

1. FILING OF CASES

2. SUPPLY OF CERTIFIED COPIES OF RECORD

3. INSPECTION OF RECORD

4. ENTRY PASSES

1. Filing of Cases

- (i) **Filing at Counter** : All petitions, applications and other documents are required to be presented by the petitioner, applicant, appellant or respondent in person, by his duly authorized agent or by an Advocate duly appointed by him for the purpose in the name of the Hon'ble Chief Justice at the Filing Counter of the of the concerned Section upto 1 P.M. During the summer vacations, the filing of the cases is done upto 9.00 AM. Wherever necessary, the petition or appeal are required to be accompanied by documents prescribed under the rules of the Court.]
- (ii) **Receipt** : On presentation of the case, a computer generated receipt is given to the petitioner/ counsel.
- (iii) **Scrutiny and removal of defects** : A detailed scrutiny of the case file is carried out by the Stamp Reporter concerned to identify the defects, if any:-

FOLLOWING ARE THE COMMON LIST OR COMMON DEFECTS: The parties can ensure before filing a case as to whether there exist any of the following defects :

- a File cover not filled up completely.
- b Index is not proper or not filed.
- c Brief synopsis not filed.
- d Is it mentioned - It is SB /DB matter.
- e Parties name does not tally with the judgment of court below.
- f Subject matter is incomplete.
- g Case number, date of order is incorrect in the subject matter.
- h Foot notes are incomplete
- i Provision of law is incorrect.
- j Affidavit not filed.
- k Age of deponent not mentioned.
- l Identification not made on affidavit.
- m Stay application not attested by the Oath Commissioner.
- n Each and every page of memo have not been signed by the Advocate.

- o Power not filled up.
- p Power/Application/Affidavit not signed by the competent person.
- q Certified copies of order / judgment not filed.
- r Typed copy of order / judgment not filed.
- s Receipt in compliance of Section 173 of MV Act, 1988 not filed by non- claimant. Whether an application under section 151 of CPC has been filed for exempting the compliance of Section 173 of M.V. Act or not ?
- t If time barred, an application u/s 5 of the Limitation Act has been filed or not.
- u Paging not marked.
- v Initials not marked in the extra copies.

After the scrutiny of the file, as aforesaid, if no defect is found, the case is registered and is given Appeal/Petition No. However, in case any defect is found, then also the case is registered and is given its number, though with specific mark "D" on the top of the file cover. The files/matter in which on scrutiny, the defect of limitation is reported by the concerned Stamp Reporter, such files/matters are also registered and given number, though with the specific mark "L" on the top of the file cover.

2. Supply of certified copies of record

(Rules 871 to Rule 901)

Application for Copy

Every application (Appendix-1) for copy shall be presented in person or sent by post to the Deputy Registrar under Rule 872 of the Rules of 1952.

Every application for copy shall be written on the prescribed form and shall state—

- w the name and address of the applicant;
- x whether the applicant is a party to the case which the paper of which a copy is sought relates to;
- y whether the application is an ordinary or an urgent one;
- z whether the copy is to be sent by post;
- aa full particulars of the paper of which a copy is sought and the record in which it is contained mentioning in the case of an appeal, revision or reference, the Court in which the case under appeal or revision was decided or from which reference was received;
- ab whether the case has been finally disposed of and the date of decision or final order, if any; and
- ac when the applicant is not a party to the proceeding, the purpose for which the copy is sought.

Copies by post

If it is desired by the applicant that where the application for a copy is rejected, notice of its rejection be sent to him by post, the address at which such copies or notice may be sent shall also be given in the application and postage stamps of the requisite value shall be attached thereto. Where the cover is required to be sent by registered post, the fact shall be stated in the application and extra postage stamps sufficient to cover registration charges shall also be attached to the application.

Time of presentation

All applications for copy shall be received between the hours of 10.30 A.M. and 1.00 P.M. and during morning hours 7.30 A.M. and 9.00 A.M. However, an application for copy may be received in exceptional circumstances after 1.00 P.M. (or 9.00 A.M.).

Application by stranger

An application by a stranger to the case for the copy of an exhibit whether the application is made before or after the passing of the final decree or order or for the copy of any other paper when it is made before the passing of the final decree or order in the case, shall not be granted unless the Registrar is satisfied that there is sufficient reason for granting it. The

Registrar may refer any application under Rule to the Administrative Judge for orders.

Grant of copy of exhibit to stranger

No order for a copy of an exhibit shall be made on the application of a stranger to the case in which such exhibit was filed, unless the application is accompanied by a properly authenticated consent of the person by whom such exhibit was filed to the grant of such copy.

