

THE SUPREME COURT RULES, 1978.

The Supreme Court of Azad Jammu and Kashmir, in exercise of its rule making powers, and in consultation with the Azad Jammu and Kashmir Council, hereby makes the following Rules:-

**PART 1 GENERAL
ORDER I
INTERPRETATION, ETC.**

1. (1) These Rules may be cited as the Supreme Court Rules 1978, and shall come into force at once.
- (2) The Judicial Board Rules, 1975, are hereby revoked:

Provided that this revocation shall not affect any action taken, any order made or anything done under the said Rules prior to this revocation.

2. (1) In these Rules, unless the context otherwise requires-
 - “Advocate” means a person entitled to appear and plead before the Supreme Court;
 - “Advocate-General” means the Advocate-General of Azad Jammu and Kashmir;
 - “Advocate on record means” an Advocate, who is entitled under these Rules to act as well as to plead for a party in the Supreme Court;
 - “Chief Justice” means the Chief Justice of Azad Jammu and Kashmir;
 - “Code” means the Code of Civil Procedure, 1908 (Act V of 1908);
 - “Constitution” means the Azad Jammu and Kashmir Interim Constitution Act, 1974;
 - “Council” means the Azad Jammu and Kashmir Council;
 - “Court” and “this Court” means the Supreme Court of Azad Jammu and Kashmir;
 - “Court appealed from” includes a tribunal and any other judicial body from which an appeal is preferred to the Court.
 - ¹[“Gazette” means gazette of Azad Jammu and Kashmir Council and Gazette of Azad Jammu and Kashmir Government”.]

¹ . Inserted vide Notification No. 650-51/SC/82 dated 27th April, 1982.

“Judge” means a Judge of the Court;

“Judgment” includes the decision or the statement given by a Court or a Judge of the grounds of a decree or order.

“High Court” means the High Court of Azad Jammu and Kashmir;

“Party” and all words descriptive of parties to proceedings before the Court (as “appellant”, “respondent”, “plaintiff”, “defendant” and the like) include, in respect of all acts proper to be done by an advocate on record, the advocate on record of the party in question, when he is represented by an Advocate on record;

“Prescribed” means prescribed by or under these Rules;

“Record” in Part II of these Rules means the aggregate of papers relating to an appeal (including the pleadings, proceedings, evidence, and judgments) proper to be laid before the Court at the hearing of the appeal;

“Registrar” and “Registry” means respectively the Registrar and Registry of the Court;

“Branch Registry” means Branch Registry of the Court set up by the Chief Justice at any place within the Azad Jammu and Kashmir and notified in the official Gazette;

“Respondent” includes an intervener;

²[“Senior Advocate” means an Advocate enrolled as such by the Court;]

“Signed” save in the case of a judgment and decree, includes stamped;

(2) All words and expression used, but not defined in these rules, shall have the same meaning as in the Constitution.

(3) The General Clauses Act, 1897(X of 1897) applies for the interpretation of these Rules as it applies for the interpretation of an Act of the Legislature.

3. Where by these Rules or by any order of the Court any step is required to be taken in connection with any cause, matter or appeal before the Court, that step shall, unless the context otherwise requires, be taken in the Registry or in the appropriate Branch Registry.

² . Inserted vide Notification No. 650-51/SC/82 dated 27th April, 1982.

4. Where any particular number of days is prescribed by these Rules, the same shall be computed in accordance with the provisions of the Limitation Act, 1908 (IX of 1908).
5. None of the provisions of the Code shall apply to any proceedings in the Court unless expressly made applicable by these Rules.

ORDER II
OFFICES OF THE COURT: SITTINGS AND VACATION, ETC.

