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PATNA HIGH COURT

No. 61878/Adm. Rules

The 26th November 2014

ADDENDA AND CORRIGENDA TO PATNA HIGH COURT RULES, 1916 (Fifth Edition) C.S. No. - 138

The existing Part-IV- Miscellaneous, Chapter-XIV of the Patna High Court Rules, 1916 regarding Information and Copies be replaced by following Part- IV-Miscellaneous, Chapter- XIV with immediate effect.

CHAPTER XIV

INFORMATION AND COPIES

- (i) The provisions contained in Chapter III shall, as far as possible, apply to the applications made under this Chapter.
(ii) This Chapter will come into effect from the date of its publication in the Bihar Government Gazette.
- All applications for search/ examination/ inspection of the records or for certified copies of the judgments/ orders/ pleadings/ documents/ evidence shall be made under this Chapter and shall be tendered/submitted in the Copying Section on any working day between 10.30 a.m. and 1.30 p.m

- i) Applications for copy will be made in Form 'A' appended to this Chapter.
 - ii) Applications for search/examination/inspection will be made in Form 'B' appended to this Chapter.
 - iii) Applications for information will be made in Form 'C' appended to this Chapter.
3. For the purpose of this Chapter :-
- a) "Court" or "this Court" means the Patna High Court or the High Court of Judicature at Patna.
 - b) "Day/s" wherever used in this Chapter will mean working day/s.
 - c) "Public Officer" means an officer in Class I or Class II service of the Central/State Governments or the Chief Executive Officer/ Secretary of any Local Self Government (Municipal Corporations/ Municipalities/ Panchayats).
 - d) "Public Purpose" means the copy required for the record of the Central/State Government/ Local Self Governments (Municipal Corporations/Municipalities/ Panchayats) or for production in any legal proceeding before a Court/ Tribunal/ Authority.
 - e) "Proceeding" means any suit/ appeal/ petition/ application instituted/ preferred/ filed/ made in/ before/ to this Court, whether pending/ disposed of.
 - f) "Record" means the record of the proceeding filed in this Court or the record of any proceeding filed in any court or tribunal or before any authority, if called for by this Court and is lying in the possession of this Court.
4. The fees chargeable under this chapter will be paid through franking machine located in the high court complex or by plastic money or in cash or by any other electronic mode.
5. A fee will be charged for furnishing certified copies:-
- a) At the rate of Rs. 5/- for every page of the judgments/orders/pleadings/documents/evidence.
 - b) In case of pleadings/ evidence/ document filed/ recorded/ exhibited in a suit/ appeal/ application instituted/ preferred/ made to a civil court subordinate to the High Court, the fees as may be chargeable under the Court - fees Act, 1870.
 - c) In case of maps and Plans a fee at the rate of Rs.50/- per map or plan.
 - d) A fee of Rs. 10/- will be charged on every application for search and examination/inspection/information of the record of any proceeding filed in the High Court or of the lower Court record called for and lying in the possession of the High Court.

Clarification:

- i) Fees at the rate specified in the foregoing clauses of this rule will be charged on ordinary applications.
- ii) Fees at double the rate specified in the foregoing clauses of this rule will be charged on urgent applications.

Provided that no fees will be charged:-

- i) On application for search/ examination/ inspection/ information/ copy made by a public officer if required for a public purpose.
- ii) On applications for copy of the judgment or order recording conviction/ acquittal of a Government servant in case such application is made by the head of the department concerned.

6. The advocates on record may, on payment of the specified/ prescribed fees, apply for copy of the judgments/ decrees/ orders passed/ made by this court in any proceeding.

7. Applications for search / examination / inspection / information of the records or for the certified copies of the judgments /orders /pleadings /documents /evidence in any proceeding may be made by:-

- a) A party to the proceeding if the party has appeared in person.
- b) The advocate on record if the party has appeared through the advocate.
- c) A "Public Officer" if the search/ examination/ inspection/ information/ copy is required for "public purpose".

