrimonial cases.	Ditto	Ditto.
48.	Register of Division Bench and Full Bench cases.	Readers	One year.
49.	Register of Single Bench cases.	Ditto	Ditto.
50.	Inspection of records.	Inspection Clerk.	Ditto.
51.	Register for urgent petitions.	D.R.R.	Ditto.
52.	Single Bench Cause Register for Civil Appeals.	Cause Register Clerk	Six years.
53.	Single Bench Cause Register for Civil Revisions.	Ditto	Ditto.
54.	Single Bench Cause Register for Criminal Appeals.	Ditto	Ditto.
55.	Single Bench Cause Register for Criminal Revisions	Ditto	Ditto.
56.	Single Bench Cause Register for Criminal References.	Ditto	Ditto.
57.	Single Bench Cause Register for Civil Miscellaneous Applications.	Ditto	Ditto.
58.	Division Bench Cause Register for Civil Appeals and Income-tax cases.	Ditto	Ditto.

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59.	Division Bench Cause Register for Letters Patent Appeals or Intra Court Appeals **01.	Cause Register Clerk	Six years.
60.	Division Bench Cause Register for Criminal cases.	Ditto	Ditto.
61.	Division Bench Cause Register for Life Imprisonment Appeals and Murder References.	Ditto	Ditto.
62.	Register for Special and Full Bench cases.	Ditto	Ditto.
63.	Register for Matrimonial and Supreme Court cases and cases under Legal Practitioners and Bar Councils Act, etc.	Ditto	Ditto.
64.	Petition Register.	Ditto	Twelve years.
65.	Actual date register	Ditto	Six years.
66.	Cause Lists (Weekly and Daily)	Ditto	One year.
67.	Work performed by Copyists.	Judgment Copy Section	Five years.
68.	Distribution of cases to Copyists.	Ditto	One year.
69.	Cases sent to Civil Branch after completion.	Ditto	Ditto.
70.	Cases sent to Miscellaneous Brach after completion.	Ditto	Ditto.
71.	Cases sent to Criminal Branch after completion	Ditto	Ditto.
72.	Copies supplied to the Editors of Law Journals.	Ditto	Ditto.
73.	Copies sent to Bar Association.	Ditto	Ditto.
74.	Copies sent to R.K. Judicial	Ditto	For ever.
75.	Check Book showing the receipts of stationery and its consumption.	Ditto	On year.

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76.	Disposal of applications received locally.	Supply Section	Three years.
77.	Disposal of applications received by post.	Ditto	Ditto
78.	Ledger Book	Ditto	Five years.
79.	Copying Agent's Cash Book.	Ditto	Ditto
80.	Account of copies sent per V.P.P.	Ditto	Ditto
81.	Money orders received from the applicants.	Ditto	Ditto
82.	Amounts refunded by Money Order to applicants.	Ditto	Ditto
83.	Applications given to the Tracers.	Ditto	Ditto
84.	Account of copies sent to Legal Remembrancer.	Ditto	Ditto
85.	Paper Books received for copy.	Assistant Examiner's Section	One year.
86.	Letters Patent Appeals or Intra Court Appeals sent to the Reader to Deputy Registrar or Miscellaneous Branch**01.	Ditto	Ditto
87.	Cases sent to Despatcher for issuing letters, etc.	Ditto	Ditto
88.	Notice cases set to Despatcher for issuing notices with grounds of appeal or revision.	Ditto	Ditto
89.	First Appeal Register.	Translating Department	Ditto
90.	Daily Receipt Register (First Appeals and Petitions).	Ditto	Ditto
91.	Ledger of Translators.	Ditto	Ditto
92.	Deposit Receipt Books.	Ditto	Three years.

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93.	Deposit Account Books.	Translating Department	For ever.
94.	Cash Book (Daily).	Ditto	One year.
95.	Payment Order Book	Ditto	For ever.
96.	Press requisition forms book	Criminal	One year
97.	Printed records.	Civil	Five years.
98.	Supreme Court cases.	Civil	Ditto.
99.	Daily out-turn of work done by Copyist.	Translating Department	One Year
100.	Daily outturn of work done by Proof Examiner.	Civil and Criminal	Ditto
101.	Index Register of *bas-tas* containing cases dealt with in the Judicial Destruction Branch.	Judicial Record	Six years.
102.	Receipt Diary of letters	General	For ever.
103.	Casual leave for provincial Civil Service.	JOB	Three years
104.	To Punjab Govt. Gazette, Part-I, relating to history of Judicial Officers and Magistrates, power posting etc.	Ditto	For ever
105.	$***_{01}$ [Omitted]		
106.	Charge charge reports of Judicial Brach, P.C.S.	JOB	Three years.
107.	Consumption of service post cards.	All Branches	Five years.
108.	Form Stock Book.	General	Ten years.
109.	Stationery Stock Book.	Ditto	Ditto
110.	Typewriter Stock Book.	Ditto	For ever.
111.	Advocates' Register	Ditto	Ditto
112.	$***_{01}$ [Omitted]		
113.	Vakils' Register	General	For ever.
114.	Mukhtars' Register	Ditto	Ditto
115.	Petition-writer's Register.	Ditto	Ditto.

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116.	Despatch Register	General	For ever.
117.	Register of Legal Practitioners' Clerks.	Ditto	Ditto
118.	Issue Book Register of Record-Keeper	Ditto	Ditto
119.	Register of allotment for judicial buildings, lock-ups and mortuaries.	Building	Ditto
120.	Accession Book.	Library	Ditto
121.	Issue Register	Ditto	Three years
122.	Journals Receipt Register	Ditto	One year
123.	Correction Slips Number Book.	Ditto	Ten years
124.	Correction Slips receipt Register.	Ditto	One year.
125.	Distribution of books.	Ditto	Ditto
126.	Register of books in Courts and Chambers.	Readers	For ever.
127.	Check Books.	All Branches	Two years.
128.	Diary Receipt Registers.	Ditto	For ever
129.	Service Appeals Register	Establishment	For ever.

C. Statistical

Subsidiary registers definition and period of preservation.

20. The statistical register are for purposes of preparing the monthly and annual returns of the Court, and the following shall be maintained and shall be preserved for the period specified against each:-

No. of Register.	Name of register.	By whom kept.	Period for which to be kept.
1.	Average duration of Civil Appeal.	Statistical Clerk	Twelve years.
2.	Average duration of Criminal Appeals and Revisions.	Ditto	Ditto
3.	Average duration of Murder References.	Ditto	Ditto
4.	***$_{01}$ [Omitted]		
5.	Disposal by a Bench	Statistical Clerk.	Ditto
6.	Register of pending Civil Appeals.	Ditto	Ditto
7.	Work done by Judges sitting in Chambers.	Ditto	Ditto
8	Court-fees realized.	Institution Clerks	Ditto

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PART IV - OTHER PAPERS.

A. Periodical returns.

Periodical returns, period of preservation.

21. (a) The following returns shall be preserved for *one* year and then destroyed:-

Monthly.	Index of judicial correspondence.
Quarterly.	[List of unanswered references. [Coinage statements submitted by [District Co-Ordination Officer. [Probate statements submitted by [District Judges.

(b) The following, returns shall be preserved for *two* years and then destroyed: -

Monthly.	[Statement of Civil and Criminal work [of District and Sessions Courts. [District Civil and Criminal statements.
Annual.	Probate statements submitted by District Judges.

(c) The following returns shall be preserved for *three* years and then destroyed:-

Annual.	[Budget estimates. [District Civil and Criminal statements. [Manuscript copies of all annual reports [received from District Courts.

Note: (1) Correspondence connected with the above returns will be destroyed at the same time, except such as may be of importance, which will be preserved for another year.

(2) The general statements compiled in the High Court office for the preparation of the Civil and Criminal reports, as well as the general statement of Civil and Criminal work, will be preserved for ten years and then destroyed. The general monthly statements of the work of District Courts will be preserved for the same period.

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B. Correspondence.

Correspondence period of preservation.

22. The following will be preserved for *one* year and then destroyed:-

(i) Reminders.

(ii) Charge certificates.

(iii) Letters asking for circulars, almanacs, copies of rules, petitions for employment, private letters and petitions asking for information regarding rules or the practice of the Court and such like.

(iv) Arrear statements.

Personal files of Officers, period of preservation.

(v) Personal files of all officers and other staff of Government.-

(a) who die while in service, shall be preserved for three years after their death and then destroyed, provided there are no outstanding claims on the part of their heirs; and

(b) who have retired, shall be preserved until, their death and then destroyed, provided that no file shall be destroyed before three years from date of retirement when death occurs within three years of retirement.

C. Accounts.

Accounts, period of preservation.

23. Bills and vouchers will be preserved for ***three*** years and then destroyed; in the case of sub-vouchers for Rs.25/- or under, which are not submitted to audit, this period will, however, be reduced to *one* year only. Care should be taken to ensure that no bill or voucher is destroyed, even after the expiry of the above periods, until all audit objections, if any. relating to it. have first been settled. Counterfoils and miscellaneous account papers will be preserved for ***three*** years and then destroyed. Cash books, journals and ledger accounts shall be preserved indefinitely in the absence of special orders to the contrary.

D. Press Declarations.

Press declarations, period of preservation.

24. Press declarations made under sections 4, 5 and 8 and submitted for record in the High Court under section 6 of the Press and Registration of Books Act. XXV of 1867 shall be destroyed after a period of *one* year from the date on which the press or the periodical concerned ceased to exist.

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E. General

Letter 'D' to be put in register against paper destroyed.

25. When any paper is destroyed, the letter 'D' shall be entered in red ink against the entry in the register in which such paper is registered.

Mode o f calculating period of preservation.

26. the period for which a paper is to be preserved shall be reckoned from the Ist of January following the date which it bears e.g., papers of 1885, which under these rules have to be retrained for one year, will become liable to destruction after the 31st December, 1886.

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PART D RULES REGARDING INSPECTION, SUPPLY OF COPIES, PROTECTION AND PRIVILEGE OF DOCUMENTS RELATING TO THE SPECIAL OFFICIAL RECEIVER IN THE PUNJAB PROVINCE.*

1. The records of the Special Official Receiver have been classified under the following four heads:-

   I. Insolvency Court Judicial Records.
   II. High Court Executive Records.
   III. Official Records of the Special Official Receiver.
   IV. Other papers not falling in any of the above categories.

   The details of first three Heads are given in the Appendix to this Chapter.

2. The rules for inspection and copies given in Chapters 5-A and 5-B of this Volume shall apply to the records falling under Head-1.

3. No hard and fast rules have been framed for inspection and copies of records falling under Head- II. Each case shall be decided on its own merits under the order of the Judge for the time being in charge of liquidation work in the High Court and, in his absence, the Administration Judge.

4. Copies of final orders of the Special Official Receiver which form part of his official records, other than judicial records, falling under Head-Ill, may be granted by him:
   Provided that no copies of documents shall be supplied to any person, not entitled to them by law, between whom and Government there is any likelihood of litigation, except with the previous sanction of the Judge in charge of liquidation work in the High Court and, in his absence, the Administration Judge.

   Note: (i) Official letters are privileged documents to copies of which no person has any claim whatever. Should it be desirable to grant a copy of letter, or an extract of a letter, received by the Special Official Receiver from a superior officer, reference shall in every case be made to the superior officer for permission.
   (iii) The refusal of the Special Official Receiver to supply copies shall be subject to revision by the Judge in charge of liquidation work and. in his absence the Administration Judge.

5. Inspection of official records of the Special Official Receiver falling under Head- III shall be allowed only under his orders. The order of

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the Special Official Receiver refusing inspection shall be subject to revision by the Judge in charge of liquidation work and, in his absence, the Administration Judge.

6. The rules for inspection and supply of copies of the official records of the Special Official Receiver (rules 4 and 5 above) shall also apply to the inspection and supply of copies of papers falling under Head -IV.

