

PRACTICE NOTE NO. 1

No. P.1615/91.

NOTICE

In partial modification of the Order dated 27th September, 1995, all the Advocates and parties appearing in person are hereby informed that His Lordship the Hon'ble the Chief Justice is pleased to direct that the Advocates and parties appearing in person should submit the synopsis duly signed by the Advocates on record, alongwith the Appeal and Writ Petitions filed on the Original Side as well as on the Appellate Side. The synopsis should contain (1) the events and dates, (2) points to be heard, (3) Acts / Rules to be referred to and (4) authorities to be cited.

They should also submit the synopsis consisting of chronology of dates and events, along with Appeal from Order, Civil Revision Applications, Criminal Appeals, Criminal Revision Applications and Criminal Applications filed on the Appellate Side.

They are further informed that as and when the Appeal and Writ Petitions are listed for final hearing, they should file a fresh synopsis in the aforesaid format, highlighting the points which are likely to be decided.

Dated this 6th day of November, 1995.

By Order,

Sd/-

Additional Registrar
(Judicial – I)

Prothonotary & Senior Master.

PRACTICE NOTE NO.2

No.B/4527
Bombay, 18th April, 1996.

NOTICE

The Advocates and parties appearing in person are hereby, pursuant to the directions of the Hon'ble the Chief Justice, directed that as and when the Case/ Appeal / Matter / Suit / Petition is called out in Court for admission/hearing, they should, invariably, file appearance for the use of the Hon'ble Courts, in the format given below, with the Court Associate/ Court Sheristedar.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
FORMAT OF APPEARANCE

COURT ROOM NO. :
CASE/APPEAL/SUIT/MATTER
WRIT PETITIONS :
NAMES OF THE COUNSEL
APPEARING :
(a) FOR THE PLAINTIFF/
PETITIONER/APPELLANT :
(b) FOR THE DEFENDANT/
RESPONDENT/OPPONENT :

SIGNATURE:

DATED:

(NOTE: Slips should be of yellow colour paper)

Addl. Registrar (Judl.) Sd/-
Appellate Side Prothonotary & Senior Master
Original Side.

PRACTICE NOTE NO. 4

DATED 24TH DAY OF APRIL, 1996

Advocates and parties appearing in person are hereby informed that applications for restoration of the cases dismissed for default will be moved for orders, unless otherwise, directed by the Hon'ble the Chief Justice, before the same Bench which had passed the Order of dismissal.

By Order,

Additional Registrar (Judl.-I) Sd/-
Prothonotary & Senior Master.

PRACTICE NOTE NO. 6

It has been observed by the Courts that applications for urgent relief and/or for ex-parte relief are moved without adequate notice to the opposite side. Being not satisfied about the same, the Hon'ble the Chief Justice and Judges are pleased to direct that as and when the Advocates and the parties appearing-in-person move an urgent application and/or ex-parte application for ad-interim or interim relief they should, before moving an application invariably give 48 hours written notice of such urgent application to the Opponent/ Opposite Side and they should also file a praecipe setting out the grounds of urgency and should submit the same to the concerned Registry alongwith the proof of service of the notice on the opponent / opposite side on the last Court working day prior to the date of placing the matter for urgent relief. This will not preclude the Court from granting in the appropriate cases, ad-interim relief without following the aforesaid procedure.

High Court, Original Side	)	By Order,
	)	Sd/-
Bombay, 19 th February, 1997.	)	(A. R. Bapat)
		Prothonotary and Senior Master.

PRACTICE NOTE NO. 7

The procedure of referring questions of law framed by the Income Tax Tribunals to the High Court under the Income-tax Act, 1961 is now deleted. Section 260A is added in the Income-tax Act, 1961. Similarly, section 27A is added in the Wealth Tax Act, 1957. Section 260A reads as under :-

“Section **260A**

- (1) An appeal shall lie to the High Court from every order passed in appeal by the Appellate Tribunal, if the High Court is satisfied that the case involves a substantial question of law.
- (2) An appeal under this sub-section shall be:-
 - (a) filed within one hundred and twenty days from the date on which the order appealed against is communicated to the appellant;
 - (b) accompanied by a fee of ten thousand rupees where such appeals is filed by an assessee;
 - (c) in the form of memorandum of appeal precisely stating therein the substantial question of law involved.
- (3) Where the High Court is satisfied that a substantial question of law is involved in any case, it shall formulate that question.

: 2 :

(4) The appeal shall be heard only on the question so formulated, and the respondents shall at the hearing of the appeal, be allowed to argue that the case does not involve such question:

Provided that nothing in this sub-section shall be deemed to take away or abridge the power of the court to hear, for reasons to be recorded, the appeal on any other substantial question of law not formulated by it, if it is satisfied that the case involved such question.

