

CHAPTER XXX

MISCELLANEOUS

1. Whenever the High Court is closed on the last day of the period prescribed by any of these rules for doing a thing, the same may be done before the close of the next working day, whether the rule specially so provides or not.

2. (i) In all memos of appeals, petitions, affidavits etc. Court-fee stamps, if any, should be neatly affixed at the end of such memos of appeals, petitions, affidavits etc,

(ii) When typing memos of appeals petitions, affidavits etc. blank margin of about five centimeters should be left on top, bottom and side of each page.

(iii) Whenever exhibits are annexed even if judgments they must be referred to in the body of the petition, affidavit, etc. and they must also be separately indicated in the margin by a reference to the exhibit number given to them.

¹[3. (1) An application for review or for amendment of an order or a decree, for speaking to the minutes passed by a Single Judge of this Court shall be placed before that Judge : provided, however, where such Judge has ceased to be the Judge of the High Court or has ceased to sit at the particular Bench, such application shall be placed before the regular Court of the Single Judge dealing with the category of matters to which the proceedings relates — as for example :—

(a) Writ petition, if the original order had been passed in a Writ Petition;

(b) First Appeals, if the original order had been passed in any other Civil matters;

(c) Criminal Appeals, if the original order had been passed in any Criminal matters:

Provided that, where the Single Judge concerned is not available for the time being by reason of he being on leave or otherwise as aforesaid such application shall be placed before the Court of Single Judge to which the matter may be assigned by the order of the Honourable Chief Justice.

(2) Where the order has been passed or the judgment has been delivered by a Division Bench, such application shall be placed before that Division Bench:

Provided however that where one Judge of the said Division Bench has ceased to be the Judge of the High Court, or has ceased to sit at the particular

Bench, such application shall be placed before another Division Bench of which the other Judge is a Member:

Provided further that when both the Judges have ceased to be the Judges of the High Court, or have ceased to sit at the particular Bench, such application shall be placed before a Division Bench dealing with –

(a) Writ Petitions, if the original order had been passed in a Writ Petition;

(b) First Appeals, if the original order had been passed in a First Appeal;

(c) Criminal Appeals, if the original order had been passed in Criminal Appeal or a Criminal Application.]

1. Substituted vide Mah. Govt. Gazette, Dt.26-9-1996, Pt 4-C, Pg. 430.

4. (A) Every prayer clause for interim relief shall contain the following particulars -

(i) If the execution of a decree or award is to be stayed, the number of the suit or appeal or other proceeding in which the decree or the order or the award was passed and the date of the order or the award and the Court or authority which passed the decree or the award;

(ii) if the prayer is for an injunction the description of the parties who are to and the precise nature of the acts from which they are to be restrained;

(iii) the description of the property where the property is required to be mentioned in the writ;

(iv) if anticipatory bail is sought the full names and addresses of the persons at whose instance the arrest is apprehended, the crime registration number and the concerned police station if a complaint has been, to the knowledge of

the petitioner, filed with the police and the nature of the offence alleged against the petitioner;

(v) such other particulars which will enable the office to prepare the writ on the basis of the prayer clause read with the order passed by the Court without going through the entire petition and connected papers.

(B) If a petition does not contain the particulars mentioned in (A) above, the petition shall be notified as being under objection for non-compliance with this Rule;

(C) Even when the Court has passed an order for interim relief on a petition containing prayer clause not in accordance with (A) above, the Office shall, within two days from the Court passing the order, notify the petition as being under objection. The Advocate may then move the Court for amending the prayer clause.

5. Where additional evidence is received or recorded and when additional documents are received or taken on record in the High Court, the record of such evidence and the documents shall be transmitted to the Court of first instance along with other record and documents.

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