8. A stranger to the proceeding may:-

- a) For the reasons/ purpose recorded in writing in the application made personally or through the advocate on record, apply for the certified copies of the judgments/ orders/ pleadings/ documents/ evidence in the matters decided by the high court.
- b) For the reasons/purpose recorded in writing in the application personally or through the Advocate on Record, apply for search/ examination/ inspection/ information of the records or for the certified copies of the Judgments/ Orders/ Pleadings/ Documents/ Evidence in the matters decided by the High Court.

9. The application made by the stranger to the proceeding will be processed only if the Joint Registrar (Judicial) is satisfied about the *bona fide* requirement.

10. A fee at double the rate specified in this chapter will be charged on the applications made by the stranger/s to the proceedings.

11. Procedure for application for information and for processing such application (applications be made in Form 'C' attached to this chapter):-
- a) Applicant will enter identical particulars of date, name & Residence in both parts of form 'C' appended to this chapter.
 - b) The officer receiving the application will enter the plausible date for furnishing the information in column 04 in part I & part II of the Form 'C'.
 - c) Duly filled in part II of the Form 'C' will be handed over to the applicant. The applicant will enter his signature in column 05 of Part I of Form 'C' in proof of the receipt.
 - d) Part I of Form 'C' duly filled in will be passed over to the Section Officer of the concerned Section before the closing of the day, but in no case later than the next succeeding day.
 - e) The concerned Section officer will receive the Form & will enter the remarks/ necessary information in column 6 of the Form and will return to the receiving officer within not more than 04 days from the date of requisition.
 - f) On receipt of part I of Form 'C', the receiving officer will make it over to the applicant.
 - g) In the receipt thereof, the Applicant will put his signature & date in column 06 of part II of Form 'C'. The receiving officer will recover Part II of Form 'C' from the applicant.
 - h) All Part II of Form 'C' recovered from the applicants will be neatly filed & will be retained for one month.
 - i) After expiry of one month, part II of Form 'C' retained by section will be destroyed and recycled.
12. On receipt of the application for search/ examination/ inspection of the records or for the copies of the judgments/ orders/ pleadings/ documents/ evidence the Registry will process the same as under :-
- a) Every application for a copy of Order/ Judgment/ Petition/ Memo of Appeal or any Proceeding will be consecutively numbered and entered in the register (digital and or non-digital).
 - b) After receipt of requisition, within not more than 3 days, requisition will be examined for further process. Defective or incomplete requisition will not be processed further until the defect is rectified or the requisition is made complete on payment of Rs. 3/- for each requisition.
 - c) The fees payable on valid or complete requisitions will be assessed within 5 days of receipt of the requisition.

The assessment will be displayed on Patna High Court Website and the notice board of the copying section after Court hours on the same day.

- d) The Section Officer of the Copying department if necessary will call for the relevant records from the concerned section, not later than on the next working day. The concerned section will send the record immediately but not later than 3 days in case of pending proceeding and five days in case of the disposed of proceeding. On receipt of record in the copying section, the fees will be assessed within not more than two days for such records.
- e) The applicant will make the payment of the fees assessed within three days from the date of display on the website or the notice board. Fees will be paid between 11:30 A.M. and 01:30 P.M.
- f) On receipt of fees, requisitions will be processed further.
- g) On receipt of fees, the amount will be entered by the section officer of the copying section in the main Form and the counter foil in the Form annexed at Appendix A to this chapter.
- h) The Section Officer will state the date of delivery of the copy both on the main Form and the counter foil (Appendix A annexed to this chapter).
- i) Section Officer of the Copying section will cause the copy to be made thereupon.
- j) The copy will be furnished on the presentation of the counter foil.
- k) In case of digital records, certified copy of Judgment/Order will be furnished on the date of receipt of the valid application complete in all respects and on payment of the fees.
- l) At the time of delivery of the copy, the Section Officer will secure the signature of the person receiving the copy on reverse of the application in proof of receipt of the copy.
- m) If copy is not received by the applicant within 30 days from the date of display. The copying section will destroy the same through re-cycling.
- n) In case of certified copies, Deputy Registrar or his nominee will certify it to be true copy under his signature and will put the seal of the Patna High Court.
- o) After delivery of the copy, requisitions will be preserved for six months. On expiry of the six months, the requisitions will be processed for destruction through re-cycling.