Free Copy

- 1 A copy of the original or appellate decree in a pauper suit or appeal or application may be supplied free of charge on application to a Government Law Officer.
- 2 A copy of the whole or any part of the record, when required for the purposes of conducting any trial or investigation or any judicial proceeding on behalf of the Government in a criminal case may on application be supplied free of charge to a Government Law Officer. If, however, the Registrar considers that the demand made is in excess of what is necessary for the purpose stated in the application, he may refuse to grant free of charge any or all the copies applied for.
- 3 A copy of the judgment or order in a criminal case may be supplied free of charge to a prisoner confined in a jail on an application received through the Superintendent of the Jail concerned. If the application is made through a friend acting or purporting to act on behalf of the prisoner it shall be sent to the Superintendent of the Jail concerned to be attested by the prisoner and when so attested, it shall be treated as the prisoner's own application.
- 4 In Civil cases in which the Government is a party, copies of judgment, orders and decrees and of any other papers required for the purposes of conducting the case shall be supplied free of charge to the Government Law Officer.

Copy of copy

No copy shall be given of any document which is itself a copy except for special reasons to be recorded on the application by the Registrar or the Deputy Registrar, as the case may be. Where a copy of a copy is given, the fact that it is such copy shall be noted in red ink on the top of each page of such copy.

Delivery of copy to registered clerk

An application for copy duly signed by an Advocate may be presented by his registered clerk and the copy when ready may be delivered to the clerk presenting such application.

Copy folios and stamp labels

Except in cases where no copying fee is chargeable under these Rules, every application for copy shall be accompanied by copy folios bearing extra adhesive copy stamp labels of the requisite value, unless the copy required be of a book, register, map or plan or an extract thereof. If the whole of the copy cannot be written upon the copy folios accompanying the application, it shall be completed upon ordinary foolscap size paper:

Provided that where the copy required is a copy of a decree of the Court, the application shall be accompanied only by adhesive copy stamp labels of the requisite value and the copy shall be made on the printed form prescribed for the preparation of decrees, the court-fee labels being affixed thereon.

Provided further that when copy folios may not be available, plain paper may be used for the preparation of copies.

Scale of charges for copies

The following scale of charges is prescribed for copies, Viz;

- a For a copy of a judgment, deposition, decree or any other paper except a book, register, map or plan or any extract thereof, containing less than four hundred words

Ordinary ... Rs. 1/-

Urgent... Rs. 2/-

- b For a copy ordinary or urgent containing more than four hundred words, for four hundred words the charge shall be the same as detailed above, and for every subsequent hundred words or less an extra charge of twenty-five Naya Paisa and fifty Naya Paisa shall be made for an ordinary and urgent copy respectively: -

The representatives of approved Law Reports shall, subject to the conditions laid down in Rule 119, be entitled to get (i) copies of judgments and orders "Approved for Reporting" (A.F.R.) on payment of Rs. 2 and 50 Naya Paisa per copy and (ii) copies of judgments and orders not marked reportable on payment of three fourth of the above charges provided such judgments and orders are approved by the Judges for publication.

In cases in which an applicant desires to have more than one copy of a paper and typed copies can be given, each copy after the first shall be supplied at half the rates prescribed above.

Photostat Copies :-

- 1 The scale of charges for Photostat copies of any judgment, deposition, decree, document, book, register, map, plan, photograph or any other paper is prescribed as under, :-

For one copy : Rs. 2.00 per page

For each additional copy : Rs. 1.50 per page

In case the copy is to be reduced in size or enlarged within the limits of half size to double size, the charges will be twice the rates mentioned above.

But in the event of official machine going out of order or it cannot cope with work load of the Copying Departments, the photostat work of the Copying Department may be got done through a private firm on the terms and conditions which may be approved by the Chief Justice.

- 2 If and when any change in the scale of charges mentioned in sub-rule (1) becomes necessary, the Registrar may, with the approval of Chief Justice, make such change.
- 3 The charges shall be payable in cash and Copying Stamps as may be determined by the Head Copyist under the directions of the Registrar.

Rejection of application

If for any reason the copy applied for cannot be given, the application shall be rejected. The copy folios and stamps shall be returned to the applicant after taking his signature in the appropriate column of the Register of Applications and he shall be informed of the reason why the copy cannot be given. If, the application is received by post, the information shall be given to the applicant and the copy folios and stamps returned to him by unpaid post. If, however, any postage stamps have been filed with the application under Rule 874, they may be used for the purpose. A note thereof shall be made in the remarks column of the Register of Applications.

Notice of defective application

If an application for copy does not contain sufficient information to enable the record to be traced or if the fee paid is insufficient or the application is otherwise defective, the applicant shall be informed, if present, or a notice to that effect shall be affixed on the notice board.

If the application has been received by post, the information shall be communicated to the applicant by unpaid post.

If the defect is not removed or the deficiency not paid within one week, the application shall be rejected.

Delivery of copies to applicants

After a copy has been prepared, it shall be examined and certified to be a true copy by the A.O.J. of the Copying Department and each page of the copy shall be stamped with the seal of the Court. At the end of the day, the Head Copyist shall cause all copies which have been duly certified and sealed to be delivered to the applicants, or where the requisite postage stamps have been deposited by the applicants for the purpose, to be sent to them by post, after making necessary entries in the appropriate column of the Register.