(5) The High Court shall decide the question of law so formulated and deliver such judgment thereon containing the grounds on which such decision is founded and may award such cost as it deems fit.

(6) The High Court may determine any issue which -

(a) has not been determined by the Appellate Tribunal; or

(b) has been wrongly determined by the Appellate Tribunal, by reason of a decision on such question of law as is referred to in sub-section (1)".

: 3 :

Pursuant to the insertion of section 260A in the Income-tax Act, 1961, section 27A in the Wealth Tax Act, 1957 and application of section 27A of the Wealth Tax Act to the proceedings under the Gift Tax Act, 1958 by the Finance (No.2) Act, 1998 with effect from 1st October, 1998, the following practice-directions have been issued by the Hon'ble Chief Justice, issued:

- (1) Appeals under the above provisions of the Income-tax Act, Wealth Tax Act and Gifts Tax Act shall be numbered as "Tax Appeal (IT/WT/GT)".
- (2) Unless specially assigned, such appeals, including applications, notices of motion etc., arising therefrom, shall be placed for admission and/or hearing before the Division Bench dealing with tax references.
- (3) Memorandum of appeal in such appeal should be in conformity with the requirements of the said sections and should be accompanied by a statement of facts and the orders of the Tribunal as also of the lower authorities. Any document on which reliance was placed before the Tribunal should also be annexed.

: 4 :

- (4) If, while deciding the appeal, the Tribunal has followed any of its earlier order / orders either in the case of the assessee itself in respect of any other assessment year or in case of any other assessee, such order / orders should also be annexed to the memorandum of appeal.
- (5) On being numbered, such appeals shall be placed for admission.

By Order,

High Court, O. S. B'bay.
30th September, 1998.

Sd/-
Prothonotary and Senior Master.

PRACTICE NOTE NO. 8

DATED 31st JULY, 1999

In supersession of the Practice Note No. 4 dated 24th April, 1996, the Advocates and parties appearing-in-person are hereby informed that applications for restoration of the cases dismissed for default should be moved for orders, unless otherwise directed by the Hon'ble the Chief Justice, before the regular Court.

BY ORDER,

PROTHONOTARY AND SENIOR MASTER.

HIGH COURT)
BOMBAY.)

Sd/-
ADDL. REGISTRAR (J-I).

PRACTICE NOTE NO. 09

It has been observed by the Hon'ble the Chief Justice that Judicial time of the Hon'ble Courts is wasted in finding out the orders passed earlier on interlocutory proceedings in the matter by the Hon'ble Court. It has therefore been directed that while registering all miscellaneous applications, such as Notice of Motion / Chamber Summons / Summons for Judgment / Interim Petitions taken out in main Suit, Petition, Appeal or matters, order sheets / proforma should be annexed for recording the orders passed on such interlocutory proceedings.

Advocates and parties appearing-in-person are, therefore, hereby directed to annex, with immediate effect, sufficient number of order sheets / proforma at the time of registration of interim or misc. application. They are further directed that they should also annex Order Sheets / proforma in all pending Miscellaneous matters, such as Notices of Motions / Chamber Summons / Summons for Judgment / Judge's Summons / Interim Petitions and matters within four weeks from the date hereof.

All concerned Section Officers and Clerks working in filing Department and Staff working in Computer Counter to take note of the above directions and take follow up action.

Sd/-

19th June, 2000.

PROTHONOTARY AND SENIOR MASTER.

PRACTICE NOTE NO. 10

Advocates and parties appearing-in-person are hereby informed that all Income Tax Appeals U/s 260A of the Income Tax Act relating to Kolhapur, Nashik, Pune, Raigad, Ratnagiri, Sindhudurg-Oras, Satara, Sangli, Solapur and Thane Divisions shall hereinafter be filed only on the Original Side of the High Court at Bombay.

They are hereby further informed that all Income Tax Appeals which are filed on the Appellate Side of the High Court at Bombay, and which are pending Admission / numbering are directed to be transferred to the Original Side of the Bombay High Court. In future also, all such Appeals shall be filed only on the Original Side of the High Court, at Bombay.

Bombay, dated this 11th day of August, 2000.

BY ORDER

Sd/-

REGISTRAR
HIGH COURT, APPELLATE SIDE
BOMBAY.

Sd/-

(A. R. BAPAT)
PROTHONOTARY AND SENIOR MASTER
HIGH COURT, O. S. BOMBAY

PRACTICE NOTE NO. 11

Advocates and parties appearing-in-person are hereby informed that the Hon'ble the Chief Justice has been pleased to direct the Office to accept xerox copies of documents annexed to plaints, written statements, petitions, appeals, affidavits etc., provided the said copies are clear, legible and unmarked.