7. In examining the question of claiming protection and privilege for documents relating to the office of Special Official Receiver, he shall be guided by the provisions of the Qanun-e-Shahadat. 1984. In case of any doubt, the Special Official Receiver shall take the orders of the Judge in charge of liquidation work and. in his absence, the Administration Judge.*

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APPENDIX

CLASSIFICATION LIST OF RECORDS OF THE SPECIAL OFFICIAL RECEIVER.

1. Insolvency Court Judicial Records.

(a)

1. Order of transfer of insolvency proceedings to the High Court.
2. Order of the Insolvency Judge with regard to a claim.
3. Declaration of dividend with Schedule.

(b)

1. Monthly Schedule of expenditure as approved by the Judge.
2. Audit objection upon which judicial decision has been given.
3. Any objection as to expenses of counsel engaged by the Special.

(c) Official Receiver when determined judicially.

1. Application of a creditor for notice to others.
2. Application of adjournment.
3. Directions obtained from the Judge.
4. Orders regarding transfer of property including the recommendation made by the Special Official Receiver on which such orders are passed and the applications of private persons from which such orders arise.
5. Orders of notice of creditors about dividend.

(d)

1. Claim petition by a creditor under section 80 of the Provincial Insolvency Act.
2. Power of attorney in favour of counsel on behalf of the creditor.
3. Letter from a petitioning creditor to the Official Receiver.
4. Account and copies of documents in proof of claim.
5. Written statement on behalf of an insolvent.
6. Written statement on behalf of an objecting creditor.
7. Affidavit in a claim petition.
8. Documents showing security filed in connection with a claim.
9. Original deed included in claim petition.
10. Copy of judicial order filed by the claimant.
11. Pronote filed by a creditor.
12. Proceedings before the Special Official Receiver with respect to proof of claims.

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II. High Court Executive Records.

1. Leave application.
2. Order regarding staff.
3. Applications from members of the staff.
4. Audit reports with comments of the Special Official Receiver, if any.

III, Official Records of the Special Receiver.

1. Noting by the office upon the audit reports.
2. Documents relating to expenses of counsel engaged by the Special Official Receiver to conduct cases.
3. Correspondence with purchasers.
4. Notice (other than a statutory notice issued to creditors) by the Special Official Receiver, including advertisements relating to transfer of property.
5. Inspection slip.
6. Letter to counsel regarding pending suits and reply.
7. Correspondence with the Assistant to Special Official Receiver regarding rent collection.
8. Certified copies of the judgments and decrees.
9. Notice received from Court.
10. Notice of demand of property tax.
11. Correspondence regarding repairs and estimates thereof.
12. Correspondence regarding House tax and Municipal tax.
13. Policies of fire insurance.

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CHAPTER 6

Legal practitioners

PART A LEGAL PRACTITIONERS' MISCONDUCT.

In exercise of the power conferred by Article 202 of the Constitution of the Islamic Republic of Pakistan 1973, the High Court makes the following rules:-

Misconduct, disciplinary action.

1. Where, on the complaint of any person or otherwise, the Chief Justice or the Court is of the opinion that an Advocate has been guilty of misconduct or conduct unbecoming an Advocate, with regard to any matter concerning the Court, the Chief Justice or the Court may either after affording him an opportunity of oral hearing, take such disciplinary action, including suspension and removal from practice of the Court, against him as it may deem fit, or refer to the Punjab Bar Council for inquiry and action under the Legal Practitioners and Bar Councils Act. 1973

Cannot appear due to relationship.

2. An Advocate shall not appear before a Judge with whom he has any tie or prospective tie of relationship except with the permission of the Chief Justice.*

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PART B POWERS AND DUTIES OF ADVOCATES.

May plead or act.

1. Subject to rules 2 to 6 below, any Advocate on the Rolls of the Court not under suspension, may plead or act in any suit, appeal or proceeding in which he is engaged.

Cannot act without authority in writing.

2. No Advocate shall act for any person in any Court unless he has been appointed by an instrument in writing as required by Order III rule 4 of the Code of Civil Procedure, 1908, as amended by Act XXII of 1926.

Can plead on behalf of duly appointed pleader or on filing memo of appearance.

3. No Advocate who has been engaged for the purpose of pleading only, shall plead on behalf of any person unless he has filed in Court a memorandum of appearance or unless he has been engaged by another Advocate duly appointed to act in Court on behalf of such person as required by Order III rule 4 sub-clause 5 of the Code of Civil Procedure. 1908.as amended by Act XXII of 1926.

Authority to act to be executed by principal and to contain his full name.

4. Every appointment of an Advocate to act shall contain in full the' name of the person or, where there are more than one, of every person who thereby appoints the Advocate to act on his behalf, and shall be executed by every such person.

Proof of authority required if not executed by principal.

5. When such appointment or power is not executed by the principal himself, but by some person claiming to appoint or give authority on his behalf, the Advocate will not be recognized by the Court without proof that such person was duly authorized by the principal to execute such appointment or power.

Fresh power of attorney or memo of appearance not required in cross-appeals.

6. In cross-appeals, an Advocate who has already filed a power of attorney or memorandum of appearance for the appellant shall not be required to file another power of attorney or memorandum of appearance for his client as respondent in the cross-appeal.

Cannot buy property sold in cases in which he was engaged.

7. Except with the special leave of the Court concerned, no Advocate shall in his own name, or in the name or names of any other person or persons, purchase any property or any share or interest in any property sold in execution of a decree or order in any suit, appeal or other proceeding in which he was, in any way, professionally engaged.

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Shall furnish statement of account to his client of money received.

8. Where any Advocate receives any money from his client, he must furnish him with a statement of accounts, with receipts, where these can be obtained, for all sums of money above Rs.5/- disbursed on his behalf.

An Advocate shall be responsible for seeing that receipts are furnished to a client for all sums of money received by himself or by his clerk on his behalf. These should be signed by him and not merely by his clerk.

9. *** [Omitted].

Notice to be given on taking up employment engaging in trade or business.

10. When an Advocate accepts any appointment under Government, or in a limited liability, or other Company, or engages in any other employment not connected with his profession he shall forthwith give notice thereof to the High Court .

Explanation: Ministers of the Government, the Speaker and Deputy Speaker of Legislative Assembly. Parliamentary Secretaries and Parliamentary Private Secretaries are excluded from the operation if this rule.

11. *** [Omitted].

12. ***[Omitted].

FORM

Form of certificate of being borne on the Roll of Advocates/Vakils.

***[Omitted].

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PART C THE SUSPENSION AND DISMISSAL OF ADVOCATES.

***[Omitted]

PART D THE ADMISSION OF PLEADERS.

***[Omitted]

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PART E POWERS AND DUTIES OF PLEADERS AND MUKHTARS.

***[Omitted]

PART F THE ENROLMENT AND TRAINING OF, AND RENEWAL OF CERTIFICATES BY, PLEADERS AND MUKHTARS.

***[Omitted]

PART G THE SUSPENSION AND DISMISSAL OF PLEADERS AND MUKHTARS.

***[Omitted]

PART H FILING OF POWERS-OF-ATTORNEY BY ADVOCATES.*

Filing of powers of attorney by legal Practitioners in the High Court and other courts.

(a) In Subordinate Courts ___

(i) For civil cases – see Chapter 16-A, High Court Rules and Orders, Volume I.

(ii) For criminal cases – see Chapter 25-A. High Court Rules and Orders, Volume III.

(b) In the High Court ___

The rules are the same as given at (i) and (ii) of part (a) above except that no person can appear, plead or act on behalf of a suitor in the High Court unless his name is borne on the rolls of the High Court as an Advocate. A private Pleader under section 4(r)(2) of the Code of Criminal Procedure is also debarred from appearing in the High Court.

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PART I FEES OF COUNSEL.

Suits for debt, damages and recovery of specific property.

1. In suits for the recovery of specific property or a share of specific property, whether moveable or immovable, or for the breach of any contract or for damages-

(a) if the amount or value of the property, debt or damages decreed shall not exceed rupees five thousand according to the valuation for purposes of appeal to the Court, the fee shall be calculated at seven and a half percent on the amount or value decreed, but the Court may, in any case, otherwise order and fix such percentage as shall appear to the Court to be just and equitable;

(b) if the amount or value decreed shall exceed rupees five thousand, the fee payable shall be calculated at such a percentage as shall appear to the Court to be just and equitable

Suits for injuries to person or property or character. Suits for partition and pre-emption and other rights.

2. In suits for injuries to the person or character of the plaintiff, such as suits for assault or defamation or for injuries to property or to enforce rights where the pecuniary value of such injury or right cannot be exactly defined, as in suits for interference with a right to light or water, or to enforce a right of pre-emption, or suits for the partition of joint property, where partition is improperly resisted , if the plaintiff succeeds, the Court may order the fee allowed to the plaintiff to be calculated with reference either to the amount decreed or according to the valuation of the suit or according to such sum not exceeding the valuation, as the Court shall think reasonable and shall fix with reference to the importance of the subject matter in dispute. In any such case, the amount of the fee shall be calculated according to rule l.

When suit dismissed on merits or in default

3. If the suit be dismissed for default or upon the merits, the fee allowed to the defendant shall be calculated according to rule 1 on the whole value of the suit.

When suit partly dismissed.

4. If the suit shall be decreed for the plaintiff as to part only of the claim, and as to the remainder shall be dismissed, the fee allowed to each party should be fixed with reference to the value of that part of the claim in respect of which he shall succeed, and shall be calculated according to rule 1.

Suits for damages when full amount claimed out decreed

5. If in any suit for damages, the plaintiff succeeds as to the whole of his cause of action, but fails to recover the full amount of

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damages claimed, the defendant shall not be entitled to any allowance for counsel in respect of the difference between the amount of damages claimed and the amount recovered, unless the Court shall be of opinion that the amount claimed for damages was unreasonable or excessive and shall, for that or any other cause, direct that a fee be allowed to the defendant. If specially allowed; the amount of such fee shall be fixed with reference to the amount of damages disallowed to the plaintiff and shall be calculated according to rule 1.

In case of several defendants having common interest.

6. If several defendants who have a joint or common interest succeed upon a joint defence, or upon separate defences substantially the same, not more than one fee shall be allowed, unless the Court shall otherwise order. If only one fee be allowed, the Court shall direct to which of the defendants it shall be paid or shall apportion it among the several defendants in such manner as the Court shall think fit.

Several defendants having separate interest

7. If several defendants, who have separate interests, set up separate and distinct defences and succeed thereon, a fee for each of the defendants who shall appear by separate counsel may be allowed in respect of his separate interest. Such fee, if allowed, shall be calculated, with reference to the value of the separate interest of such defendants, according to rulel.

Miscellaneous proceedings.

8. In any miscellaneous proceeding or for any matter other than that of appearing, acting or pleading in a suit prior to decree, the fee shall be fixed by the Court with reference to the nature and importance of the proceeding or matter.

Half fees in undefended suits.

9. If a suit in the High Court, as a Court of original jurisdiction, be undefended, the fee shall be calculated at one - half the sum fixed for a defended suit of the same nature and value.

When review is rejected.

10. If a review be rejected after summoning the opposite party or if, after the admission of a review, the former judgment be upheld, the fee, if allowed to the successful party in the review, shall be fixed by the Court at an amount which shall not in any case exceed one-half of the amount allowed by these rules in case of an original decree.

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When review is accepted.

11. If, after the admission of a review, the former judgment be revised, the fee in respect of the review, if allowed to the party who succeeds in the, review, shall not exceed one-half the amount allowed by these rules in case of an original decree. The fee allowed in respect of the review will be irrespective of any fee which may be included in any costs in respect of the original suit which may be adjudged to the successful party by the judgment in review, unless the Court shall otherwise order.

Appeals.