Notice of ready copies

- i A definite date not ordinarily exceeding seven days ahead shall be fixed for the delivery of the copy and intimated to the applicant. The copy, as far possible, shall be delivered on the date so fixed.
- ii If for any reason the copy is not ready for delivery on the date so fixed, the applicant shall be directed to attend on another date, when the copy may be expected to be ready for delivery.
- iii If the copy is not ready and the applicant does not appear on the date fixed, notice of the next date fixed for the delivery of copy shall be sent to him by post, if he has deposited the necessary postal charges. If

necessary postal charges have not been deposited, it shall be affixed on the notice board of the Court.

- iv When a copy is ready, and the applicant or his authorized agent is present, the copy shall be given to him. If the applicant or his authorized agent is not present, a notice over the signature of the A.O.J., Copying Department, shall be affixed to the notice board notifying that the copy is ready for delivery. If from the date of the fixing of the notice the applicant appears within 3 months, the copy shall be delivered to him.

Delivery of urgent copies

In the case of urgent applications, copies shall be delivered to the applicant as far as possible not later than the end of the working day next after the day on which the application was presented, provided that the application is in order and the requisite fee has been duly paid.

Issue of copies of certain orders the same day

Copies of all orders passed by the Court granting bail or staying proceedings or execution or granting injunction or when so ordered by the Court shall on application and on payment of the prescribed charge be given to the Advocate for the parties on the very day on which such orders are passed and, if this be not possible, on the following day.

3. Inspection of record

(Rules 855 to 870)

Who can apply for inspection

Any party to a case or the Advocate or recognized agent of such party may apply for an order for inspection by himself of the record of such case or any paper or papers contained therein:

But a party which has been ordered to file a written Statement shall not be entitled to inspect a written Statement filed by another party until it has first filed its own.

Inspection by a Stranger

A person other than a party to the case may also apply for an order for the inspection of a record or any paper or papers contained therein provided he clearly states in his application the reason why such inspection is desired.

Such person shall not be entitled as of right to obtain an order for inspection and shall in no case be allowed to inspect any exhibit on the record except with the consent in writing of the person by whom such exhibit was filed or by his successor-in-interest. Such consent shall have to be filed alongwith the application for inspection.

Form of application

Every application for inspection shall be on the prescribed form (Appendix-4) and shall specify clearly :-

- c the particulars of the record or paper of which inspection is desired;
- d the party or the person on whose behalf the application is made;
- e the name of the person by whom inspection is to be made; and
- f whether the application is an ordinary or an urgent one.

PROCEDURE :-

I - Time of submission of application :

Every application for inspection shall be made before the Deputy Registrar on a working day in the prescribed proforma (Appendix-4) between the hours of 10.30 a.m. and 1.00 p.m. and during morning hours between 7.00 a.m. and 9.00 a.m. but a fresh application for the (37)

inspection of the same record on the next day shall be entertained upto 3.30 p.m. and during morning hours upto 11.00 a.m.

After submission of the application, an order for inspection is made and the Deputy Registrar shall forward the application to the A.O.J. of the Department concerned where the application shall be numbered and initialed by the Superintendent or any of his assistants.

Inspection on ordinary application shall be allowed on the day following the day on which the application is made or on a subsequent date

mentioned in the order. Inspection on an urgent application shall be allowed on the same day.

During the course of inspection of record, the person inspecting a record or paper will not be allowed to bring into the Inspection Room any pen or ink or to make any mark, upon, or in any respect to mutilate any record or paper which is being inspected and no person other than the person or persons named in the order of inspection shall be allowed to enter the inspection room.

II - Fees:

Such application shall bear the court fees labels as provided in Rule 63 in the following scale:

Ordinary application - Rupee one

Urgent application - Rupees two

But no fee is charged in the case of inspection by counsel appearing for the Govt. or by an officer of the Govt. empowered to make inspection of record. In addition to it no fee is charged in the case of inspection by the counsel for accused where the accused is in custody or where the Advocate is appointed at the expense of the Govt. or such inspection is done by any person especially exempted for the payment of such fee by the Chief Justice.

III. Time of Inspection

After an inspection has been allowed, record may be inspected between the hours of 12 Noon to 3 P.M. and during morning hours 8.00 A.M. to 10.30 A.M. on such day or days for which permission is given.

IV. Place of Inspection

Inspection of the record of a judicial case shall be made in the room of the Inspection Clerk and in his presence only.

4. Entry Passes

With a view to ensure security in the Rajasthan High Court, for issuance of the Entry Passes, an Entry Pass Counter has been established and a procedure has been prescribed, according to which, the Litigants, who have to appear in Court in person or who intend to remain in Court during hearing of his / her case or other persons or who for other purposes, have to enter the premises of the High Court, are issued the Entry Passes.

Procedure for Issuance of Entry Pass

For obtaining the Entry Pass, a litigant is required to fill in the Form (**Appendix-2**) and submit the same along with his/her I.D. Proof, at the Entry Pass Counter.

For entering into the High Court premises, persons other than the litigants, either for official work or for personal meeting, are required to fill in the Form (Appendix -3) and submit the same along with his / her ID Proof, at the Entry Pass Counter.