

### PRACTICE NOTE NO. 47

It has been experienced that in some matters original Records are not available on account of misplacement or otherwise or these having been destroyed by white ants. So also in old matters, the Registry is unable to trace out the files. In such Matters, the Records are required to be reconstructed which sometimes take quite a longtime and as a result thereof, considerable inconvenience is caused to the litigants, Advocates and the Courts and also embarrassment to the office administration.

The Hon'ble the Acting Chief Justice Smt.V.K.Tahilramani is pleased to approve the following procedure for reconstruction of Records :-

1. As and when a complaint is received from a litigant party/advocate, regarding non-availability of original records, the report from the concerned Department may be called:
2. Similarly, in the pending matters which are likely to be listed on board for hearing, the concerned Record Department may be Directed to undertake the work of physical checking of matters and report the non-availability, if any of the original record which is required to be reconstructed;
3. After taking all efforts if it is found necessary to reconstruct the lost or misplaced records, it may be so notified and the concerned Party / Parties- appearing – in – person may be directed to lodge true copies of the original records.
4. Upon receipt of true copies of lost/misplaced records, the matter may be listed “For Directions” before the Prothonotary and Senior Master or any other officer not below the rank of Master & Assistant Prothonotary (Judl) as may be nominated by him, after due notice to the other side / parties. The said officer after hearing parties shall verify

whether the copies submitted are true copies. After verification and after making necessary enquiry and if necessary, after inspection of necessary registers shall cause record of the case to be reconstructed. He shall not insist on re-verification or reaffirmation of pleading / affidavits. Even the orders of the court shall be reconstructed.

5. The record so reconstructed shall be treated as record of the court for all purposes in future.

DATED THIS 27TH DAY OF NOVEMBER 2015

*RS*

Registrar (Judicial -1)  
High Court,(A.S) Bombay

*[Signature]*

Prothonotary and Senior Master  
High Court,(O.S) Bombay