12. In appeals the fee shall be calculated on the same scale as in original suits, and the principles of the above rules as to original suits shall be applied as nearly as may be.

Where several appellants have joint interest.

13. When the interest of several appellants is joint, no more than one fee shall be allowed, unless the Court shall otherwise order. If one fee only be allowed, the Court shall direct to which of the appellants it shall be paid or shall apportion it amongst the several appellants in such proportion as it shall think fit

Several respondents.

14. If several respondents in one appeal appear by separate counsel, in determining whether separate fees shall be allowed, the Court shall be guided by the principles laid down in rules 6 and 7.

Discretion of court to deviate from the scale laid in the rules.

15. If, in any instance, the payment *of* fees according to the preceding rules shall not appear to the Court to be just and equitable, the Court may exercise its discretion in allowing such fee as may appear just and equitable:

Provided that in the case of a party represented by any Advocate

Fees in case of counsel dealing with *dalals* and touts.

(a) who is known or reputed to have any dealing, communication or correspondence, directly or indirectly, with a *dalal* or with any person who frequents any railway station, *sarai* or other place as a tout or

(b) who is known or reputed to employ in any capacity whatsoever any such person or any person who frequents any railway station, *sarai* or other place as a tout.

the Court may order that no fee be allowed to such party for such Advocate or may, in its discretion, allow a fee for the same not exceeding the following sums, that is to say,

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(i) In first appeals from original decrees and in suits before the Court in the exercise of its ordinary or extraordinary original jurisdiction,- Rs.75/-.

(ii) In all other cases, the fee allowable under the above rules up to a maximum of Rs.15/-.

Appeals from decrees passed on remand.

Provided also that, if an appeal be preferred against a decree passed on remand, the fee, if any, allowed by the Court to the party succeeding in that appeal, shall not, unless the Court shall otherwise order, be less than one-quarter, nor more than one-half of the amount which would be allowed under the rules upon an original hearing, if, by the decree remanding the case, the same party shall have been allowed fees in respect of the former appeal in the suit, either absolutely or conditionally upon his succeeding upon the remand:

Fees for trial of issues referred to the lower court.

Provided also that if an issue be framed and referred by the Court for trial by a lower court, the Court may, if it thinks proper, allow to the party who shall succeed in the appeal, such sum as the Court shall consider reasonable, not exceeding half the amount which would be allowed under these rules in an original case, for his fee in respect of the trial of the issue in the lower court, in addition to a fee in respect of the appeal.

Certificate o f payment of fees to counsel to be put in before fees are allowed by Court.

16. Notwithstanding anything contained in the rules of the Court but subject to any order of a Judge or Judges in cases of hardship no fee for the appearance of any Advocate shall, except as in these rules hereinafter provided, be allowed on taxation between party and be allowed on taxation between party and party, or shall be included in any decree or order unless the Taxing Officer is satisfied that the fee was paid to the Advocate before the hearing and unless the party claiming to have such fee allowed shall, before the hearing, file in the office of the Taxing Officer, a certificate signed by the Advocate, as the case may be, certifying the amount of the fee or fees actually paid by or on behalf of his client to him or to any other Advocate in whose place he may have appeared.

Exclusion of Law officer.

16-A The Law Officers are excluded from the operation of rule 16. It is left to the discretion *of* the Court to fix a fee with reference to the salary of the Law Officer concerned and the time taken in the hearing.

Contents of certificate.

17. Such certificate shall state.

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(a) the case, matter or proceeding in respect of which such fee or fees was or were paid;

(b) the date or dates when such fee or fees was or were actually paid to the Advocate engaged in the case, matter or proceeding either as the exclusive fee or fees of such Advocate or as the fee or fees of the Advocates associated and to be associated in the case, matter or proceeding in the High Court;

(c) the precise amount or amounts which was or were so paid;

(d) that no portion *of* such fee or fees has been returned, and that no agreement for return or remission of the same has been made, by the Advocate or by any one on his behalf; and

(e) the name and address of the person who made such payment:

Certificate of payment where higher fees above the scale allowed.

Provided that when a higher fee than is allowed by the scale is allowed by special order *of* the Court, a certificate of the payment of the additional fee at any time may be accepted, if filed before taxation in lieu of the certificate required by these rules.

Form of Certificate of payment of fees.

1. For the existing heading of Part H, the following heading shall be substituted:-

"FILING OF POWERS-OF-ATTORNEY BY ADVOCATES."

XXIV. In Chapter 6-I--

18. [1]In the existing rule 18 (from the certificate), for the words "High Court of Judicature at Lahore:" the words "Lahore High Court Principal Seat/ _____ Bench" shall be substituted and after the words "Address of Advocate" the words "Vakil or Attorney" shall be deleted and in the NOTE below this rule, for the words " legal Remembrance" the word "Solicitor" shall be submitted.

[1]Sub. by Lahore High Court Lahore Notification No.436 Rules II.D.4(V) dated 06.12.2000 Publish in Gazette of Punjab, Part-III dated 08.08.2001 See PLD 2002 Page 69 Punjab Statutes.

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me or by any one on my behalf or on behalf of _____ who was/were associated with me in the case:-

Matter.	Fee	Date of Payment	By whom paid.	Address of person who actually made such payment.

Signature _____

Date of Signature _____

Address of Advocate _____

Field on the _____ day of _____ by _____

_____

Certificate in case of counsel engaged by Government or Official Liquidator

Note: In the certificates of fees filed by the legal practitioners engaged by Government in cases in which the Federal or Provincial Government is a party, it is sufficient to certify that a fee has been fixed (not paid) by the Solicitor to Government, Punjab. The same procedure may, by a resolution of the Judges in meeting, be extended to counsel appearing on behalf of an Official Liquidator appointed by the High Court.

Matrimonial Cases.

19. Counsel engaged in matrimonial causes in the High Court should, when filing a certificate required by rule 16, submit a detail of the work done or to be done by them for which they have charged their clients. Only those charges which are necessary to enable the parties to conduct the litigation will be allowed by the Taxing Officer who will bear in mind that the object in giving costs is to indemnify the successful party against the expenses to which he has been put by the unsuccessful party. The maximum fee in a defended matrimonial cause shall be Rs. 1,500/-; and half that amount in undefended causes, provided that the Judge, who tries the case, may allow the full fee in an undefended cause, should the nature of the work done by counsel warrant it.

Note: For rules regarding fees of counsel in subordinate courts, see Chapter 16-B, High Court Rules and Orders. Volume I.

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PART J CLERKS OF LEGAL PRACTITIONERS.

Qualification

1. No person shall be employed by a legal practitioner as his clerk unless such person has been a legal practitioner's clerk for three years, or is a qualified petition-writer, or has passed the Matriculation Examination of a recognized University or a Board:

Disqualification

Provided that no such person shall be employed as a clerk-

(a) if he has been declared a tout; or
(b) if he is an undischarged insolvent; or
(c) if he has been convicted for an offence involving moral turpitude; or
(d) if he has been dismissed from the service of Government, unless he can show that his dismissal was not due to conduct showing him unfit to be legal practitioner's clerk, viz., corruption or some other reason involving dishonesty; or
(e) if he is an ex-petition-writer, whose license has been cancelled for corruption or for some other reason involving dishonesty; or
(f) if he is unfit to be a legal practitioner's clerk for any other sufficient reason.

Dismissed Local Council employees shall be regarded as dismissed "Government servants" for the purposes of these rules.*

Date when and person to whom rule will apply.

Notes: (i) The rule shall apply to all persons engaged after the 20th November, 1936, but not to a person who was a legal practitioner's clerk on or before the 20th November, 1936, and who may be engaged by a legal practitioner after the 20th November, 1936, provided

(a) that his service subsequent to that date is continuous; and
(b) that his work is satisfactory as certified by his last employer.

Clerks to whom proviso shall apply.

(ii) The proviso shall apply to clerks already in the service of legal practitioners, who have been declared touts at any time, or who were convicted within five years before the 20th November, 1936, for an offence involving moral turpitude.

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Clerks to whom proviso shall not apply.

(iii) The proviso shall not apply to clerks already in the service of legal practitioners who have been dismissed from Government service.

(iv) The proviso shall not apply to clerks already in the service of legal practitioners who have been convicted, but whose conviction took place more than five years before the 20th November, 1936.

Employment of udischarged insolvent clerks..

(v) The proviso that no person shall be employed as a clerk if he is an undischarged insolvent shall apply to clerks already in the service of legal practitioners.

Illiterate persons not to be employed.

2. No illiterate person shall be. employed at all as a legal practitioner's clerk.

Definition of literate person.

Note: A literate person for purposes of this rule will be one who has some knowledge of English or preferabh Urdu as being the Court language in the Punjab.

Note more than two clerks to be engaged.

3. Not more than two clerks shall be appointed or retained by any legal practitioner.

Ames of clerks to be notified to Secretary, Bar Association.

4. The names of such clerks shall be communicated by each legal practitioner, who is a member of a Bar Association, to the Secretary of that Association. A legal practitioner who is not a member *of* any Bar Association and cannot under the rules framed by the High Court be compelled to join the Bar Association, shall communicate the names of his clerks direct to the District Judge.

List of Clerks to be sent to District Judge.

5. The Secretary shall prepare a list of the clerks employed by the legal practitioners and send it to-

(a) the District Judge, or
(b) the Presiding Officer of the Superior Civil Court sitting at the place where the Association is.

Date of submission of list.

6. Such list shall be submitted in the first week of January each year, any changes during the course of the year being intimated separately.

Name to be borne on the list

7. No clerk shall be recognized by the courts unless his name is borne on this list.

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Power of clerks to deal with the staff of the Court.

8. Clerks mentioned in the list shall be entitled to act on behalf of their masters, but on their responsibility, in all transactions which have to be done before or with the ministerial staff of the Court.

List of clerks to be circulated to local courts.

9. A copy of the list when received and of the changes notified shall be supplied to all courts situated at the station for information.

Contents of List.

10. The list shall be in the following form:-

(a) name and parentage of the clerk.
(b) name of the legal practitioner by whom engaged,
(c) qualifications, i.e., whether
  (i) Matriculate,
  (ii) petition-writer.
  (iii) has three years' service with a legal practitioner, with a certificate that the clerk has never been—

    (a) dismissed from Government service,
    (b) convicted of an offence involving moral turpitude.
    (c) declared a tout.
    (d) declared an insolvent, if so. whether discharged or undischarged.

Removal of the clerk.

11. A District Judge (and not a Bar Association) shall have power to declare a person to be unfit for employment as a legal practitioner's clerk and to remove his name from the list of approved clerks to legal practitioners.

Appeal against removal.

12. A clerk whose name has been removed by a District Judge may appeal to the High Court, which may, if it thinks fit, alter or revise the orders passed by the District Judge.

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CHAPTER 7

Rules under Special Acts.

PART A (a) RULES TO REGULATE THE PROCEDURE IN THE CASE OF APPLICATIONS TO SET ASIDE ORDERS OF FORFEITURE PASSED BY THE PROVINCIAL GOVERNMENT UNDER SECTION 99-A OF THE CODE OF CRIMINAL PROCEDURE MADE BY HIGH COURT UNDER SECTION 99-F.

Application to be signed and verified.

1. Every application to the High Court under section 99-B of the Code of Criminal Procedure, 1898, to set aside an order of forfeiture under section 99-A of the Code, shall be made by the presentation of a petition which shall be signed by the applicant and verified at the foot by the affidavit of the applicant.

Language, paper and other essentials.

2. The petition shall be written in the English language on foolscap paper and divided into paragraphs, numbered consecutively. Dates and sums occurring in the petition shall be expressed in figures.

Title.

3. The petition shall be headed:
"In the Lahore High Court, Lahore, and shall be entitled
"In the matter of the:-
(name or description of book, document or newspaper as the case may be)

Contents of petition and exhibits to be annexed.

