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PATNA HIGH COURT

NOTIFICATION

The 13th January 2017

ADDENDA AND CORRIGENDA TO PATNA HIGH COURT RULES, 1916 (Fifth Edition)
C.S. No.161

File No.X-09-2016-16(R)—The amendment as at Annexure-X is made in the existing Chapter II of the Patna High Court Rules, 1916 regarding “Constitution of Benches and Powers of Benches and of the Registrar” with immediate effect.

By Order of the Court,
PRAKASH CHANDRA JAISWAL,
Registrar General.

Annexure 'X'

Existing Provisions	Amended Provisions
<p>1. The following matters may be heard and disposed of by a Single Judge:-</p> <p>(i)(a) A First Appeal from an order and any Cross-objection therein, irrespective of the date of institution of such appeal or Cross-objection.</p> <p>(b) An Appeal from an original decree arising out of a suit and any Cross-objection therein irrespective of the date of institution of such Appeal or Cross-objection.</p> <p>(ii) A second appeal from a decree or order and any cross-objection therein irrespective of the value of the Appeal or Cross-objection and irrespective of the date on which such Appeal or Cross-objection was instituted.</p> <p>(iii) [omitted]</p> <p>(iv) [omitted]</p> <p>(v) [omitted]</p> <p>(vi) [omitted]</p> <p>(vii) A motion to admit an application and an application when admitted:</p> <p>(a) for an order under Section 22 or Section 23 of the Code of Civil Procedure or for an order under Section 24 of the same Code for the transfer of a case from one Civil Subordinate Court to another;</p> <p>(b) [Omitted].</p> <p>(c) under Section 115 of the Code of Civil Procedure or under Section 25 of the Provincial Small Cause Courts Act, irrespective of valuation and the date of filing of such application.</p> <p>(d) Under Order XLIV Rule 1 of the Code of Civil Procedure arising out of an appellate decree.</p> <p>(viii) [omitted]</p> <p>(ix) [omitted]</p> <p>(x) A suit coming before the Court in the exercise of its ordinary or extraordinary original civil jurisdiction.</p> <p>(xi) A proceeding under the Indian Companies Act, the Indian Trusts Act or the Indian Patents and Designs Act.</p> <p>(xii) [omitted]</p> <p>(xiii) Any other application-</p> <p>(a) which under these rules may be made to a Judge sitting alone;</p>	<p>Rule 1 & 2 to be substituted with the following:-</p> <p>1. The following matters may be heard and disposed of by a Single Judge:-</p> <p>(i)(a) An Appeal from an order and any Cross-objection therein, irrespective of the date of institution of such appeal or Cross-objection.</p> <p>(b) An Appeal from an original decree arising out of a suit and any Cross-objection therein irrespective of the date of institution of such Appeal or Cross-objection.</p> <p>(ii) A second appeal from a decree or order and any cross-objection therein irrespective of the value of the Appeal or Cross-objection and irrespective of the date on which such Appeal or Cross-objection was instituted.</p> <p>(iii) A motion to admit an application and an application when admitted:</p> <p>(a) for an order under Section 22 or Section 23 of the Code of Civil Procedure or for an order under Section 24 of the same Code for the transfer of a case from one Civil Subordinate Court to another;</p> <p>(b) under Section 115 of the Code of Civil Procedure or under Section 25 of the Provincial Small Cause Courts Act, irrespective of valuation and the date of filing of such application.</p> <p>(c) Under Order XLIV Rule 1 of the Code of Civil Procedure arising out of an appellate decree.</p> <p>(iv) A suit coming before the Court in the exercise of its ordinary or extraordinary original civil jurisdiction.</p> <p>(v) A proceeding under the Indian Companies Act, the Indian Trusts Act or the Indian Patents and Designs Act.</p> <p>(vi) Any other application-</p> <p>(d) which under these rules may be made to a Judge sitting alone;</p> <p>(e) which under these rules is not expressly required to be made to a Bench of two or more Judges or to the Registrar;</p> <p>(f) which is made in any matter within the jurisdiction of a Judge sitting alone and which is not otherwise expressly provided for.</p>

Existing Provisions	Amended Provisions
<p>(b) which under these rules is not expressly required to be made to a Bench of two or more Judges or to the Registrar;</p> <p>(c) which is made in any matter within the jurisdiction of a Judge sitting alone and which is not otherwise expressly provided for.</p> <p>(xiv) A case coming before the court in the exercise of its ordinary or extra-ordinary original criminal jurisdiction, except the cases under Section 15 of the Contempt of Courts Act, 1971.</p> <p>(xv) An appeal, application or reference under the Code of Criminal Procedure, other than-</p> <p>(a) an appeal or reference in a case in which a sentence of death or of transportation for life has been passed.</p> <p>(b) An appeal under Section 378 from an order of acquittal relating to an offence punishable with death or with imprisonment for life or with imprisonment of either description for more than ten years and passed by a court competent to pass such sentence: Provided that appeals under Section 378 pending in the High Court on the date this rule comes into force shall be heard and disposed of in accordance with the rule as now amended;</p> <p>(c) an appeal under Section 377 or a case in which notice has been issued under Section 401 to an accused to show cause why the sentence should not be enhanced;</p> <p>(d) an appeal, revision or reference in which a substantive sentence of more than ten years' imprisonment has been passed: Provided that all appeals, revisions, or references, pending in the High Court on the date this rule comes into force shall be disposed of in accordance with the rules as now amended."</p>	<p>(vii) An appeal, application or reference under the Code of Criminal Procedure, other than mentioned in Rule 2.</p> <p>(viii) All applications under Articles 226 and/ or 227 of the Constitution of India shall be placed for admission and hearing before a single Judge except those mentioned in Rule 2.</p> <p>(ix) All other appeals under any Statute shall be placed for admission and hearing before the Single Judge except in case, where appeal is to be placed for admission and hearing before the Division Bench in terms of any Statute.</p> <p>(x) Unless otherwise directed by Bench, all applications shall be placed for hearing before a single Judge, except cases which are admitted to hearing before a Division Bench or referred to hearing before a Division Bench by a Single Judge at the time of admission or hearing.</p> <p>(xi) Contempt petitions (Miscellaneous Jurisdiction case) in respect of the matters in this clause, irrespective of appeal preferred and decided against the orders passed.</p> <p>(xii) The Chief Justice may direct any writ application or any other matter to be posted before a Bench of two or more Judges.</p>
<p>2. The business of the Supreme Court shall be laid before the Bench presided over by the Chief Justice unless he shall otherwise</p>	<p>2. Matters which shall be listed before the Division Bench</p> <p>(a) An appeal or reference in a case in</p>