Sd/-

1st June, 2001.

Prothonotary and Senior Master.

PRACTICE NOTE NO. 12

Re: **Matters falling under the Companies Act, 1956**

Advocates and parties appearing-in-person are hereby informed that pursuant to the decision taken by the Administrative Judges to continue status quo in Rules pending setting up of offices of Registrar of Companies and Official Liquidator at Aurangabad, the Hon'ble Judge taking Company matters will continue to hear and decide winding up applications and all other applications under the Companies Act, 1956 in respect of Companies having Registered Office in the areas falling within the jurisdiction of Aurangabad Bench on the Original Side of the High Court at Bombay.

Sd/-

14th November, 2002.

Prothonotary and Senior Master.

PRACTICE NOTE NO. 13

Re:- **Appeals u/s. 260A of Income Tax Act**

Advocates and parties appearing-in-person are hereby informed that earlier Appeals under Section 260A of the Income Tax Act were shown in the first instance 'for Admission' and thereafter for final hearing. However, to expedite the process, it has been decided to do away with the procedure of all Appeals being shown for Admission in the first instance. Accordingly, they are hereby further informed that until further orders, all Appeals filed under Section 260A of the Income-tax Act will be listed 'for hearing and final disposal' without matters being shown for Admission in the first instance.

Dated this 9th day of December, 2002.

By Order,

HIGH COURT, ORIGINAL SIDE) Sd/-
) (MS. A. RODRIGUES)
BOMBAY.) PROTHONOTARY & SENIOR MASTER.

PRACTICE NOTE NO. 13 IS DISCONTINUED

NOTICE

Advocates and parties appearing-in-person are hereby informed that as per Practice Note No.13 dated 9th December, 2002, it was informed that Appeals under Section 260A of the Income Tax Act will be listed "For Hearing and Final Disposal" without matters being shown "For Admission" in the first instance. They are hereby further informed that the said Practice Note No.13 dated 9th December, 2002 is hereby discontinued w. e. f. Tuesday, the 13th July, 2004. They are, therefore, informed that in future, all Appeals under Section 260A of the Income Tax Act will appear on Board for Admission in the first instance and thereafter for Final Hearing.

Dated this 12th day of July, 2004.

By Order,

HIGH COURT, ORIGINAL SIDE) Sd/-
) (MS. A. RODRIGUES)
BOMBAY.) PROTHONOTARY & SENIOR MASTER.

PRACTICE NOTE NO.14

NOTICE

The Hon'ble the Chief Justice is pleased to direct that with immediate effect, the following procedure will be followed in the matters of circulation / production for getting interim or ad-interim relief etc.,:

1. The Advocate must make statement in urgent circulation / production praecipe that all office objections are removed.
2. Before moving such circulation / production praecipis, the Advocate must invariably give 48 hours written notice to that effect to the other side. If other side is not resident of Mumbai, then 4 days written notice by speed post or telegram or registered post A. D. must be given to other side. The Advocate should also submit praecipe to the Additional Registrar (J-I) along with the proof of service of the notice to other side. Circulation / production will not be allowed if this procedure is not followed.
3. In the Circulation / production praecipe the grounds of urgency must be mentioned.

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4. In the Circulation / production praecipe, statement must be made that legible copies of documents on which applicant wants to rely are produced.
5. In the matters in which the Court has granted ad-interim / interim reliefs, the Advocates must give written notice to the other side on the next day of granting of ad-interim/ interim reliefs by fax / Speed Post / Telegram / Registered Post A. D. specifically informing the returnable date as fixed by the Hon'ble Court and file affidavit of service to that effect with the Additional Registrar (Judl.I) well in advance atleast prior to 4 days of the date fixed. If such notice is not given and affidavit of service is not filed, the matters will be dismissed for default.
6. Aforesaid procedure will not preclude the Court from granting in appropriate cases ad-interim relief without following aforesaid procedure.

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7. If false statement is found to be made in Circulation / Production praecipe or if it is noticed that after getting ad-interim ex-parte relief, steps to serve notice on other side are not taken the matter may be dismissed for default and heavy cost may be imposed on the applicants.

High Court, Appellate Side	}	By Order,
	}	
	}	Sd/-
	}	(T. V. Nalawade)
Bombay, 22 nd September, 03.	}	Additional Registrar (Judl. I)

PRACTICE NOTE NO. 15

NOTICE

For the enforcement of the provisions of the Rules framed under Bombay High Court, Appellate Side Rules, 1960 regarding the presentation of Appeals and Applications, the Hon'ble the Chief Justice is pleased to direct that with immediate effect, following procedure will be followed:-

1. The matters (including affidavit, reply) shall be directly presented to Section Officer of concerned Section who shall scrutinize and examine the matter on the same day.
2. The Section Officer shall not accept the matter unless the requirements laid down in Appellate Side Rules are duly complied with. In addition to these requirements, the requirements notified in previous practice notes and the present one shall be complied with.
3. The additional requirements are as follows:-
 - (a) The xerox copies annexed shall be legible.
 - (b) There shall not be underlines or markings on any documents presented.