4. The petition shall state what the interest of the applicant is in the property in respect of which the order of forfeiture has been made and all documents or copies thereof in proof of such interest together with a copy of the notice of forfeiture under section 99-A of the Code of Criminal Procedure, 1898, shall be annexed as exhibits to the petition.

Grounds to be stated.

5. The petition shall state the ground or grounds on which it is sought to set aside the order of forfeiture.

Deposit of printing charges.

6. The applicant shall, with his petition, attach a receipt for a deposit of Rs.100/- to cover the cost of printing the record.

Translation of vernacular documents.

7. All vernacular documents annexed as exhibits to the petition and all vernacular documents relied on by the applicant and intended to be in

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evidence, shall be translated into English by an official translator or translators.

Presentation of petition and constitution of a Special Bench for the hearing.

8. The petition with exhibits annexed thereto and their translations, if any, together with a copy of such petition and exhibits with translations shall be presented to the Deputy Registrar, who will lay the same before the Chief Justice. The Chief Justice will then constitute a Special Bench and appoint a day for the hearing and determination of the application.

Notice to procedure the document on which forfeiture was ordered.

9. The Deputy Registrar shall forthwith give notice of the filing of the application to the Advocate-General and shall request him to obtain from Government and to furnish to the Court, as soon as possible, a copy *of* the particular newspaper, book or other document containing the words, signs or visible representations on which the declaration of forfeiture was based.

Evidence by affidavits.

10. Evidence in support of or against the petition shall be in the form of affidavits. The Advocate-General shall within fifteen days of the receipt of the notice mentioned in rule 9. file affidavits on behalf of the State and supply copies thereof to the other side. The applicant shall, within fifteen days of the receipt of copies of the affidavits, file his affidavits and likewise supply the Advocate-General with copies. *$_{01}$

Date of hearing to be notified to Government.

11. Notice in writing of the day appointed for the hearing and determination of the application shall be given by the Deputy Registrar to the Chief Secretary to the Government of the Punjab, and the copy of the petition and exhibits with translations, if any. mentioned in rule 8 shall accompany such notice. *$_{01}$

Printed paper book to be prepared a week before date of hearing.

12. A printed paper-book shall be prepared and completed under the orders of the Deputy Registrar at least one week before the day fixed for hearing and determination of the application.

30 copies of paper-book to be prepared.

13. There shall ordinarily be printed 30 copies of the paper-book, but the Deputy Registrar may, when necessary, direct a larger number to be printed.

Contents of paper-book

14. In the absence of a special order, the printed paper-book shall ordinarily contain-

(1) the declaration of forfeiture in respect of which the application is made;

(2) the application and the affidavit of the applicant;

(3) the exhibits annexed to the application, or their translation;

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(4) the affidavits filed under rule 10 and a reprint of such portions of the prescribed publications (translated into English, if in vernacular, in accordance with rule 7) to be indicated by the parties within 15 days of the receipt of the notice which will be issued by the Deputy Registrar to the applicant, or his counsel, if any, and the Advocate-General.

Note: The cost of printing (1) ,(2) and (3) will be met by the applicant out of the deposit made under rule 6 and the cost of (4) will be borne by the party concerned.

Recovery of additional cost of printing.

15. If the deposit required under rule 6 proves insufficient to cover the cost of the printed paper-book, the Deputy Registrar may. by a notice in writing, require that such further deposit, as seems to him necessary, shall be made within one week.

Action to be taken on failure to deposit

16. If such further deposit be not made within the time specified in the notice, the application shall be placed, without notice to the applicant, before a Special Bench composed of three Judges which will either dismiss the application or pass such other order as may be suitable.

Supply of copies of paper book to parties before date of hearing.

17. The applicant and his counsel and the Advocate-General shall be entitled to receive copies of the printed record on application to the Deputy Registrar one week before the date fixed for hearing.

Printed charges to be included in costs.

18. At the foot of every printed-book shall be noted the amount of the printing and incidental charges and the person from whom levied, and such amount shall be included in the costs of the proceedings unless the Court shall otherwise direct.
Should the amount so charged be less than the sum or sums deposited under rules 6 and 15, the Deputy Registrar shall refund the balance to the applicant.

Taxation of costs.

19. The table of fees now in force in this Court shall be applicable to all applications under section 99-B of the Code of Criminal Procedure and proceedings thereon and costs payable in respect of such applications and proceedings shall be taxed, when so directed, by the Taxing Officer of this Court.

Execution of orders passed.

20. The provisions of the Code of Civil Procedure and the Rules and Orders relating to the execution of decrees shall be applicable to the execution of orders passed by the High Court on applications under section 99-B of the Code of Criminal Procedure.

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PART A (b).

RULES TO REGULATE THE PROCEDURE IN THE CASE OF APPLICATIONS TO SET ASIDE ORDERS FOR THE DEPOSIT OF SECURITY UNDER SECTION 3(3) OR 7(3) OR OF FORFEITURE UNDER SECTION 4, 6, 8, 10, 12 (2) OR 19 OF THE INDIAN PRESS (EMERGENCY POWERS) ACT, 1931.

***[01][Omitted].

PART B. RULES REGARDING APPLICATION UNDER SECTION 136 OF THE INCOME TAX ORDINANCE, 1979.*

Rules made by the High Court under Article 202 of the Constitution of the Islamic Republic of Pakistan, 1973 and clause 27 of the Letters Patent to regulate proceedings of the applications, hearing and decisions under section 136 of the Income Tax Ordinance, 1979.

1. Every application under section 136(2) of the Income Tax Ordinance, 1979. hereinafter referred to as "the Ordinance" requiring the High Court to frame a question of law shall contain the following:-

(i) A brief statement of facts and point of law which in the estimate *of* the applicant the Income Tax Appellate Tribunal has erroneously refused to refer to the High Court.

(ii) An affidavit of the applicant in support of the facts stated in the above application.

(iii) Copy of the application made to the Income Tax Appellate Tribunal under section 136(1) and its order refusing to refer the question of law to the High Court.

(iv) Copy of the first/basic/assessment order.

(v) Copy of the order of the Commissioner or Income tax (Appeals)/Appellate Additional Commissioner and the grounds of appeal.

(vi) Copy of the appellate order *of* the Income Tax Appellate Tribunal along with grounds of appeal.

(vii) Copies of such other documents or statements as may be relevant and necessary for the understanding of the point of law on which the decision is desired by the applicant.

Note:- In this rule the word "copy" or "copies" means "certified copy".*

2. Every application under section 136 (2-A) of the Ordinance made to the High Court shall be accompanied by a copy of the application made to the Tribunal together with a copy of the order of the Tribunal and such other document(s) as may show that the application made to the Tribunal was within time or should be treated as such.*

3. Every application under sub-sections (2) and (2-A) of section 136 of the Ordinance shall be in the form prescribed herein below:-

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FORM

In the matter of Income Tax Ordinance. 1979.
P.T.R/T.R. No._____OF_____20
Name of the assessees.
The Commissioner of Income Tax.

.....Applicant.

Versus.

The Commissioner of Income Tax.
Name of the assessees.

.....Respondent.*

4. If the Court hearing the application does not reject it *in limine,* a notice shall be issued to the Assessee or the Income-tax Commissioner, as the case may be, to show cause against the application.

5. Counsel presenting an application under section 136(2) of the Income Tax Ordinance, 1979, shall be bound to accept service on behalf of his client of any notices issued by the High Court until the case has been finally disposed of or a change of counsel has been notified to the Court.*

6. ***[Omitted]

7. ***[Omitted],

8. The Court hearing applications under section 136(2) of the Income Tax Ordinance, 1979, or deciding cases stated and referred to under the Ordinance shall be a Bench of two Judges unless the Chief Justice orders that any application or reference shall be heard by a Bench of more than two Judges

9. At the hearing of such applications and cases the Court and the parties shall be at liberty to refer to the whole of the contents of the documents annexed thereto.

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PART C (a) RULES UNDER SECTION 1 (4), UNDER INDIAN AND COLONIAL DIVORCE JURISDICTION ACT, 1926— [MADE BY THE SECRETARY OF STATE IN COUNCIL FOR INDIA, WITH THE CONCURRENCE OF THE LORD CHANCELLOR, UNDER THE INDIAN AND COLONIAL DIVORCE JURISDICTION ACT, 1926 (16 AND 17 GEO. 5)]

(b) POWERS DELEGATED TO THE REGISTRAR UNDER THE INDIAN AND COLONIAL DIVORCE JURISDICTION ACT, 1926.

*****[Omitted].**

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PART D RULES MADE BY THE HIGH COURT UNDER THE POWERS CONFERRED BY SECTION 246 OF THE INDIAN COMPANIES ACT, 1913, CONCERNING THE MODE OF PROCEEDINGS TO BE HAD FOR WINDING UP A COMPANY IN THE HIGH COURT.

***[Omitted].

PART E — RULES MADE BY THE HIGH COURT UNDER SECTION 77 OF THE TRADE MARKS ACT, V OF 1940, (PUBLISHED IN PUNJAB GAZETTE, PART III, DATED THE 10TH AUGUST,1945, AS CORRECTED BY CORRIGENDUM NO.210-R/XVI-A-96, DATED THE 12TH SEPTEMBER 1945, PUBLISHED IN PART III, DATED THE 14TH SEPTEMBER 1945, AND IN THE GAZETTE OF INDIA, PART II-A, DATED THE 1ST SEPTEMBER 1945, AS CORRECTED BY CORRIGENDUM NO.F.-4(8)/45-GENL., DATED THE 3RD OCTOBER 1945, PUBLISHED IN PART II-A, DATED THE 13TH OCTOBER 1945).

Definitions.

1. (a) In these Rules "the Act" means the Trade Marks Act, 1940.
   (b) 'The Registrar" means the Registrar of Trade Marks and includes the Deputy Registrar of Trade Marks.
   (c) 'The Deputy Registrar (Judicial)"means the Deputy Registrar (Judicial) of the Lahore High Court, Lahore.
   (d) 'Judge" means the Judge nominated by the Chief Justice for the purpose.

Title of application.

2. Applications, affidavits and proceedings under the Act shall be instituted in the matter of the Trade Marks Act, V *of* 1940 and in the matter of the Trade Mark.

Mode of application.

3. All applications and appeals under the Act shall be made by petition supported by affidavit and shall be presented to the Deputy Registrar (Judicial).

Disposal of petition.

4. The Deputy Registrar (Judicial) shall lay the petition before the Judge who may either accept the petition and direct notice thereof to be given to the opposite party or may reject it summarily or may make such order as the circumstances of the case may require.

Service on Registrar.

5. All applications to the Court whether by way of appeal or otherwise shall be served on the Registrar who shall have a right to appear and be heard and shall appear if so directed by the Court

Stay of pending suits or proceedings.

6. If any application or appeal is made to the High Court under the Act and any suit or other proceeding concerning the Trade Mark in question is pending before the High Court or any District Court, the High Court may stay such suit or proceeding until the disposal of the said application or appeal.

Reference under section 72(b)

7. Where the Registrar makes a reference to the High Court under section 72(b) of the Act, he shall give notice of that fact to the parties concerned. After the Registrar has filed the reference, the Deputy Registrar (Judicial) shall fix a date for the hearing of the same and

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shall put it on the list of the Judge on such date for disposal. The Registrar shall give seven days' notice of the day so fixed to the parties concerned.

Procedure for withdrawal of application under section 76(2)

8. Where under section 76(2) of the Act, an applicant becomes entitled and intends to withdraw his application, he shall give notice of the intention in writing to the Registrar and to the other parties, if any, to the appeal within one month after the leave referred to in that section has been obtained. He shall also give notice to the Deputy Registrar (Judicial) who shall thereupon forthwith place the appeal on the list for disposal.

Counter claim for rectification of register in a suit for infringement.