13. When a certified copy of a decree, judgment or order is issued the following particulars shall be recorded on the last sheet of the copy.

Date of application for the copy

Date of notifying the fees payable

Date of payment of fees.....

Date on which the copy was ready for delivery.... ..

Date of making over the copy to the applicant... ..

For digital records as follows:-

Date of Requisition		Date of Delivery	
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14. On the back of the last sheet of the copy shall be recorded the cost paid by the parties applying for copies in the Form given below for non-digital records:-

	Rs.	Paisa
Application for copy	...	...
Search fee	...	...
Extra fee for urgency	...	...
Fees	...	...
Other items, if any	...	...
Total.....		

For digital records as follows:-

Number of Pages		Total Cost	
-----------------	--	------------	--

15. In case of difficulty, the interpretation made by the Chief Justice or by the Judge nominated by the Chief Justice in this behalf or by the Registrar General, if nominated by the Chief Justice will be final and binding.

The copies will be made on A4 size paper only.

The computer print will be made in Times New Roman font of 12 size and 1 ½ spacing.

APPENDIX (Under this Chapter)

- Applications for copy Form 'A'.
- Applications for search/ examination/ inspection Form 'B'.
- Applications for information Form 'C'.

File No. – Misc.-10-2014 (Administrative Rules)

Dated :2014

By Order of the Court,
Sd./Illegible,
Registrar General.

(P.H.C.-VI-3)

APPENDIX - A

Sl. No.

IN THE HIGH COURT OF JUDICATURE AT PATNA

(Correct option may be tick marked)

Application for copy – Urgent / Ordinary

Simple / Certified

Pending / Disposed -

Date of Disposal (If disposed of) –

Case No.

(Appellant's / Petitioner's Name)

(To be filled by Copying Section)

Fee Chargeable Rs.....

Mode of payment Stamp / Cash / E-payment / Card

Whether exempted from Fee Yes / No

Date of Notification

Supplied by the applicant on

Record received on

Copy will be ready on

Copy delivered on

(To be filled by the Applicant)

Description of document of which
copy is wanted

Purpose:.....

Application is made by Applicant / Respondent / Public Official / AOR / Advocate
Clerk / Any Other

Mobile No.

Signature of the applicant

E-mail ID

Date –

Counter Foil

Sl. No.

Fee Chargeable Rs.....

Mode of payment Stamp / Cash / E-payment / Card

Whether exempted from Fee Yes / No

Supplied on

To attend for Copy on

Note:- All charges must be paid within three working days of notification. In complete or defective application will not be entertained / processed at all. Copy will be furnished only on the production of this court foil.

FORM – 'B'

(P.H.C. Sch. VI-7)

FORM OF APPLICATION FOR INSPECTION OF PENDING HIGH COURT RECORD

Number and class of cases and name of parties	Purpose for which inspection is desired	Name of the Advocate applying

Certify that I filed _____ a Vakalatnama _____ in the case
an appearance slip

Signature of the Advocate

(P.H.C. Sch. VI-4)

FORM - 'C'

Application for information

Number and date	Name and residence of Applicant	Nature of the information required	Date of which the information is to be ready	Signature of the Officer receiving the application	Remarks
1	2	3	4	5	6

Number and date	Name and residence of Applicant	Nature of the information required	Date of which the information is to be ready	Signature of the Officer receiving the application	Remarks
1	2	3	4	5	6

Note:- The person applying for information is to fill up columns 1 (except the Nos. 2 and 3) and present it to the officer appointed to received such applications who if the information required cannot be immediately supplied, will fill up, test off and return the bottom part of the form to the applicant.