

P A R T – III
C H A P T E R – XIX
APPEALS TO THE SUPREME COURT
PART A-CIVIL

1. Subject to the provisions of the Supreme Court Rules, 1966, as amended from time to time, the provisions of Order XLV of the Code of Civil Procedure and these rules, so far as may be applicable, shall apply in relation to applications for a certificate to appeal to the Supreme Court under any provision of law including applications under Articles 132(1), 133(1) and 135 of the Constitution.

Rule 2 to 9 deleted

10. Immediately after grant of the certificate by the Court or on receipt of the order of the Supreme Court granting special leave to appeal the Deputy Registrar shall call for the records and other material papers from the Court below.

11. On receipt of the order of the Supreme Court granting special leave to appeal, the Registrar shall cause it to be registered and after check up with regard to names etc., of the parties, the case shall be laid before the Court for orders.

12. On receipt of the order and the copy of the petition of appeal from the Supreme Court, the Register shall -

- i) cause notice of the lodgment of the petition of appeal to be served on the respondent in the manner prescribed in Rule-3. In case the respondent had not been represented at the hearing of the connected case by an Advocate notice of the lodgment of the petition of appeal shall be served on the respondent;
- ii) as soon as notice as aforesaid is served, send a certificate as to the date or dates on which the said notice was served.

13. (1) Where the proceedings from which the appeal arises had, in this Court or in the Courts below, been in the English language, the Registrar shall, unless otherwise ordered by the Supreme Court, transmit to the Court at the expense of the appellant, the original record of the case including the records of the Court below soon after the receipt from that Court of the copy of the petition of appeal.

(2) Where the proceedings from which the appeal arises had, in this Court or in the Courts below, not been in the English language, the Registrar shall within six months from the date of the service on the respondent of the notice of the petition of appeal, transmit to the Supreme Court in triplicate, a transcript in English, of the record proper of the appeal to be laid before the Court., one copy of which shall be duly authenticated and no original record shall be transmitted until specifically requisitioned.

Explanation – ‘ Record proper ’ means the complete collection of all documents which have been settled to be included in the paper book in accordance with Rules 16,17 and 18 of Order XV of the Supreme Court Rules, 1966.

(3) The provisions of rules 15 to 20 of Order XV of the Supreme Court Rules, 1966 shall apply mutatis mutandis when a transcript in English is to be prepared and transmitted under sub-rule(2).

(4) The provisions contained in Rules 15 to 20 of Order XV of the Supreme Court Rules, 1966 shall apply mutatis mutandis when the record itself is to be prepared under special direction of the Supreme Court under Rule 27 of Order XV of the Supreme Court Rules, 1966, under the supervision of the Registrar of this Court.

(5) The list to be filed by the appellant under rule 15 and the additional list to be filed by the respondent under Rule 16 of order XV of the Supreme Court rules shall be accompanied by a chalan showing deposit of Rs.16 as estimating cost with the cashier of the Court. This amount shall be taken into account while preparing the estimate of costs to be paid by the appellant and the respondent under Rules 18 and 19 Order XV of the Supreme Court Rules respectively.

14. The following charges shall be estimated for and be payable in respect of the matters specified –

	Rs. P.
Estimate of costs ...	16.00
Translation for every 150 words or less ...	1.00
Preparation of the transcript in triplicate ...	The rates specified in Chapter XII, O.H.C. Rules.
Authenticating one copy of the transcript record, for every 8 pages.	1.00
Preparation of the index, for every 16 pages	1.00
Preparation of the list of omitted documents, for every paper	0.10
Checking fee per page	0.10
For transmission of the record to the Supreme Court	According to existing Postal railway rates.

Note - Where translation of a document cannot be made by the translators of the Court because of difficulty of language, a Translator from outside may be engaged and his fees determined by the Registrar.

15. (1) In case the record of a case is printed under the supervision of the Registrar of this Court, over and above the charges mentioned in Rule 16, printing charges shall be payable at the following rates :-

Per printed page where not more that 70 copies are required	Rs.4.50 P
Per printed page for tabular matter exceeding one-tenth of	Rs.5.50 P
The whole paper book	
Certifying one copy of the printed record, for every 8 pages	Rs.1.00 P

(2) Special charges for maps shall be realised according to their size, the size of the paper book being taken as the unit of measurement and the rate shall be Rs.4.50 a page. The page which is taken as the unit of measurement shall include the margins of the page, and a margins of one inch all round the printed matter shall be allowed to be included in the portions of the maps and plans to be paid for. When a whole map or plan occupies more than one page a portion occupying space equivalent to half a page or more shall be charged for as for a full page and a portion of smaller size shall not be charged for at all. Where a whole map or plan is smaller than a page it shall be charged for as for a full page and where a map or plan occupies a diagonal on a rectangular paper leaving blank spaces on its two sides, the map or plan shall be taken as covering the whole of the rectangular paper with a margin of one inch all round it. Where maps contain colours an additional charge of 50 per centum shall be made irrespective of the number of colours used or the extent of the colouring.

16. Where the appellant, fails to make the required deposit and the preparation of the record is suspended as required by Rule 23 of Order XV of the Supreme Court Rules, the default shall be reported to the Supreme Court and where the respondent defaults in depositing the requisite charges the documents may be excluded from the record and a note to that effect may be made in the index.

17. In case the time for making any deposit fixed or granted under these rules expires during the vacation when the office remains open for the transaction of urgent business, the deposit shall be made on that day or the next following day when the office remains open for the transaction of urgent business.