9. A defendant in a suit for infringement filed in the High Court may in regard to any registered trade mark in issue counterclaim for the rectification of the register and shall within the time limited for the delivery of the counter-claim serve the Registrar with the same, and the Registrar shall be entitled to take such part in the suit as he may think fit without delivering a defence or other pleading.

Order of rectification to be sent to Registrar.

10. A certified copy of every order directing rectification of the register shall be sent by the Deputy Registrar (Judicial) to the Registrar who shall thereupon rectify the register accordingly. The cost of the certified copy shall be borne by the applicant or the appellant, as the case may be.

Application of the Code of Civil Procedure and Rules and Forms of the Court.

11. In cases not provided for in the foregoing rules, the provisions of the Code of Civil Procedure, 1908, and the Rules and Forms of the Lahore High Court, Lahore, shall apply, *mutatis mutandis,* to all proceedings under the Act.

Table of fees applicable.

12. Process fees shall be charged according to the Table of Fees for the High Court given in Chapter 5-B, High Court Rules and Orders, Volume IV.

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PART F RULES MADE BY THE HIGH COURT UNDER CLAUSE 27 OF THE LETTERS PATENT TO REGULATE PROCEEDINGS OF APPLICATIONS AND REFERENCES UNDER SECTION 59-A AND 59-B OF THE ESTATE DUTY ACT. ACT X OF 1950. AS INSERTED BY ACT NO.XV OF 1953.

***[Omitted].

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CHAPTER 8

PRIVY COUNCIL CASES

***[Omitted]

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CHAPTER 9

FEDERAL COURT APPEALS.

***[Omitted]

CHAPTER 10

Miscellaneous.

PART A RULES FOR THE DISPOSAL OF EXECUTIVE AND ADMINISTRATIVE BUSINESS.

Administrative Business.

1. The administrative and executive work of the High Court shall be controlled by a Committee of Judges to be known as the Administration Committee:
Provided that those matters which are the exclusive concern of the Chief Justice, namely, the constitution of Benches and the appointment and control of the High Court Establishment shall be dealt with in accordance with such instructions as may from time to time be issued by the Chief Justice.*

Constitution and appointment of Administration Committee.

2. The Administration Committee shall consist of [1][ten] Judges. The Chief Justice and the Senior Puisne Judge shall be *ex-officio* members and the Chief Justice shall annually nominate the other [1][eight] members of the Committee.

3. [1][At all meetings of the Administration Committee, besides ex-officio members other five Hon'ble Judges shall form a quorum.]

Nomination of Administration Judge.

4. (a) Each member of the Administration Committee shall act as an Administration Judge and the powers and duties of each Administration Judge shall be defined by the Chief Justice from time to time.

(b) The following matters shall invariably be referred by an Administration Judge to the Administration Committee:-

(i) All cases which are to go before a meeting of all the Judges,

(ii) All cases involving the amendment of the Rules and Orders of the Court other than purely routine amendments,

(iii) The issue of circular letters and instructions to the Subordinate Courts in other than purely routine matters,

(iv) All circulars issued by District and Sessions Judges for the guidance of Courts subordinate to them.

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[1] Sub. by Notification No.230-Legis dated 08.09.2008.

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(v) All proposals for the confirmation or promotion of District and Sessions Judges and Civil Judges.*

(vi) The grant of move-over and selection grade to Judicial Officers.*

(vii) All pension cases of District and Sessions Judges and Civil Judges.*

(viii) All cases in which disciplinary action is to be taken against District and Sessions Judges and Civil Judges and all cases in which there is a question of the recovery from an officer of any loss suffered by Government*

(ix) The selection of officers for deputation, and magisterial, commercial or special training,

(x) Recommendations for the direct appointment of Government servants as District Assistant Commissioners,

(xi) The fitness of officers for appointment as District and Sessions Judges,

(xii) The monthly returns of work done by District and Sessions Judges.

(xiii) All cases in which lawyers seek relaxation of High Court Rules applicable to them other than those in which the Judges or the Administration Committee have laid down a policy to be followed.

(xiv) All proposals for the execution of Civil Major Works in the Judicial Department,

(xv) All cases in which the opinion *of* all the Judges is sought by Government.

(xvi) All cases of conferment of civil and criminal powers on Civil Judges and Magistrates except:-

(a) powers under the Provincial Small Cause Courts Act,

(b) powers under the Guardians and Wards Act.

(c) permission to exercise powers under the Provincial Insolvency Act already conferred by Punjab Government notification No.780, dated the 15th July 1914.

(d) *** | Omitted]

(xvii) All cases not specifically provided for which, in the opinion of the Administration Judge, involve questions of principle or policy.

(a) All administrative work for which there is no explicit provision in the Rules and Orders of the Court or in the rules made by the Administration Committee, shall be disposed of under the orders of the Administration

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Judge who may refer to the Committee any matter on which he could pass orders.

(b) The Administration Judge shall pass orders on the postings and transfers of Judicial Officers serving under the High Court, and after orders have issued they shall be circulated to all members of the Administration Committee,

(xviii) The suspension of Civil Judges-cum-Judicial Magistrates. Additional District and Sessions Judges and District and Sessions Judges.*

(xix) The promotion of Civil Judges-cum-Judicial Magistrates. Additional District and Sessions Judges and District and Sessions Judges in the cases where it is proposed to pass over an officer.*

(xx) Recommendations for the grant of pension to Civil Judges-cum-Judicial Magistrates, Additional District and Sessions Judges and District and Sessions Judges, where it is proposed to recommend that the full pension earned be not allowed or the administration committee is not unanimous.*

(xxi) Representations against the adverse remarks made by the Civil Judges-cum-Judicial Magistrates. Additional District and Sessions Judges and District and Sessions Judges.*

Matters which shall be disposed of at a Judges meeting.

5. Notwithstanding anything contained in the preceding rules the following matters shall invariably be referred to and disposed of at a meeting of all the Judges:-

(i) All matters involving questions of principle and policy.

(ii) All cases relating to amendments to be made to existing laws or to the statutory rules of the Court.

(iii) All matters concerning the High Court as such or all the Judges.

(iv) All matters on which the opinion of all the Judges is invited by Government.

(v) ***[Omitted]

(vi) ***|Omitted]

(vii) ***(Omitted]

(viii) ***[Omitted]

(ix) ***|Omitted].

In addition, the Administration Committee may refer to a meeting of all the Judges any matter which, in its opinion, should be referred to such a meeting.

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All cases for Judges' meeting shall first be considered by Administration Committee

6. All cases to be considered at a meeting of all the Judges shall first be considered by the Administration Committee which may make such recommendation as it considers proper.

Holding of Judges' meeting

7. Meetings of all the Judges shall be called by the Chief Justice when there is business for such meetings.

Procedure of Administration Committee

8. The Administration Committee shall have power to decide what procedure it will adopt for the conduct of the business entrusted to it.

Quorum of Judges' meeting.

9. At all Judges' meetings, ten Judges shall form a quorum. The Judges present at a meeting, if ten or more, may dispose of all the business, for the disposal or consideration of which such meeting was called, and such disposal shall be deemed to be a disposal by the Court.*

Mode of decision in case of difference of opinion.

10. In case of a difference of opinion at a meeting the decision shall be in accordance with the opinion of the majority of the Judges present, and in case the Judges present be equally divided the Chief Justice or in his absence the Senior Judge present, shall have a casting vote.

Record of Proceedings of Judges' meeting.

11. The Registrar or, in his absence, the Additional Registrar, shall attend all Judges' meetings, and shall record the proceedings at such meetings.*

Circulation of proceedings of Judges' meeting.

12. As soon as conveniently may be, after the proceedings of a Judges' meeting have been recorded and signed by the Registrar or Additional Registrar, as the case may be, they shall be circulated to the Judges in order of juniority and signed by the Chief Justice.*

Custody of proceedings of Judges' meeting.

13. The original proceedings of the Judges' meetings shall be kept in the General Record Room in a separate file and shall not be removed from the Court building except by the Registrar with the sanction of the Chief Justice.

Delegation of powers to Registrar.

14. The Chief Justice may empower any person holding the post of Registrar or Additional Registrar of the High Court by name, to perform all or any of the duties of a Judge in charge of any branch of the executive and administration business of the Court.

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Administrative business during vacation.

15. During the vacation the administrative and executive work of the Court may be carried out by the Senior Vacation Judge present at the Court, who may in his discretion pass such orders as may be necessary without prior reference to all the Judges or the Administration Committee:

Provided that any matters decided by a Vacation Judge under this rule, which would otherwise fall for decision by all the Judges or by the Administration Committee shall be referred to all the Judges or to the Administration Committee, as the case may be, for confirmation after the vacation.

16. ***[Omitted].

PART B PROCEDURE FOR MAKING RULES UNDER PART X OF THE CODE OF CIVIL PROCEDURE.

Registrar or Additional Registrar shall order minutes of the Rule Committee to be placed before Judges meeting.

1. As soon as the minutes of a meeting *of* a Rule Committee have been signed, the Registrar or Additional Registrar (who is also the Secretary of the Rules Committee), shall endorse upon them an order that a copy be placed before a meeting of the Judges on a specified date.*

Procedure when Registrar omits to pass such an order.

2. In the event of the minutes of the Rule Committee reaching the office without such an endorsement, the attention of the Registrar shall be drawn to the omission forthwith.

Registrar or Additional Registrar shall cause the Rules framed to be published in Gazette inviting objection.

3. If the Judges decide that the recommendations are to be accepted and a Rule made, the Registrar or Additional Registrar shall cause the Rule, in the form in which it has been framed by the Judges to be published for objection in the Punjab Gazette.*

Rules with objection shall be laid before Judges' meeting .

4. On the termination of the period fixed for objection, the Registrar or Additional Registrar shall again lay the Rule, with objections, if any. before a meeting of the Judges. *

Sanction of the Punjab and Federal Governments to be obtained.

5. If the Judges decide to make the Rule, the Registrar or Additional Registrar will at once apply to the Government of the Punjab and federal Government for the approval of the Rule in the form in which it has been framed.*

Sanctioned rule to Be published in Gazette.

6. On the receipt of the approval of the Federal Government, the Registrar or Additional Registrar shall cause the Rule to be published in the Punjab Gazette.*

Sanctioned rule to be inserted in Rules and Orders of the High Court. etc.

7. After publication in the gazette a correction slip,

(a) to the Rules and Orders of the High Court, and
(b) to the pamphlet entitled Rules made by the Lahore High Court. Lahore, under section 122 of the Code of Civil Procedure.

shall be prepared and issued forthwith.

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EXTRACT FROM

HIGH COURT RULES AND ORDERS, VOLUME -V
CHAPTER-10

P ART "C"

In exercise of the powers conferred by Paragraph 6 of Part-II of the Third Schedule to the Constitution of the Islamic Republic of Pakistan read with Article 227(5) thereof, the Chief Justice of the High Court of West Pakistan, Lahore is pleased to make the following rules for regulating the appointments and conditions of service of the establishment attached to the High Court of West Pakistan, Lahore (These rules are under revision).

PART-I

Short title and applicability.

1. (a) These rules may be called "The High Court Establishment (Appointment Conditions of Service) Rules"..
(b) They shall not apply to any gazetted officer who belongs to the Civil Service of Pakistan or the Provincial Civil Service.

Definitions.

2. In these rules, unless there is any thing repugnant in the subject or the context:-

(2) "Administration Judges" means the Judge selected under the provisions of Rule 4(a) of Chapter IO-A. Rules and orders of the High Court, Volume -V (as inserted by item (ii) of Correction Pamphlet No.22, dated the 9th November, 1917), or any other Judge whom the Chief Justice may appoint as such, to deal with the matters connected with the establishment arising out of these rules.

(3) "Recognized University" means any recognized university in Pakistan or India or in the state of Juriagadh, Hyderabad, Jammu or Kashmir or any other University which is declared by the Chief Justice to be a recognized University for the purpose of those rules.