: 2 :

- (c) When the Judgment, Order, G.R. / Circular is under challenge or relevant documents are not in English, typed copies of translation in English of such documents shall be produced.
 - (d) The matter shall be presented with thick card board cover.
 - (e) The affidavit shall be in conformity with rules framed in Chapter III of Appellate Side Rules. The affidavit shall contain the statements of fact which the declarant swears or solemnly affirms.
 - (f) Affidavit, reply, rejoinder or sur - rejoinder shall not be accepted unless it carries proper pagination, pagination shall be in continuation of petition, reply etc., already filed.
4. The Section Officer shall give reasons in writing if he refuses to accept the matter. He shall also make endorsement of refusal on the presentation form. Carbon copy of memorandum of reasons shall be preserved as the office copy.
5. The Office shall maintain a register of matters which are not accepted.

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6. At the time of subsequent presentation of the same matter, there shall be mention on the presentation form that it is the 2nd or 3rd etc., presentation. On such occasions the memorandum of reasons given by office shall be annexed with the presentation form and statement shall be made by the advocate or the party on the memorandum that requirements laid down in memorandum are duly complied with. The office shall not assign any reason when the matter is not accepted on 3rd and subsequent to 3rd presentation.
7. No matter which has not been first filed in the office, shall be brought before or presented to the Court. No production will be allowed unless statement is made in praecipe that the matter is filed in the office.

High Court, Appellate Side	}	By Order,
	}	
	}	Sd/-
	}	(T. V. Nalawade)
Bombay, 16 th October, 2003.	}	Additional Registrar
	}	(Judl. I)

PRACTICE NOTE NO. 15(A)

NOTICE

In partial modification of Practice Note No. 15 notified on 16.10.2003, the Hon'ble the Chief Justice is pleased to direct that with immediate effect, the following procedure will be followed as regards the production of typed copies of translation in English of the documents.

When the Judgment, orders, G.R./Circular under challenge is not in English, when the advocate / party wants to rely on the judgment, order, G.R./Circular which are not in English, typed copies of translation in English of such judgment, order, G.R./Circular shall be produced.

When the advocate / party wants to produce other documents as relevant documents, the advocate / party shall give undertaking that typed copies of translation in English of such relevant documents shall be produced if required by the Court.

High Court, Appellate Side)

) Sd/-

Bombay, 11th November, 2003.) Additional Registrar (J-I)

PRACTICE NOTE NO.15-B

NOTICE

To enable the filing of Civil Appeals and Revisions in this Court when the decree is not prepared by the Trial Court or the First Appellate Court, the Hon'ble the Chief Justice is pleased to direct that with immediate effect the following procedure will be followed:-

When a Trial Court or the First Appellate Court has not prepared the decree, the presentation of Civil Appeal and Revisions will be accepted subject to following conditions:-

- (a) That the party or the advocate makes declaration in writing in the application then an application is already made to the Trial Court or the First Appellate Court in time for getting the certified copy of decree which is to be challenged in the High Court.
- (b) That the party or the advocate gives undertaking that the certified copy of the decree will be filed in the High Court immediately after it is delivered to the party by the Trial Court or the First Appellate Court.
- (c) That the party must make out urgency in the application filed for dispensing with copy of decree for institution of the proceedings.

High Court, Appellate Side	}	
	}	Sd/-
	}	(T. V. Nalawade)
Bombay, 24 th February, 2004.	}	Registrar (Judl.)

PRACTICE NOTE NO. 16

Assignment of Judicial work to various Benches by the Hon'ble the Chief Justice from time to time shall be strictly adhered to. A matter shall be listed only before a Bench constituted by the Chief Justice for hearing matters of such category. The Registry shall not list any such matter before any other Bench without the orders of the Chief Justice. In case any matter cannot be heard by a Bench so constituted for hearing such category of matter, the Registry shall specifically seek directions of the Chief Justice. A Division Bench or a Bench comprising of a Single Judge shall not be constituted without the orders of the Chief Justice. This Practice Note shall apply to part-heard matters also. However, this Practice Note shall not apply to the review applications which are governed by Chapter XXX Rule 3 of High Court, Appellate Side Rules, 1960 and to the matters where the concerned Bench has declined to take up the matters and such matters shall be governed by Circular dated 29.3.2004.