18. Where after reparation of the transcript or printing of the record for transmission to the Supreme Court, it is found that the amount deposited by either party is not sufficient to defray the cost of preparation or printing of his portion of the record, the Registrar shall call upon the party concerned to deposit the deficit cost within a time fixed by him but the transmission of the transcript or the printed record to the Supreme Court shall not be withheld. A note, however, that there is deficit cost to be realised either from the appellant or the respondent, as the case may be, will be forwarded along with the transcript or printed record. If the party fails to deposit the deficit cost within the time allowed by the Registrar, the matter shall be reported to the Supreme Court and shall also be laid before this Court for necessary orders.

19. The documents omitted from inclusion in the transcript or the printed record shall be enumerated in a type-written list to be transmitted with the record.

20. Soon after the transmission of the record, the Deputy Registrar, if appointed as guardian for any minor respondent, shall write to the Supreme Court expressing his inability to act for the minor and seeking permission to retire from such a guardianship. An intimation of his having done so shall be given to the appellant asking him to take steps in the Supreme Court for discharge of the guardian and for appointment of a new guardian of such minor in accordance with the rules of the Supreme Court. Notice will also be issued at the cost of the appellant to the natural guardian of the minor respondent informing him that the Deputy Registrar guardian has sought permission of the Supreme Court to retire from the guardianship of the said minor.

21. All applications by or on behalf of a minor or a person of unsound mind shall be made in the name of the minor or person of unsound mind by the person whose name is on the record as his next friend or guardian, and whenever any application is consented to or opposed by a minor or person of unsound mind, the minor or person of unsound mind shall in like manner be represented by the person who appears on the record as his next friend or guardian.

22. In case there is no next friend or guardian upon the record, a separate application for appointment of a next friend or guardian shall be made.

23. When a party who has been successful in an appeal to the Supreme Court applies for a certificate of the costs incurred in the appeal in this Court, the Registrar shall, upon production of the order of the Supreme Court for the payment of such costs and without reference to the Court prepare such certificate and place it on the record of the Supreme Court Appeal. A copy of the certificate may then be taken by the party in accordance with the rules of the Court.

24. An information of the receipt of the certificate of taxation of the cost incurred by the parties in the Supreme Court shall be given to the Advocate of the parties without delay.

P A R T B – CRIMINAL.

25. **Deleted**

26. Where the certificate applied for is granted, a certified copy of the judgment or order appeared against shall be supplied to the petitioner free of cost together with the certificate,

27. On receipt of the copy of the petition of appeal from the Registrar of the Supreme Court the record of the lower Court if it has been returned, shall be called for. Five copies or more of the printed record, if available for despatch to the Supreme Court, shall be transmitted along with the entire original record including the records of the Courts below one of such copies shall be duly authenticated by the Registrar of the High Court. In case only two copies of the High Court Paper Books be available for despatch to the Supreme Court, they may be treated as transcript of record for the purpose of printing there. Only such of the additional documents as the parties choose to include for the hearing of the appeal there shall be typed in duplicate and be transmitted to that Court along with the High Court paper books, one copy of which shall be duly authenticated.

Explanation I – For the purpose of this rule the original record shall not include judgments of the High Court and the Court below, but only duly authenticated copies thereof.

Explanation II – Printing for the purpose of this rule includes cyclostyling and typing and printed record includes cyclostyled or typed record.

28. In appeals involving sentence of death and in such other cases in which there is a direction from the Supreme Court, the transcript shall be prepared and printed, if it is to be printed under the supervision of the Registrar of the High Court, at the expense of the State. In cases where the records are to be printed under orders of the Supreme Court under the supervision of the Registrar of the High Court at the cost of the parties, they will be printed in accordance with the rules contained in the First Schedule to the Supreme Court Rules, 1966. Costs for preparation of the transcript of printing of the record shall be charged according to the rates prescribed in Part A of the rules of this Chapter and realised from the appellant except for the papers which are included at the instance of the respondent and which the appellant is not bound to include in the paper book. Costs of such papers shall be realised from the respondent.

29. The record of the case for transmission to the Supreme Court shall, subject to special direction if any in a particular case, include the judgment of the High Court, the certificate granted if any, the copy of the petition of appeal received from the Supreme Court, the papers already printed or typed in the paper book of the High Court stage, subject to the inclusion or exclusion of any paper in accordance with the list settled by the Registrar as per Rule 29.

30. Where the paper books are to be printed under the supervision of the Registrar of this Court under the orders of the Supreme Court, twenty-five copies of the record shall ordinarily be printed unless otherwise ordered by the Supreme Court. Not less than fifteen copies of the same shall be transmitted to the Supreme Court in cases where the appeal raises a question relating to the interpretation of the Constitution and not less than 10 copies in other cases.

31. In cases where the records are to be printed in this Court, the same shall be made ready and transmitted to the Supreme Court within a period forty-five days from the receipt of the copy of the petition of appeal from the Registrar of the Supreme Court.

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

33. As soon as the record is transmitted, notice of the fact shall be given to the parties to the appeal either through Advocates concerned, or direct if unrepresented, and a certificate as to the date or dates on which the notice has been served shall be sent to the Registrar of the Supreme Court; and in case of death sentence, two copies of the paper book, if it is printed here, shall be forwarded to the State Government.

34. When after the disposal of a case, a formal order is received from the Supreme Court, a copy of the same shall be forwarded at once to the lower Court concerned for necessary action; provided that in a case where a sentence of death has been passed confirmed or modified, copy of the formal order received from the Supreme Court shall be forwarded at once to the State Government for information or such action as they may think fit to take, followed by a copy of the judgment of the Supreme Court as soon as it is received in this Court.

35. In the case of a motion for bail, the appellant shall state whether any application for bail has been moved in the Supreme Court and, if so, with what result.