PART -II
RULES FOR APPOINTMENT

3. The establishment of the High Court shall consist of :-
(A) Gazetted Officers.
(i) Registrar,
(ii) Deputy Registrar,
(iii) Assistant Registrar,
(iv) Superintendents,
(v) Private Secretary to the Honourable the Chief Justice.

B. Ministerial Establishment.

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(i) Division "A" (General Line).
Assistants.
(ii) Division "B" (General Line),
(a) Senior Clerks.
(b) Junior Clerks.
(iii) Division "C" (Translation Branch).
(a) Senior Translators.
(b) Junior Translators.
(iv) Division "D"
Judgment- Writers-cum- Personal Assistants.
(v) Division "E" Readers.
(vi) Division "F"
Personal Assistant to the Registrar.
(c) Non-Ministerial Establishment.
(i) Inferior.
(a) Daftaris.
(b) Jamadars (Ushers.)
(c) Orderlies and Peons.
(ii) Menials. Malis.
Assistant Malis.
Beldars.
Bearers. Dusting Coolies.
Sweepers.
Waterman.
Bahishtis.

General.

4. The establishment of the High Court shall consist of so many and such posts as may, from time to time, be fixed by the Chief Justice.

Domicile.

5. No. person shall be appointed to the High Court establishment unless he is a citizen of Pakistan.

Registrar.

6. (I) The appointment to the post of Registrar shall be made by the Chief Justice:-
(a) With the concurrence of the Governor when the Chief Justice decides to appoint an officer belonging to the Civil Service of Pakistan or the Provincial Civil Service, or
(b) After consultation with the Public Service Commission when the Chief Justice decides to appoint a person not already attached to the High Court or
(c) In his own discretion when he decides to appoint a person serving on the High Court Establishment.

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Deputy registrar, Assistant Registrar, private Secretary to the Chief Justice and the Personal Assistant to the Registrar .

7. The Posts of, Deputy Registrar, Assistant Registrar and Private Secretary to the Chief Justice shall be filled by selection by the Chief Justice and that of the personal Assistant to the Registrar by the Registrar ordinarily from the High Court establishment, provided that where the appointment is made from outside, the provisions of rule 6(i) shall apply.

Private Secretary.

7-A (1) For appointment to the post of Private Secretary, a person must fulfill the following minimum requirements:-

(a) He must be either a Judgement Writer/Personal Assistant of the High Court with 5 years experience as such or a graduate from any recognized University of Pakistan or abroad; and

(b) He must, in a proficiency test to be held before selection, have short hand speed of 120 words per minute and transcription/typewriting speed of 60 words per minute; and

(c) The service record in the case of judgment Writers / Personal Assistants and the antecedents and service record, if any, in case of others must be satisfactory.

(2) The Registrar may, with the approval of the Chief Justice, maintain a list of such candidates, who fulfill the above requirements, in their order of merit, so that they can be appointed to a post which may casually fall vacant.

Provided that the list so maintained shall be revised every year after holding a fresh proficiency test.

(3) The appointment to the post of Private Secretary shall ordinarily be made by selection by the Chief Justice from amongst the persons who fulfill the requisite qualifications as above.

(4) A person appointed as Private Secretary shall remain on probation for a period of two years; the period of probation shall be extendable only once by an order in writing. If a private Secretary does not successfully complete the initial or extended period of probation, he shall, if appointed through promotion be reverted to the former post of if appointed through direct recruitment, his service shall be terminated without notice.

(5) A private Secretary shall be expected to maintain the requisite proficiency in shorthand and typewriting failing which he may be liable to reversion or removal.

(6) The existing rule pertaining to the appointment of the Private Secretaries shall stand repealed.

"LAHORE HIGH COURT, LAHORE

ORDER

In exercise of powers conferred by sub-para (iv) of Government of the Punjab, Finance Department's Notification No.Judl-I-X(Home)/89, dated 08.10.1995, the Hon'ble Chief Justice is pleased to accord sanction to the up-gradation of the posts of Superintendents of this Court from BS-16 to BS-17 with effect from 1.1.1999 and also change their nomenclature as "Assistant Registrars."

[1][Assistant Registrar]

8. Subject to the right of the Chief Justice to make direct appointment, vacancies in the posts of Superintendents shall be filled by promotion **(on the basis of Seniority- cum-fitness) from amongst Assistants as forming one group and Judgment Writers and Readers as forming the second group in the proportion of 3 :2 as shown below: -

[1] Sub. By Notification No.903-B/1-A-2(b)/98-99 dated 23.01.1999

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First Vacancy Assistant
Second Vacancy Judgment Writer
Third Vacancy Assistant
Fourth Vacancy Reader
Fifth Vacancy Assistant
Sixth Vacancy Discretion of Chief Justice.

Explanatory Note:-

The Head Translator shall be Considered along with the Readers. The private Secretary to the Chief Justice shall*be eligible from the Division in which he last belonged.
If the incumbent of this post is recruited from outside the establishment, he shall be deemed to belong to the category of Readers.
Provided that no person shall be promoted on regular basis or confirmed as Superintendent unless he has successfully passed such departmental examination as may be prescribed by the High Court from time to time:

Assistants.

9. (1) Regular appointment, promotion and confirmation to 75% posts in Assistants grade shall be out of Senior Clerks and Junior Clerks with five year service and who have passed the departmental examination prescribed by the High Court.
(2) (a) The remaining 25% of the vacancies in the Assistant grade shall be reserved for direct appointment of Graduates on the basis of a competitive examination.
(b) Graduates already working in the High Court shall also be eligible to sit in the competitive examination for appointment to vacancies reserved for direct recruitment.
(c) The age limit in the case of Graduates serving in the High Court shall be 35 years and in the case of others it shall be 25 years on the date of invitation applications.
(d) The Registrar shall prescribe the syllabus and the qualifying standard for the competitive examination".

Senior Clerks.

10. Appointments to the Senior Clerk's grade in 'B' Division shall be made by promotion on the basis of Seniority combined with fitness from among the junior Clerks, provided that appointment to this grade may be made of any official who has displayed a special merit as Junior Clerk and provided that graduates who have obtained 60% marks at the Junior Clerk's Examination held by the Public Service Commission shall be eligible to be

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appointed Senior Clerks direct.

Junior Clerks. 11. No person shall be appointed as Junior Clerk unless he has qualified at an examination and on the date of appointment is not more than 25 years of age or 28 years of age if he is member of a Scheduled. Castes or belongs to the Tribal areas adjoining the Dera Ghazi Khan district. The Chief Justice may, however, in special circumstances, appoint a person who has exceeded the age of 30 years or (provided he is within the prescribed age limit) anyone who has not qualified at the Junior Clerks' Examination held by the Public Service Commission.

Senior Translator.

12. Senior Translators shall be appointed by promotion on the basis of Seniority combined with fitness from amongst the junior Translators.

Junior Translators.

13. Appointments to the Junior Translators grade shall be made on the result of a competitive test which shall consist of the following subjects and the maximum marks fixed for each subject shall be as shown in the statement below:-

No.	Subject	Maximum Marks
i)	English Composition.	75
(ii)	Translation from Urdu into English. (a) Civil Judgment (b) Criminal Judgment. (c) Newspaper article.	(Three paper) 50 50 50
(iii)	Reading of manuscript form some Judicial file	50
(iv)	Typewriting	75

Appointment to and in Division "D" Judgment-Writers.

14\»Appointment of Judgment-writers-cum-Personal Assistants shall be made on the basis ofa competitive test.

Readers.

15. Appointment of Readers shall be made from amongst the members of the Establishment of the High Court who have qualified in the Readers Examination in the order of merit as

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established in the examination.

Provided that only these members of the Establishment shall be eligible to sit in the Reader's Examination who have, if they graduates put in two years service in this Court and, if they are non-graduates put in five years service in this Court.

Non-Ministerial Establishment.

16. Appointments to posts on the non-ministerial establishment shall be made by the Registrar.

PART-III

Conditions of Service.

17. Members of the High Court Establishment shall be entitled to pay (including Special pay) and allowances as fixed by the Chief Justice, from time to time with the approval of the Governor to these rules.

Increment.

18. The establishment of the High Court is on a time scale; but a periodical increment shall not be given to any official unless his conduct and work have been satisfactory. Gezetted Officers, except Superintendents and "the Private Secretary to the Chief Justice, Shall, however, draw their increments as a matter of course unless they are withheld by the Chief Justice.

Seniority.

19. The seniority of the members of the establishment shall be determined by the date of confirmation in the post, provided that if two or more members are confirmed in the same grade on the same date, they shall retain the seniority which they held in their previous posts; provided further that in the case of first appointments made without a competitive test, seniority shall be determined by the marks obtained in the qualifying Examination held by the Public Service Commission.

20. Subject to the provisions of rule 7, all matters relating to appointment, promotion and seniority shall be decided by the Registrar, if specially empowered; or *in* the absence of such powers by the Administrative Judge; provided that an appeal shall lie against;

(a) an order of substantive appointment, by promotion or otherwise, to a permanent post or pensionable post, the maximum pay of which is Rs.60 or more per mensem:

(b) an order of temporary appointment which is to last for more than three months in respect of a post, the maximum pay of which is Rs.6 or more per mensem, and

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(c) an order fixing the seniority of any member of the establishment, Such appeal shall lie to the authorities indicated in Schedule-II attached to these rules.

Vaccination.

21. Every member of the establishment is required to be vaccinated or re- vaccinated if and when the Chief Justice directs. Leave, Pension, etc.

Leave, Pension etc,

22. In respect of salaries, allowance, leave or pension, the members of the establishment shall be governed by the Civil Service Rules (Punjab) as amended from time to time.

Penalties.

23. (a) The following penalties may for good and sufficient reasons be imposed upon the members of the establishment: -

1) Censure;
2) Recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders;
3) Withholding of increments or promotion, including stoppage at an efficiency bar, if any;
4) Reduction to a lower post or time scale or to a lower stage in a time scale;
5) [1][Compulsory retirement from service]
6) Removal from service; and
7) Dismissal,

(b) Any of the above penalties may be inflicted by the Registrar when specially empowered in this behalf, or in the absence of such powers by the Administration Judge, provided that no such penalties shall be imposed on the Register or other gazetted officer to whom these rules shall apply, except by the Chief Justice.

(c) The procedure for passing an order imposing any of the above penalties shall be the same as provided in rule 14.13 of the Civil Service Rules (Punjab), Volume I, Part-I."

[1][(d). A member of the establishment may, pending an inquiry against him, be placed under suspension or required to proceeded on leave.]

Appeals.

24 An appeal shall lie only against an order passed under rules 20 and 23 of these rules to the Authorities indicated in Schedule-II.

25. (a) AW members of the establishment shall be subject to the Government Servants' Conduct Rules as amended from time to time; provided that in case any member engages himself in business, trade or other employment, it will be necessary for him to obtain the previous permission, in writing, not of the Government, but of the Chief Justice.

(b) Annual Confidential reports on the prescribed form shall be maintained in respect of all gazetted officers and members of the ministerial establishment.

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[1] Sub. Inst. By Notification No.25546/Legis dated 21.12.2006.

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Powers of the Chief Justice.

26. Nothing in these rules shall be deemed to limit or abridge the powers of the Chief Justice to appoint or promote any person who has neither passed nor qualified at an examination held by the Public Service Commission or under these rules or to deal with the case of any person in such manner as may appear to him to be just and equitable.

Retirement.

27. A member of the High Court Establishment shall retire from service.
(a) on such da ter he has completed 25 years of service, qualifying for pension or other retirement benents, as the appointing authority may in the Public interest or on the request of the member, direct; or
(b) where no direction is given under clause (a), on the completion of60th year of his age.

Employment After Retirement

28. (I) A retired member of the High Court Establishment shall not be re- employed in the High Court unless re-employment is necessary in the Public Interest and except where the appointing authority is the Chief Justice, is made with the prior approval of the Chief Justice.