High Court, Appellate Side	}	
	}	
	}	Sd/-
	}	(Mrs. M. R. Bhatkar)
Bombay, 28 th April, 2004.	}	Registrar (Judicial)

PRACTICE NOTE NO. 17

The Hon'ble the Acting Chief Justice directs that while taking up the matters for final hearing chronologically, priority may be given to Supreme Court time bound matters and matters of Senior Citizens and matters involving extra ordinary urgency or extreme and severe hardship in the first session, without disturbing the directions issued on 5th May, 2004.

To enable hearing and final disposal of the matters mentioned in the above 3 categories, applications may be made before the Benches as per their respective assignments. However, since more than one Bench is assigned, the same category of matters, Advocates and Parties-in-person may take out such applications before the Benches as given below:

BOMBAY BENCH

- | | | |
|----|----------------------------|-----------------------------|
| 1. | The Hon'ble Shri Justice) | Civil Writ Petitions |
| | V. G. PALSHIKAR) | |
| | AND) | |
| | The Hon'ble Shri Justice) | |
| | V. M. KANADE) | |
| 2. | The Hon'ble Shri Justice) | Criminal Appeals |
| | H. L. GOKHALE) | |
| | AND) | |
| | The Hon'ble Shri Justice) | |
| | A. S. AGUIAR) | |
| 3. | The Hon'ble Smt. Justice) | Criminal Appeals / Revision |
| | V. K. TAHILRAMANI) | Applications / Criminal |
| |) | Applications. |

: 2 :

NAGPUR BENCH

1. The Hon'ble Shri Justice) Civil Writ Petitions.
S. RADHAKRISHNAN)
AND)
The Hon'ble Shri Justice)
K. J. ROHEE)
2. The Hon'ble Shri Justice) Criminal Appeals (S.J.)
P. S. BRAHME)
3. The Hon'ble Shri Justice) First Appeals & Second
A. V. MOHTA) Appeals.

AURANGABAD BENCH

1. The Hon'ble Shri Justice) Civil Writ Petitions.
S. B. MHASE)
AND)
The Hon'ble Shri Justice)
A. P. DESHPANDE)
2. The Hon'ble Shri Justice) First Appeal and Second
N. V. DABHOLKAR) Appeals.
3. The Hon'ble Shri Justice) Criminal Appeals/ Writ
V. G. MUNSHI) Petitions/ Revision
Applications.

While deciding the chronology of the Writ Petitions or appeals or applications, the year of the institution of the suit shall be taken into account as a criterion for giving preference.

High Court, Appellate Side }
By Order,
}
}
Sd/-
}
(Mrs. M. R. Bhatkar)
Bombay, 28th June, 2004. } Registrar (Judicial)

PRACTICE NOTE NO. 18

The Hon'ble the Acting Chief Justice directs that while taking up the matters for final hearing chronologically, priority may be given to Supreme Court time bound matters, matters of Senior Citizens and matters involving extra ordinary urgency or extreme and severe hardship in the first session, without disturbing the directions issued on 5th May, 2004.

To enable hearing and final disposal of the matters mentioned in the above categories, applications may be made before the Benches as per their respective assignment.

While deciding the chronology of the Writ Petitions or Appeals or applications, the year of the institution of the suit shall be taken into account as criterion for giving preference.

Dated this 6th day of July, 2004.

By Order,

High Court, Original Side)	
	)	Sd/-
	)	(Ms. A. Rodrigues)
Bombay.	)	Registrar (O. S.)/ Prothonotary and Senior Master.

PRACTICE NOTE NO. 19

The Hon'ble the Acting Chief Justice has issued Practice Note No.17 as follows:-

The Hon'ble the Acting Chief Justice directs that while taking up the matters for final hearing chronologically, priority may be given to Supreme Court time bound matters and matters of Senior Citizens and matters involving extra ordinary urgency or extreme and severe hardship in the first session, without disturbing the directions issued on 5th May, 2004.

To enable hearing and final disposal of the matters mentioned in the above 3 categories, applications may be made before the Benches as per their respective assignments. However, since more than one Bench is assigned, the same category of matters, Advocates and Parties-in-person may take out such applications before the Benches as given below:

BOMBAY BENCH

- | | | |
|----|----------------------------|-----------------------------|
| 1. | The Hon'ble Shri Justice) | Civil Writ Petitions |
| | V. G. PALSHIKAR) | |
| | AND) | |
| | The Hon'ble Shri Justice) | |
| | V. M. KANADE) | |
| 2. | The Hon'ble Shri Justice) | Criminal Appeals |
| | H. L. GOKHALE) | |
| | AND) | |
| | The Hon'ble Shri Justice) | |
| | A. S. AGUIAR) | |
| 3. | The Hon'ble Smt. Justice) | Criminal Appeals / Revision |
| | V. K. TAHILRAMANI) | Applications / Criminal |
| |) | Applications. |

: 2 :

NAGPUR BENCH

1. The Hon'ble Shri Justice) Civil Writ Petitions.
S. RADHAKRISHNAN)
AND)
The Hon'ble Shri Justice)
K. J. ROHEE)
2. The Hon'ble Shri Justice) Criminal Appeals (S.J.)
P. S. BRAHME)
3. The Hon'ble Shri Justice) First Appeals & Second
A. V. MOHTA) Appeals.