Existing Provisions	Amended Provisions
direct.	<p>which a sentence of death has been passed.</p> <p>(b) an appeal, revision or reference in which a substantive sentence of more than ten years' imprisonment has been passed:</p> <p>(c) An appeal under Section 378 from an order of acquittal relating to an offence punishable with death or with imprisonment for life or with imprisonment of either description for more than ten years and passed by a court competent to pass such sentence:</p> <p>(d) an appeal under Section 377 or a case in which notice has been issued under Section 401 to an accused to show cause why the sentence should not be enhanced;</p> <p>(e) all applications under Articles 226 for issuance of writs of habeas corpus and for issuance of writs in cases of, externment from one State to another; deportation; validity of statutes and public interest litigation,</p> <p>(f) Letters Patent Appeals under Clause X of the Letters Patent or the Appeals under the Companies Act, 1956 from the orders of the Company Judge.</p> <p>(g) All direct and indirect tax writ applications and appeals or references,</p> <p>(h) Writ applications directed against the orders passed by Central Administrative Tribunal, Armed Forces Tribunal,</p> <p>(i) Appeals arising out of orders passed under the Family Courts Act, Divorce Act; Special Marriage Act</p> <p>(j) A case coming before the court in the exercise of its ordinary or extra-ordinary original criminal jurisdiction, including the cases under Section 15 of the Contempt of Courts Act, 1971.</p> <p>(k) Writ petitions relating to Judicial officers and judicial service,</p> <p>(l) Appeals under the Commercial Courts and Commercial Divisions and Commercial Appellate Division of the High Courts Act 2015.</p> <p>(m) All Contempt Petitions (Miscellaneous Jurisdiction case) in respect of any of the matters arising out of the above matter.</p>
3. A proceeding of the kind referred to in rule 1(xi) of this Chapter may, in the discretion of the Bench hearing the same, be heard	3. A proceeding of the kind referred to in rule 1(xi) of this Chapter may, in the discretion of the Bench hearing the same, be heard

Existing Provisions	Amended Provisions
either in Court or in Chambers as it may direct. An <i>ex parte</i> motion or application entertainable by a single Judge may be made in Court or in Chambers as the Judge may direct. An urgent application may be made to the Vacation Judge in Court or otherwise as he may direct. Every other appeal, motion or application except one entertainable by the Registrar, Deputy Registrar or Assistant Registrar shall be presented or made in open Court.	either in Court or in Chambers as it may direct. An <i>ex parte</i> motion or application entertainable by a single Judge may be made in Court or in Chambers as the Judge may direct. An urgent application may be made to the Vacation Judge in Court or otherwise as he may direct. Every other appeal, motion or application except one entertainable by the Registrar, Joint Registrar or Assistant Registrar shall be presented with the Central Filing Window.
7. References under the Indian Divorce Act, 1860 (IV of 1860), and under Section 60 of the Indian Stamp Act, 1899 (II of 1899), must be placed before a Bench of three Judges.	7. References under the Indian Divorce Act, 1860 (IV of 1860), and under Section 60 of the Indian Stamp Act, 1899 (II of 1899), must be placed before a Bench of two Judges.
9. A point of law reserved under the provisions of Clause 18 of the Letters Patent shall be heard by a Bench of three Judges.	9. A point of law reserved under the provisions of Clause 18 of the Letters Patent shall be heard by a Bench of three or two Judges as the Chief Justice may decide.
10. Save as provided by law or by these rules or by an order of the Chief Justice every other case shall be heard by a Bench of two Judges.	10. Save as provided by law or by these rules or by an order of the Chief Justice every other case shall be heard by a Single Judge.
<p style="text-align: center;">Part V Chapter XXI-C</p> <p>4. All writ applications be placed before Division Bench for admission and for their hearing by Single Bench (Judge) unless the Division Bench admitting the writ application at the time of admission, orders for its being heard by a Division Bench or a Single Judge, at the time of hearing, refers it to the Division Bench.</p>	<p style="text-align: center;">Part V Chapter XXI-C</p> <p>4. All writ applications under Articles 226 and/ or 227 of the Constitution of India shall be placed for admission and hearing in terms of Chapter-II of the Patna High Court Rules.</p>

By Order of the Court,
PRAKASH CHANDRA JAISWAL,
Registrar General.

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