(2) Subject to the provisions of Sub-section (I) Section 3 of the EX-Government Servants Employment with the Foreign Government (Prohibition) Act, 1966, a member of the High Court Establishment may, during leave preparatory to retirement, or after retirement from service, seek any private employment;

Provided that, where employment is sought by a member of the High Court Establishment while on leave preparatory to retirement, he shall obtain the prior approval of the Chief Justice.

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APPENDIX

LETTERS PATENT CONSTITUTING THE HIGH COURT OF JUDICATURE AT LAHORE, FOR THE PROVINCES OF THE PUNJAB AND DELHI, DATED THE 21ST MARCH, 1919.

GEORGE THE FIFTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas. King. Defender of the Faith, Emperor of India, to all to whom these Presents shall come, greeting:

Whereas by an Act *of* Parliament passed in the Fifth and Sixth years of Our Reign and called the Government *of* India Act. 1915. it was amongst other things enacted that it should be lawful for Us by Fetters Patent to establish a High Court *of* Judicature in ary territory in British India whether or not included within the limits of the local jurisdiction of another High Court and to confer on any High Court so established any such jurisdiction, powers and authority as were vested in or might be conferred on any High Court existing at the commencement of that Act.

And whereas the Provinces of the Punjab and Delhi are now subject to the jurisdiction of the Chief Court of the Punjab which was established by an Act of the Governor-General of India in Council, being Act No.XXIll of 1865. and was continued by later enactments and no part of the said Provinces is included within the limits of the local jurisdiction of any High Court.

Establishment of High Court at Lahore.

1. Now know ye that We, upon full consideration of the premises, and of our special grace, certain knowledge, and mere motion, have thought fit to erect and establish, and by these presents We do accordingly for Us. Our heirs and successors, erect and establish, for the Provinces of the Punjab and Delhi aforesaid, with effect from the date of the publication of these presents in the Gazette *of* India, a High Court of Judicature, which shall be called the High Court of Judicature at Lahore, and We do hereby constitute the said Court to be a Court of Record

Constitution and first Judges of the High Court.

2. And We do hereby appoint and ordain that the High Court of Judicature at Lahore shall, until further or other provision be made by us. or Our heirs and successors, in that behalf in accordance with section one hundred and one *of* the said recited Government of India Act, 1915, consist of a Chief Justice and six other Judges, the first Chief Justice being Sir Henry Adolphus Rattigan, Knight, and the six other Judges being William Chevis, Esquire, Henry Scot-Smith, Esquire, Shadi Lai, Esquire, Rai Bahadur, Walter Aubin leRossignol, Esquire, Eeyeester Hudson Leslie Jones, Esquire, and Alan Brice

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Broadway, Esquire, being respectively qualified as in the said Act is declared.

Declaration to be made by Judges.

3. And We do hereby ordain that the Chief Justice and every other Judge of the High Court of Judicature at Lahore, previously to entering upon the execution of the duties of his office, shall make and subscribe the following declaration before such authority or person as the Lieutenant-Governor of the Punjab may commission to receive it:-"I, A.B., appointed Chief Justice [or a Judge] of the High Court of Judicature at Lahore, do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge and judgment."

Seal.

4. And We do hereby grant, ordain and appoint that the High Court of Judicature at Lahore shall have and use, as occasion may require, a seal bearing a device and impression of Our Royal arms, within an exergue or label surrounding the same, with this inscription, "The Seal of the High Court at Lahore", and We do further grant, ordain and appoint that the said seal shall be delivered to and..kept in the custody of the Chief Justice, and in case of vacancy of the office of Chief Justice, or during any absence of the Chief Justice, the same shall be delivered over and kept in the custody of the person appointed to act as Chief Justice under the provisions of section one hundred and five of the Government of India Act, 1915; and We do further grant, ordain and appoint that , whensoever the office of Chief Justice or of the Judge to whom the custody of the said seal be committed is vacant, the said High Court shall be, and is hereby, authorized and empowered to demand, seize and take the said seal from any person or persons whomsoever, by what ways and means soever the same may have come to his, her or their possession.

Writs, etc., to Issue in name of the Crown, and under seal.

5. And We do hereby further grant, ordain and appoint that all writs, summonses, precepts, rules, orders and other mandatory process to be used, issued or awarded by the High Court of Judicature at Lahore shall run and be in the name and style of Us, or of Our heirs and successors, and shall be sealed with the seal of the said High Court.

Appointment of Officers.

6. And We do hereby authorize and empower the Chief Justice of the High Court of Judicature at Lahore from time to time, as occasion may require, and subject to any rules and restrictions which may be prescribed from time to time by the Lieutenant-Governor of the Punjab, to appoint so many and such clerks and other ministerial officers as may be found necessary for the administration of justice and the due execution of all the powers and authorities granted and committed to the said High Court by these Our Letters Patent. And it is

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Our further will and pleasure, and We do hereby, for Us, Our heirs and successors, give, grant, direct and appoint, that all and every the officers and clerks to be appointed as aforesaid shall have and receive respectively such reasonable salaries as the Chief Justice may, from time to time, appoint for each office and place respectively, and as the Lieutenant-Governor of the Punjab, subject to the control of the Governor-General in Council, may approve of: Provided always, and it is Our will and pleasure, that all and every the officers and clerks to be appointed as aforesaid shall be resident within the limits of the jurisdiction of the said Court, so long as they hold their respective offices, but this proviso shall not interfere with or prejudice the right of any officer or clerk to avail himself of leave of absence under any rules prescribed from time to time by the Governor-General in Council, and to absent himself from the said limits during the term of such leave in accordance with the said rules.

Admission of Advocates, Vakils and Attorneys.

7. ***[Omitted].

8. *** [Omitted].

Civil Jurisdiction of the High Court.

Extraordinary original civil jurisdiction.

9. And We do further ordain that the High Court of Judicature at Lahore shall have power to remove, and to try and determine, as a Court of extraordinary original jurisdiction, any suit being or falling within the jurisdiction of any Court subject to its superintendence, when the said High Court may think proper to do so, either on the agreement of the parties to that effect, or for purposes of justice, the reasons for so doing being recorded on the proceedings of the said High Court.

10. ***[Omitted].

Appeal from other Civil Courts in the provinces of the Punjab and

11. And We do further ordain that the High Court of Judicature at Lahore shall be a Court of Appeal from the Civil Courts of the Provinces of the Punjab and Delhi and from all other Courts subject to its superintendence, and shall exercise appellate jurisdiction in such cases as were, immediately before the date of the publication of these presents, subject to appeal to the Chief Court of the Punjab by virtue of any law then in force, or as may after that date be declared subject to

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appeal to the High Court of Judicature at Lahore by any lavs made by competent legislative authority for India.

Jurisdiction as to infants and lunatics.

12. And We do further ordain that the High Court of Judicature at Lahore shall have the like power and authority with respect to the persons and estates of infants, idiots and lunatics within the Provinces of the Punjab and Delhi as that which was vested in the Chief Court of the Punjab immediately before the publication of these presents.

Law to be administered by the High Court.

By the High Court in the exercise of extraordinary original civil jurisdiction.

13. And We do further ordain that, with respect to the law or equity to be applied to each case coming before the High Court of Judicature at Lahore in the exercise of its extraordinary original civil jurisdiction, such law or equity shall, until otherwise provided, be the law or equity which would have been applied to such case by any local court having jurisdiction therein.

By the High Court In the exercise of Appellate Jurisdiction.

14. And We do further ordain that, with respect to the law or equity and rule of good conscience to be applied by the High Court of Judicature at Lahore to each case coming before it in the exercise of its appellate jurisdiction, such law or equity and rule of good conscience shall be the law or equity and rule of good conscience which the Court in which the proceedings in such case were originally instituted ought to have applied to such case.

Criminal Jurisdiction.

Ordinary original criminal jurisdiction of the High Court.

15. And We do further ordain that the High Court of Judicature at Lahore shall have ordinary original criminal jurisdiction in respect of all such persons within the Provinces of the Punjab and Delhi as the Chief Court of the Punjab had such criminal jurisdiction over immediately before the publication of these presents.

Jurisdiction as To person.

16. And We do further ordain that the High Court of Judicature at Lahore, in exercise *of* its ordinary original criminal jurisdiction, shall be empowered to try all persons brought before it in due course of law.

Extraordinary original criminal jurisdiction.

17. And We do further ordain that the High Court of Judicature at Lahore shall have extraordinary original criminal jurisdiction over all persons residing in places within the jurisdiction of any Court subject to its superintendence, and shall have authority to try at its discretion any such persons brought before it on charges preferred by am Magistrate or other officer specially empowered by the Government in that behalf.

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No appeal from High Court exercising original jurisdiction Court may reserve points of law.

18. And We do further ordain that there shall be no appeal to the High Court of Judicature at Lahore from any sentence or order passed or made by the Courts of original criminal jurisdiction which max be constituted by one or more Judges of the said High Court. But it shall be at the discretion of any such court to reserve any point or points of law for the opinion of the said High Court.

High Court to review cases on points of law reserved by one or more Judges of the High Court.

19. And We do further ordain that, on such point or points of law being so reserved as aforesaid, the High Court of Judicature at Lahore shall have full power and authority to review the case, or such part of it as may be necessary, and finally determine such point or points of law, and thereupon to alter the sentence passed by the Court of original jurisdiction and to pass such judgment and sentence as to the said High Court max seem right

Appeal from other Criminal Courts in the Province of the Punjab and Delhi.

20. And We do further ordain that the High Court of Judicature at Lahore shall be a Court of Appeal from the Criminal Courts of the Provinces of the Punjab and Delhi and from all other Courts subject to its superintendence, and shall exercise appellate jurisdiction in such cases as were, immediately before the date of the publication of these presents, subject to appeal to the Chief Court of the Punjab by virtue of any law then in force, or as may after that date be declared subject to appeal to the High Court of Judicature at Lahore by any law made by competent legislative authority for India.

Hearing of referred cases and revision of criminal trials.

21. And We do further ordain that the High Court of Judicature at Lahore shall be a court of reference and revision from the Criminal Courts subject to its appellate jurisdiction, and shall have power to hear and determine all such cases referred to it by the Sessions Judges, or by any other officers in the Provinces of the Punjab and Delhi who were, immediately before the publication of these presents, authorized to refer cases to the Chief Court of the Punjab and to revise all such cases tried by any officer or court possessing criminal jurisdiction in the Provinces of the Punjab and Delhi, as were, immediately before the publication of these presents, subject to reference to or revision by the Chief Court of the Punjab.

High Court may Direct the transfer of a case from one Court to another

22. And We do further ordain that the High Court of Judicature at Lahore shall have power to direct the transfer of any criminal case or appeal from any Court to any other Court of equal or superior jurisdiction, and also to direct the preliminary investigation or trial of any criminal case by any officer or Court otherwise competent to investigate or try it. though such case belongs in ordinary course to the jurisdiction of some other officer or Court.

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Offenders to be punished under Indian Penal Code.

23. And We do further ordain that all persons brought for trial before the High Court of Judicature at Lahore, either in the exercise of its original jurisdiction, or in the exercise of its jurisdiction as a court of appeal, reference or revision, charged with any offence for which provision is made by Act No. XLV of 1860, called the "Indian Penal Code," or by any Act amending or excluding the said Act which may have been passed prior to the publication of these presents, shall be liable to punishment under the said Act or Acts, and not otherwise.

Testamentary and Intestate Jurisdiction .

Testamentary And Intestate Jurisdiction.

24. And We do further ordain that the High Court of Judicature at Lahore shall have the like power and authority as that which was immediately before the publication of these presents lawfully exercised within the Provinces of the Punjab and Delhi by the Chief Court of the Punjab, in relation to the granting of probates of last wills and testaments, and letters of administration of the goods, chattels, credits and all other effects whatsoever of persons dying intestate: Provided always that nothing in these Letters Patent contained shall interfere with the provisions of any law which has been made by competent legislative authority for India, by which power is given to any other Court to grant such probates and letters of administration.