AURANGABAD BENCH

1. The Hon'ble Shri Justice) Civil Writ Petitions.
S. B. MHASE)
AND)
The Hon'ble Shri Justice)
A. P. DESHPANDE)
2. The Hon'ble Shri Justice) First Appeal and Second
N. V. DABHOLKAR) Appeals.
3. The Hon'ble Shri Justice) Criminal Appeals/ Writ
V. G. MUNSHI) Petitions/ Revision
Applications.

While deciding the chronology of the Writ Petitions or appeals or applications, the year of the institution of the suit shall be taken into account as a criterion for giving preference.

: 3 :

In continuation of the Practice Note No.17, the Hon'ble the Acting Chief Justice directs that the matters falling in the 3 categories i. e. Supreme Court time bound matters, matters of Senior Citizens and matters involving extra ordinary urgency or extreme and severe hardship may be moved before the Bench taking up admission work in the relevant categories, irrespective of year wise assignment before the Bench as per Roster.

High Court, Appellate Side	}	By Order,
	}	
	}	Sd/-
	}	(Mrs. M. R. Bhatkar)
Bombay, 15 th July, 2004.	}	Registrar (Judicial)

PRACTICE NOTE NO. 20

It has been observed by the Hon'ble the Chief Justice that large number of matters are lying in the Branches as unready due to trivial objections. Hence, the Hon'ble the Chief Justice is pleased to give the following directions to all the Departments that:-

- (i) The matters with the Civil Applications shall be treated as ready for final hearing and placed before the Court except the matters in which the Civil Applications for legal heir is pending and in which other side is not served.
- (ii) The First Appeals and Second Appeals after R & P is received in which printing is not yet available shall also be treated as ready for final hearing and placed before the Court so that the printing can be dispensed with directing Advocates for the Appellants to supply private paper books within the time limit so ordered by the Court. If private paper books are not supplied within the time granted, the matters will be placed before the Court for dismissal for non compliance.

High Court, Appellate Side	}	By Order,
	}	
	}	Sd/-
	}	(Mrs. M. R. Bhatkar)
Bombay, 4 th August, 2004.	}	Registrar (Judicial)

PRACTICE NOTE NO. 21

The Advocates and parties appearing-in-person are hereby informed that pursuant to the directions given by the Hon'ble the Chief Justice, whenever there is Order passed by the Hon'ble Court in Writ Petitions for issuance of Notice against the Respondent/s, the Advocate/s for the Petitioner/s and/or Petitioner/s in-person shall give sufficient copies of the pleadings to the Registry and shall deposit a sum sufficient to meet the costs of service by Registered Post A/D on each of the Respondents ordered to be served and in cases where Petitioner's Advocates or the Petitioner/s-in person request the Hon'ble Court for dasti (hamdast) service and, if the Hon'ble Court allows such dasti (hamdast), then Registry shall prepare notice and Petitioner's Advocate/s or the Petitioner/s-in-person shall give sufficient copies of the pleadings to Registry and the Registry shall hand over sealed packet containing Notice with copy of pleadings to the Petitioner's Advocate/s or the Petitioner/s-in-person who shall at their cost, effect service thereof on the Respondents and file Affidavit of Service in the Registry.

Dated this 17th day of June, 2005.

By Order,

High Court, Original Side)

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Sd/-

)

(Ms. A. Rodrigues)

Bombay.)

Registrar (O. S.)/

Prothonotary and Senior Master.

PRACTICE NOTE NO. 22
AS PER CORRIGENDUM DATED 06.12.2005

PRACTICE NOTE NO. 21

In order to ensure preparation of Daily/Weekly Boards before 4.45 p.m. and consequently delivery of Labai to the Hon'ble Judges by 5.30 p.m. in their Chambers, the following instructions are issued to the Registry (Judicial).

