

## CHAPTER V

### **Powers of the Registrar, Deputy Registrar and other Officers of the Court**

1. In addition to the powers conferred upon him by other rules, the Registrar shall have the following duties and powers:-
  - (i) To receive an appeal under Article 4 of the Orissa High Court Order, 1948 read with Clause 10 of the Letters Patent constituting the High Court of Judicature at Patna;
  - (ii) To receive an application for probate or letters of administration or for revocation of the same and to issue notices thereon;
  - (iii) To receive a plaint or an appeal from the decree or order of a Subordinate Civil Court, or an application under section 115 of the Code of Civil Procedure or under section 25 of the Provincial Small Cause Courts Act;
  - (iv) To dispose of all matters relating to:-
    - (a) court-fees; and
    - (b) service of notices or other processes;
  - (v) To receive and dispose of an application under Order XXII, Rules 2,3,4 or 10 and to amend the record, if necessary, except in cases under appeal to the Supreme Court;
  - (vi) To appoint or discharge a next friend or guardian *ad litem* of a minor or person of unsound mind, except in cases under appeal to the Supreme Court, and to amend the record accordingly;
  - (vii) To receive and dispose of an application under Chapter VI, Rules 2 to 7 and to amend the record, if necessary;
  - (viii) To receive and dispose of an application for the withdrawal of an appeal or a consent decree or order;
  - (ix) To receive and dispose of an application under Order XLI, Rules 5, 6, 8 and 10;

Provided that an application for an interim order in any appeal which has not been admitted shall be placed for orders of the Court;

- (x) To receive an application under Order XLV, Rule 2 or 15 and to issue notice therein;
- (xi) To receive an application for substitution of names in an appeal to the Supreme Court and to issue notice thereon;
- (xii) To require any memorandum of appeal, petition, application or other proceeding presented to the Court or to the Registrar to be amended in accordance with the procedure or practice of the Court;
- (xiii) To call for records from Subordinate Courts:-
- (xiv) To dispose of requisitions by Subordinate Courts for records and documents;
- (xv) To receive and dispose of an application for the return of a document;
- (xvi) 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;
- (xvii) To stop at his discretion the issue of all or any papers to any person who has failed to pay any fee or charges due to the Court;
- (xviii) To give leave to search the records of the Court under the rules in that behalf;
- (xix) To dispose of all applications for copies of records whether presented by parties or by persons who are not parties to the proceedings to which such records relate;
- (xx) To decide the question of the necessity for transcribing and printing any accounts not specifically applied for by the parties to an appeal to the Supreme Court;
- (xxi) 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 costs of preparing the record;
- (xxii) To order payment of the interest accruing on Government promissory notes deposited under Order XLV, Rule 7 and to order the refund of any unexpended balance under Order XLV, Rule 12;
- (xxiii) To direct in what newspapers the publication referred to in Order XLV, Rule 9-A of the Code of Civil Procedure shall be made;

- (xxiv) To receive complaints, written statements, applications and affidavits in suits, proceedings and executions, hear and dispose of matters relating to issue and service of summons, amendment of pleadings, discovery, production and impounding of documents, settlement of issues, fixing dates of hearing and attendance of witnesses in suits and proceedings under the Banking Companies Act as amended by Act XX of 1950 and, in general, to deal with all matters up to the stage of making any such case ready for final disposal by the Bench; to hear and dispose of all applications for execution of decrees or orders in such cases or proceedings; provided that every contested matter in such cases and proceedings will be placed for final hearing disposal before the Bench;
- (xxv) To receive an application under Order XLIV, Rule 1 of the Code of Civil Procedure to appeal in forma pauperis:

Provided that the Registrar may refer any matter under this rule to the Court for orders:

Provided further that whenever compliance of any order passed by the Registrar is not made or defect not removed within the time allowed by him or within the time limited therefore in the rules hereinafter contained, the appeal or application shall without being listed in that matter before the Registrar be placed before the Bench for dismissal of the appeal or application as the case may be. This proviso shall not apply to matters which the Registrar is empowered to finally dispose of without reference to the Bench under the rules.

2. Subject to such orders as may be passed by the Chief Justice the Registrar may delegate any of his functions under these rules except those which are of a judicial or quasi-judicial character to the Deputy Registrar or to any other officer of the Court.
3. Appeals and applications entertainable by the Registrar shall be presented to him and not to a Bench.
4. In the absence of the Registrar or whenever the Chief Justice so directs, his powers and duties under <sup>[1]</sup> **Rule 1 (i) to (xiii)** of this Chapter shall be performed by a Judge or Judges and his powers and duties under <sup>[2]</sup> **Rule 1 (xiv) to (xxv)** shall be performed by the Deputy Registrar or any other officer of the Court.
5. In the absence of the Deputy Registrar his powers and duties or any of them may, if the Registrar so directs be performed by any other officer of the Court.

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[1] & [2] substituted vide c.s. No.18