Matrimonial Jurisdiction.

Matrimonial Jurisdiction

25. And We do further ordain that the High Court of Judicature at Lahore shall have jurisdiction, within the Provinces of the Punjab and Delhi, in matters matrimonial between Our subjects professing the Christian religion: Provided always that nothing herein contained shall be held to interfere with the exercise of any jurisdiction in matters matrimonial by any Court, not established by Letters Patent within the said Provinces which is lawfully possessed of that jurisdiction.

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Powers of Single Judges and Division Courts.

Single Judges and Division Courts.

26. And We do hereby declare that any function which is hereby directed to be performed by the High Court of Judicature at Lahore in the exercise of its original or appellate jurisdiction, may be performed by any Judge, or by any Division Court, thereof, appointed or constituted for such purpose in pursuance of section one hundred and eight of the Government of India Act, 1915; and if such Division Court is composed of two or more Judges and the Judges are divided in opinion as to the decision to be given on any points, such points shall be decided according to the opinion of the majority of the Judges, if there be a majority, but, if the Judges be equally divided, they shall state the point upon which they differ and the case shall then be heard upon that point by one or more of the other Judges and the point shall be decided according to the opinion of the majority of the Judges who have heard the case, including those who first heard it.

Civil Procedure.

Regulation of proceedings.

27. And We do further ordain that it shall be lawful for the High Court of Judicature at Lahore from time to time to make rules and orders for regulating the practice of the Court and for the purpose of adapting as far as possible the provisions of the Code of Civil Procedure, being an Act, No. V of 1908. passed by the Governor-General in Council, and the provisions of any law which has been or may be made, amending or altering the same, by competent legislative authority for India, to all proceedings in its testamentary, intestate and matrimonial jurisdiction, respectively.

Criminal Procedure.

Regulation of proceedings

28. And We do further ordain that the proceedings in all criminal cases brought before the High Court of Judicature at Lahore shall be regulated by the Code of Criminal Procedure being an Act, No. V of 1898, passed by the Governor-General in Council or by such further or other laws in relation to criminal procedure as may have been or may be made by competent legislative authority for India.

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Appeals to Privy Council.

Power to appeal in civil cases.

29. And We do further ordain that any person or persons may appeal to Us. Our heirs and successors, in Our or their Privy Council in any matter not being of criminal jurisdiction from any final judgment, decree or order of the High Court of Judicature at Lahore made on appeal, and from any final judgment, decree or order made in the exercise of original jurisdiction by Judges of the said High Court, or of any Division Court, from which an appeal does not lie to the said High Court, under the provisions contained in the 10th clause of these presents: provided, in either case, that the sum or matter at issue is of the amount or value of not less than 10,000 rupees or that such judgment, decree or order involves, directly or indirectly, some claim, demand or question to or respecting property amounting to or of the value of not less than 10,000 rupees; or from any other final judgment, decree or order made either on appeal or otherwise as aforesaid, when the said High Court declares that the case is a fit one for appeal to Us, Our heirs or successors, in Our or their Privy Council; but subject always to such rules and orders as are now in force or may from time to time be made respecting appeals to Ourselves in Council from the Courts of the Provinces of the Punjab and Delhi, except so far as the said existing rules and orders respectively are hereby varied and subject also to such further rules and orders as We may, with the advice of Our Privy Council, hereafter make in that behalf.

Appeal from interlocutory judgments.

30. And We do further ordain that it shall be lawful for the High Court of Judicature at Lahore at its discretion on the motion, or, if the said High Court be not sitting, then for any Judge of the said High Court, upon the petition, of any party who considers himself aggrieved by any preliminary or interlocutory judgment, decree or order of the said High Court, in any such proceeding as aforesaid, not being of criminal jurisdiction, to grant permission to such party to appeal against the same to Us. Our heirs and successors, in Our or their Privy Council, subject to the same rules, regulations and limitations as are herein expressed respecting appeals from final judgments, decrees and orders.

Appeal in criminal cases.

31. And We do further ordain that from any judgment, order or sentence of the High Court of Judicature at Lahore, made in the exercise of original criminal jurisdiction or in any criminal case where any point or points of law have been reserved for the opinion of the said High Court, in manner provided by the 18th clause of these presents by any Court which has exercised original jurisdiction, it shall be lawful for the person aggrieved by such judgment, order or sentence to appeal to

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Us, Our heirs or successors, in Council, provided the said High Court declares that the case is a fit one for such appeal, and that the appeal be made under such conditions as the said High Court may establish or require, but subject always to such rules and orders as are now in force, or may from time to time be made, respecting appeals to Ourselves in Council from the Courts of the Provinces of the Punjab and Delhi.

Rules as to transmission of copies of evidence and other documents.

32. And We do further ordain that, in all cases of appeal made from any judgment, decree, order or sentence of the High Court of Judicature at Lahore to Us, Our heirs or successors, in Our or their Privy Council, such High Court shall certify and transmit to Us, Our heirs and successors, in Our or their Privy Council, a true and correct copy of all evidence, proceedings, judgments, decrees and orders had or made, in such cases appealed, so far as the same have relation to the matters of appeal, such copies to be certified under the seal of the said High Court. And that the said High Court shall also certify and transmit to Us, Our heirs and successors in Our or their Privy Council, a copy of the reasons given by the Judges of such Court, or by any of such Judges, for or against the judgment or determination appealed against. And We do further ordain that the said High Court shall, in all cases of appeal to Us, Our heirs or successors, conform to and execute, or cause to be executed, such judgments and orders as We, Our heirs or successors, in Our or their Privy Council, may think fit to make in the premises, in such manner as any original judgment, decree or decretal orders or other order or rule of the said High Court, should or might have been executed.

Exercise of Jurisdiction elsewhere than at the usual place of sitting of the High Court.

Special commission and circuits.

33. And We do further ordain that whenever it appears to the Lieutenant-Governor of the Punjab, subject to the control of the Governor-General in Council, convenient that the jurisdiction and power by these Our Letters Patent, or by or under the Government of India Act, 1915, vested in the High Court of Judicature at Lahore should be exercised in any place within the jurisdiction of any Court subject to the superintendence of the said High Court, other than the usual place of sitting of the said High Court or at several such places by way of circuit, one or more Judges of the Court shall visit such place or places accordingly.

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Proceedings of Judges on special commission or circuit.

34. And We do further ordain that whenever any Judge or Judges of the High Court of Judicature at Lahore visit any place under the 33[r] clause of these presents proceedings in cases before him or them at such place shall be regulated by any law relating thereto which has been or may be made by competent legislative authority for India.

Delegation of Duties to Officers.

Powers to delegate duties

35. The High Court of Judicature at Lahore may from time to time make rules for delegating to any Registrar, Prothonotary or Master or other official of the Court any judicial, quasi-judicial and non-judicial duties.

Calls for Records, etc., by the Government.

High Court to comply with requisitions from Government for Records, etc.

36. And it is Our further will and pleasure that the High Court of Judicature at Lahore shall comply with such requisitions as may be made by the Governor-General in Council or by the Lieutenant-Governor of the Punjab for records, returns and statements in such forms and manners as he may deem proper.

Powers of Indian Legislatures.

Powers of Indian Legislatures preserved.

37. And We do further ordain and declare that all the provisions of these Our Letters Patent are subject to the legislative powers of the Governor-General in Legislative Council, and also of the Governor-General in Council under section seventy one of the Government India Act, 1915, and also of the Governor-General in cases of emergency under section seventy two of that Act, and may be in all respects amended and altered thereby.

IN WITNESS whereof We have caused these Our Letters to be made Patent.

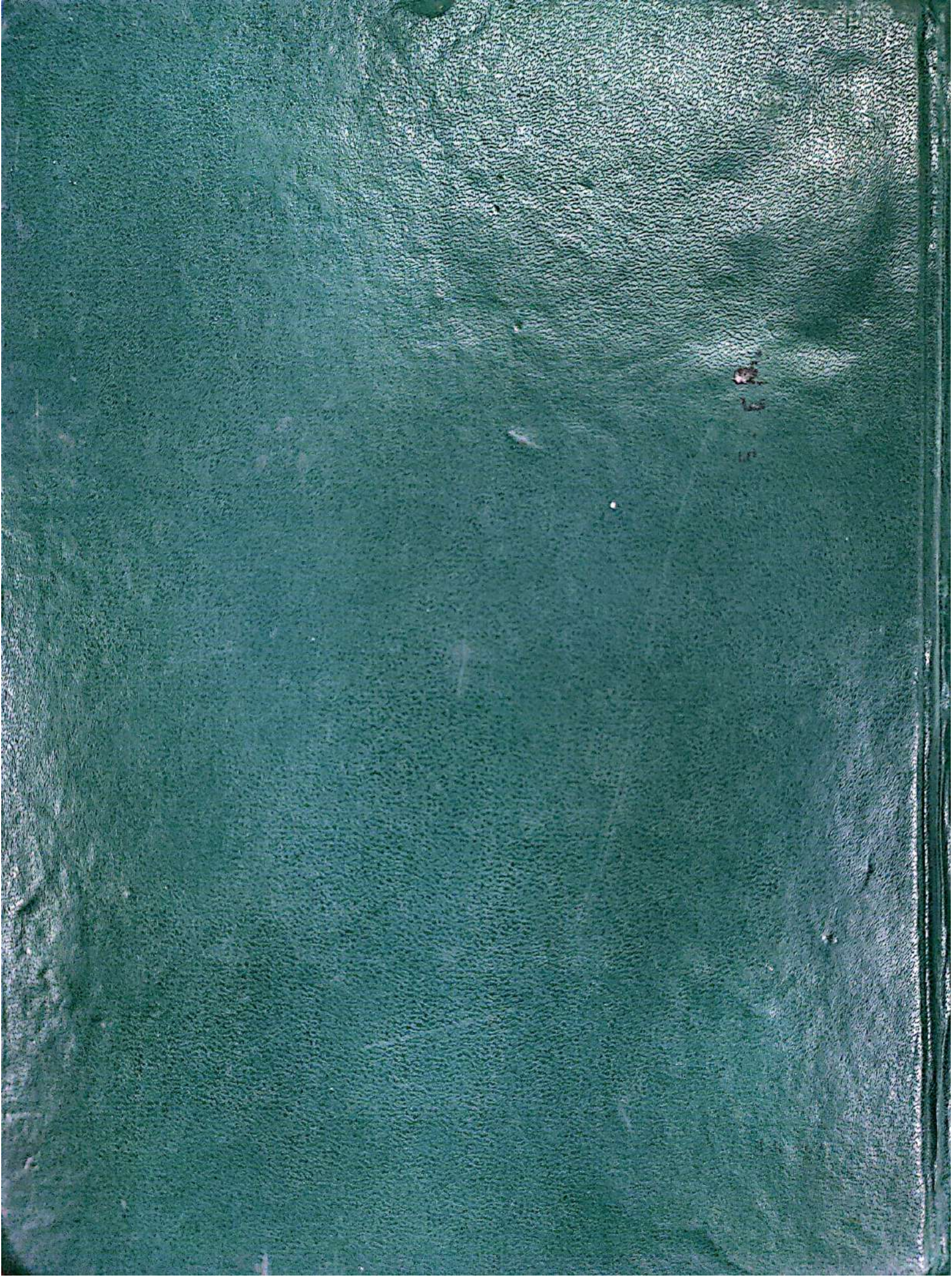
WITNESS Ourselves at West Minister the 21st day of March in the year of our Lord one thousand nine hundred and nineteen and in the Ninth Year of Our Reign.

By Warrant under the King's Sign Manual.

[Signed.]

SCHUSTER.

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