1. Admission Board to be got settled from the respective Courts by the Associate / Sheristedar by 2.00 p. m.
2. Balance Board to be followed by circulated and due matters.
3. Balance Board not to be printed for the next day, save and except a Note stating that the balance matters from serial no. onwards will be taken up followed by circulated matters.
4. The day on which circulation is granted, the circulated matters must be sent to the Board Department on the same day before 2.00 p.m. When Circulation is granted, the Department must trace the matter on the same day of circulation and forward it to the Board Department without waiting till one day prior to the due date.
5. The matters which are taken up for admission and adjourned for the next day must not be sent to Board Department, but should be retained with the Associate / Sheristedar for being sent to the Hon'ble Judge directly.

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6. No circulation be granted for the next day.
7. **For final hearing matters** - If the matter is adjourned to the next week/s then only the matter must be sent to the Board Department. Otherwise, the matter should be retained by the Associates / Sheristedar after making note on the Farad that the matter is adjourned in the same week. He shall retain the papers with him for being sent to the Hon'ble Judge.
8. Affidavits in reply should be filed two days prior to the returnable date of the matter, as prescribed under Rule 11 of Chapter 17 of the High Court Appellate Side Rules, 1960.

High Court, Appellate Side

)

By Order,

)

)

Sd/-

Bombay, date 24th November, 2005)

(A. J. Rohee)

Registrar (Judicial – I)

PRACTICE NOTE NO. 23

NOTICE

In supersession of directions issued under Practice Note Nos.15 and 15(A) issued on 16.10.2003 and 11.11.2003 respectively, regarding presentation of appeals and applications, the Hon'ble the Acting Chief Justice has been pleased to direct that with immediate effect, the following procedure will be followed:-

1. The matters (inclusive affidavit, reply) shall be directly presented to Section Officer of concerned Section who shall scrutinize and examine the matter on the same day.
2. In addition to the requirements specified in the High Court, Appellate Side Rules 1960, the requirements notified in previous Practice Notes and the present one shall be complied with.
3. The additional requirements are as follows:-
 - (a) the xerox copies annexed shall be legible.
 - (b) there shall not be underlines or markings on any documents presented.
 - (c) when the Judgment, Order, G.R./Circular under challenge is not in English, when the advocate/party wants to rely on the judgment, order, G.R./Circular which are not in English, typed copies of translation in English of such judgment, order, G.R. / Circular shall be produced.

PRACTICE NOTE NO. 24

NOTICE

In supersession of directions issued under Practice Note Nos. 15 and 15(A) issued on 16.10.2003 and 11.11.2003 respectively, the Hon'ble the Acting Chief Justice has been pleased to direct that with immediate effect, the following procedure will be followed:-

1. All filing should be done strictly in accordance with the requirements of the High Court Appellate Side Rules, 1960 ("the Rules") under which filing of no matter can be rejected, except those specifically provided for therein.
2. The Registrars (Judicial), on presentation of a matter, shall examine it in accordance with the requirements of the Rules and notify the office objections as prescribed therein.
3. The Registrars (Judicial) would adhere to the requirements of the Rules and will not grant liberal adjournments for removal of office objections. This be not read as any restriction on their powers to grant time for removal of office objections.
4. No matter will be listed before the Court unless the circulation slip / praecipe contains the stamp number of the matter.

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5. When the judgment, order, Government Resolution / Circular under challenge is not in English and the Advocate / party wants to rely thereon, the typed English translation thereof shall be produced.
6. When the Advocate / party wants to produce other documents as relevant documents, the Advocate / party shall give undertaking that typed English translation thereof shall be produced, if required by the Court.
7. In addition to the requirements specified in the High Court, Appellate Side Rules, 1960, the requirements notified in previous Practice Notes and the present one shall be complied with.
8. The additional requirements are as follows:-
 - (a) The xerox copies annexed shall be legible.
 - (b) There shall not be underlines or markings on any documents presented.
 - (c) When the Judgment, Order, G.R. / Circular under challenge is not in English, when the advocate/party wants to rely on the judgment order, G.R./Circular which are not in English typed copies of translation in English of such judgment, order, G.R. / Circular shall be produced.

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When the advocate / party wants to produce other documents as relevant documents, the advocate / party shall give undertaking that typed copies of translation in English of such relevant documents shall be produced if required by the Court.

- (d) The matter shall be presented with thick card board cover.
- (e) The affidavit shall be in conformity with rules framed in Chapter III of Appellate Side Rules. The affidavit shall contain the statements of fact which the declarant swears or solemnly affirms.
- (f) Affidavit, reply, rejoinder or sub-rejoinder shall not be accepted unless it carries proper pagination. Pagination shall be in continuation of petition, reply, etc., already filed.

High Court, Appellate Side)

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Bombay, dt, 16th August, 2006.)

By order,

Sd/-

(C. L. PANGARKAR)
Registrar General.

