

CHAPTER XXV
Preservation and Destruction of Civil and Criminal Records.

The following rules have been prescribed by the High Court under Section 3 of Act V of 1917 with the confirmation of the State Government.: -

1. Every record, unless otherwise provided, shall consist of two parts to be called respectively Part I and Part-II. To Part I, there shall be prefixed a title page coloured white and Part II, a title page coloured blue.
2. Part I shall be preserved for ever and Part II for 3 years, after the expiry of which it shall be destroyed:
Proviso..... Deleted
3. The time limit mentioned in the preceding rule shall be calculated from the date of the final decree or order, which, in cases of appeal to the Supreme Court will be that of the decree or order of Supreme Court respectively.
4. All copies of paper-books in excess of the number to be preserved either permanently or for 3 years, as directed in these rules, shall be kept separate from the records to which they relate and be destroyed on the expiry of one year from the final decree or order of the High Court, or of the Supreme Court as the case may be.

CIVIL RECORDS

5. Part-I of the record of every Original Civil case shall contain the following papers:-
 - (i) The table of contents;
 - (ii) The Order-sheet;
 - (iii) Preliminary decree, if any, preceded by the judgment on which it is founded;
 - (iv) The Judgment;
 - (v) The Final decree
 - (vi) The copy of the judgment and decree in appeal;
 - (vii) Plaint or application initiating the proceedings with any schedule;
 - (viii) The written statement of the defendant or the counter petition;
 - (ix) Memorandum of the issues;
 - (x) Award of arbitrators or petitions of compromise, if given effect to in the decree; also the return or report and the map and field book (if any) of a commissioner in matters relating to immovable property if referred to or given effect to in the decree but not any portion of the evidence taken by such commissioner also, in the case of minors or lunatics, any order of the Court sanctioning the compromise.
 - (xi) Any paper whose preservation may be directed by the presiding Judge or Judges.

Part II shall contain all other papers.

6. Rule 5 shall apply, as far as possible, to all records of Original Matrimonial cases, Testamentary and Interstate cases, Admiralty cases of a Civil nature.

7. Part I of every Civil Appeal shall contain the following papers: -

- (i) Table of contents;
- (ii) The order-sheet
- (iii) Remand order of the Court, if any;
- (iv) Deleted.**
- (v) Final Judgment of this Court;
- (vi) Decree;
- (vii) The memorandum of appeal;
- (viii) Deleted.**
- (ix) The memorandum of cross-objection;
- (x) Award of arbitrators or petitions of compromise, if given effect to in the decree; also in the case of Minors or lunatics, the order of the Court sanctioning the compromise;
- (xi) Deleted.**
- (xii) Any paper whose preservation may be directed by the presiding Judge or Judges.

Part II shall contain all other papers.

8. ^[1] Judgments/orders in Civil Appeals dismissed under Order XLI, Rule-11 of Letters Patent Appeals dismissed summarily and of cases dismissed for default or in which the plaint or memorandum of appeal has been rejected or returned, shall be included in part – I and Part – II shall contain other papers.

9. ^[2] Judgments and orders/order sheets passed by this Court in applications giving rise to Civil Revision, Civil Review, Tax cases and MJC shall be treated as part-I record, where as the remaining papers shall be contained in part-II.

CRIMINAL RECORDS

10. Part - I of the records of Original Criminal Cases including Admiralty cases (criminal jurisdiction) shall contain the following papers: -

- (i) The table of contents;
- (ii) The order-sheet;
- (iii) The charge;
- (iv) The plea of the accused, if any;
- (v) Order of the Presiding Judge;
- (vi) Warrant or other paper returned on execution of sentence;
- (vii) Copy of order commuting a sentence or suspending the execution thereof or remitting punishment.
- (viii) Any paper whose preservation may be directed by the presiding Judge or Judges.

Part II shall contain two copies of the Paper –book and all other papers.

N.B-Clause-(iv), (viii) & (xi) of Rule-7 deleted vide C.S No.70

N.B.[1] & [2] substituted vide c.s. no.70

11. Part I in criminal appeals, Revisions, References and Miscellaneous cases shall contain the following papers: -

- (i) The table of contents;
- (ii) The order-sheet;
- (iii) The High Court Judgment;
- (iv) **Deleted.**
- (v) **Deleted.**
- (vi) The explanation of Lower Courts, if any;
- (vii) **Deleted.**
- (viii) Any paper whose preservation may be directed by the presiding Judge or Judges.

Part II shall contain all other papers ****including paper books, two copies when printed and one copy when not printed.**

12. ^[3] The order-sheets and index about the result of Criminal Appeals and Revisions, which have been summarily dismissed, shall be maintained in part I and other papers including paper books, two copies when printed and one copy when not printed shall be shown in part-II.

13. ^[4] Regarding application for bail and suspension of sentence and orders thereon, which are treated as Miscellaneous Case Part-I shall contain Index indicating the date on which bail was granted or refused. Part II shall contain all other papers.

14. ^[5] **The order-sheets and judgment passed in writ cases besides writ applications and all affidavits filed by the parties relating thereto shall be included in part-I records. The other papers shall be included in Part-II records.**

15. ^[6] **Notwithstanding anything contained in the foregoing rules, in Division Bench cases second copy of brief and in all types of cases, all Miscellaneous cases except relating to amendment of pleadings, intervention, addition of party, taking documents or subsequent events by way of additional evidence, substitution and setting aside abatement, if any, shall be destroyed after disposal of the case.**

16. ^[7] **The destruction of all papers shall be carried into effect by the process of cutting with use of shredder or by any other manner as the Court may direct. Such destruction shall be made in presence of the Superintendent in-charge of the Record Room of the Court under the supervision of the Assistant Registrar (Estt.) of the Court.**

Clause-(iv), (v) & (vii) appended to Rule-11 deleted vide C.S No.70

N.B. [3],[4],[5] & [6] amended vide c.s. No.70

N.B. [7] inserted vide C.S No.80 dtd. 15.05.2007.

** Added vide C.S No.70