PRACTICE NOTE NO.26

The Advocates and parties appearing-in-person are hereby informed that pursuant to the directions given by the Hon'ble Shri Justice Dr. D. Y. Chandrachud, the Hon'ble Company Judge, the existing procedure of issuing Notices u/s. 394(1) and 394A of the Companies Act, 1956 to the Official Liquidator and the Regional Director respectively, through the Company Department is dispensed with hereafter, such Notices shall be issued and served directly by the Advocate (s) for the Petitioner(s)/ Applicant (s) and/or the parties appearing-in-person on the Official Liquidator and the Regional Director.

They are further informed that in the Company Applications and Company Petitions filed u/s. 391 to 394 of the Companies Act, 1956, i. e. in the Scheme matters it is noticed that the following documents annexed to one Company Application filed by the Transferee Company are repeatedly annexed to the Company Application / Petition filed by the Transferor company (ies):-

- (a) Copy of Memorandum & Articles of Association of Applicant/Transferor Company.
- (b) Copy of Memorandum & Articles of Association of Transferee / Resulting Company.

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- (c) Copy of Audited Balance Sheet (of last financial year) of Applicant / Transferor Company.
- (d) Copy of Audited Balance Sheet (of last financial year) of Transferee / Resulting Company.
- (e) Copy of the Proposed Scheme of Arrangement / Amalgamation.
- (f) Copy of the latest provisional / unaudited Balance Sheet of the Transferor / Demerged Company.
- (g) Copy of the latest provisional / unaudited Balance Sheet of the Transferee / Resulting Company.

Hence, in order to avoid duplication of documents and in order to save space occupied by such documents, as per the directions of His Lordship it is decided that henceforth while filing a Company Application / Petition in Scheme Matters, the aforesaid documents shall be annexed to the Application / Petition filed by the Transferee Company only and no such documents shall be annexed to the Application / Petition filed by the Transferor Company. However, averments to that effect is to be made in the Application / Petition filed by the Transferor Company. In case the scheme of Arrangement / Amalgamation where only one Application / Petition is filed, the current practice of enclosing all Exhibits will continue. They are also informed that if the Transferee Company is situated in the

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jurisdiction of the some other Court, in such a case the abovementioned documents are to be annexed to the Company Application / Petition filed by the Transferor Company (ies).

Dated this 31st day of October, 2007.

By Order,

High Court, Original Side	)	Sd/-
	)	(Ms. A. Rodrigues)
Bombay.	)	Registrar (O. S.)/ Prothonotary and Senior Master.

PRACTICE NOTE NO. 27

Advocates and parties appearing-in-person are hereby informed that pursuant to the directions of the Hon'ble Shri Justice Dr. D. Y. Chandrachud (the Hon'ble Company Judge), they are required to furnish the following information (in the tabular format) at the time of hearing of the Company Petitions filed under Section 78, 80, 100 to 105 and 391 to 394 of the Companies Act, 1956:-

- (1) No. of Company Petition and connected Company Application/s.
- (2) Introduction of the Petitioner Company.
- (3) Nature of the Scheme (i.e. Amalgamation, Arrangement, etc.,)
- (4) Purpose / Reasons of the Scheme.
- (5) Name of the Transferor / Demerged Company.
- (6) Name of the Transferee / Resulting Company.
- (7) Compliance with the Statutory Requirements.
- (8) Details of Meetings, Consents, service of individuals notices in respect of Shareholders (Equity and Preference) and Creditors (Secured and Unsecured)
- (9) Objections, if any.
- (10) Compliance with the statutory requisitions of the Regional Director, Registrar of Companies and the Official Liquidator.

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(11) Prayers to be approved.

Dated this 31st day of October, 2007.

By Order,

High Court, Original Side)	Sd/-
	)	(Ms. A. Rodrigues)
Bombay.	)	Registrar (O. S.)/ Prothonotary and Senior Master.

Practice Note No. 28

As per the directions given by the Hon'ble the Chief Justice, IT IS HEREBY NOTIFIED for the information of Advocates and parties appearing-in-person that, before moving for circulation / production, by way of praecipe, in the matter in which the presence of the Court Receiver is required, they should invariably give 48 hours written notice to that effect to the Office of the Court Receiver.

They are further informed that in such case of extreme urgency, they should give at least 2 hours notice to the office of the Court Receiver.

The aforesaid directions should be followed strictly to enable the Office of the Court Receiver to assist the Hon'ble Court.

By Order,

HIGH COURT, ORIGINAL SIDE,)
)
)
BOMBAY, FEBRUARY, 2009)
)
MASTER

(MS. A. RODRIGUES)
REGISTRAR, ORIGINAL SIDE, /
PROTHONOTARY AND SENIOR

PRACTICE NOTE NO. 4

This Practice Note is discontinued
(Please see Practice Note No.8)