1. The offices of the Court, except during vacation and on ³[Saturdays] and holidays, shall, subject to any order by the Chief Justice, be open daily in summer from 7-30 a.m. to 1-30 p.m. and in winter from 9 a.m. to 3 p.m. but no work, unless of an urgent nature, shall be admitted after 12-30 p.m.
2. The offices of the Court shall be open during vacation, except on ⁴[Saturdays] and holidays, at such time as the Chief Justice may direct.
3. The Registrar shall not be absent from the Court without the leave of the Chief Justice, nor any other officer of the Court without the leave of the Registrar.
4. The Court shall hold one term annually commencing on the first ⁵[Monday], in October in each year, or if that day is a Court holiday, then on the next working day, and continuing to the commencement of the long vacation in the year next following.
5. The long vacation of the Court shall commence on such date as may be fixed in each year by the Chief Justice and notified in the Official Gazette.
6. The Court shall not ordinarily sit on Saturdays, nor on the following days, that is to say, December 24th to January 6th, both days inclusive, and on any other days notified as Court holidays ⁶[as may be fixed in each year by the Chief Justice and notified in Official Gazette.]

³ .Word “Thursday” substituted by word “Saturday” vide Notification No. SC/840-48/97 dated 14.4.1997

⁴ .ibid

⁵ .ibid

⁶ .Added vide Notification No. SC/2288-98/2017 dated 14 February, 2017.

7. The Chief Justice shall, before the commencement of each long vacation, appoint himself or the other Judge for the hearing of all matters which may require to be immediately or promptly dealt with.

Provided that whenever necessary, the Chief Justice may direct that any particular case or class of cases shall be disposed of by the Court consisting of two Judges.

ORDER III

OFFICERS OF THE COURT, ETC.

1. The Registrar shall be the executive head of the office. He shall; have the custody of the records of the Court and shall exercise such functions as are assigned to him by these Rules.

2. In the absence of the Registrar, the Chief Justice may designate any other official to exercise all the functions of the Registrar.

3. The Chief Justice may assign, and the Registrar may, with the approval of the Chief Justice, delegate to any other official any functions required by these Rules to be exercised by the Registrar.

4. The Registrar shall, subject to any general or special directions given by the Chief Justice, allocate the duties of the Registry among the officers of the Court, and shall, subject to these Rules and to any such directions as aforesaid, supervise and control the officers and servants of the Court.

5. The Official Seal to be used in the Court shall be such as the Chief Justice may from time to time direct, and shall be kept in the custody of the Registrar.

6. Subject to any general or special directions given by the Chief Justice, the Seal of the Court shall not be affixed to any writ, rule, order, summons or other process save under the authority in writing of the Registrar.

7. The Seal of the Court shall not be affixed to any certified copy issued by the Court save under the authority in writing of the Registrar.

8. The Registrar shall keep a list of all cases pending before the Court and shall subject to these Rules and to any general or special directions given by the Chief Justice, prepare the list of cases ready for hearing and shall cause notice to be given thereof and of the day, if any, assigned for the hearing of any case or cases in the list.

9. In addition to the other powers conferred by these Rules, the Registrar shall have the following powers subject to any general or special order of the Chief Justice:-

- (a) to require any plaint, petition of appeal, petition or other matters presented to the Court to be amended in accordance with the practice and procedure of the Court or to be presented after such requisition as the Registrar thinks proper in relation thereto, has been complied with;
- (b) to fix the dates of hearing of appeals, petitions or other matters and issue notices thereof;
- (c) to settle the index in cases where the record is to be prepared under the supervision of the Registry; and
- (d) to direct any formal amendment of record.

ORDER IV ADVOCATES AND ADVOCATES ON RECORD

1. Advocates and Senior Advocates shall be entitled to appear and plead before the Court, on enrolment as provided hereinafter.
2. There shall be a roll of Advocates, and separately, a Roll of Senior Advocates.
3. A Senior Advocate shall have precedence over other Advocates who are not Senior Advocates, and the provisions of the First Schedule to these Rules shall apply with respect to Senior and other Advocates.
4. (1) A person shall not be qualified for being enrolled as an Advocate unless, he -
 - (a) has been for not less than 5 years enrolled as an Advocate in a High Court;
 - (b) has been granted a certificate in a duly authenticated form by the Chief Justice and Judge of the High Court that he is a fit and proper person to appear and plead as an Advocate before the Supreme Court; and
 - (c) signs the Roll of Advocates maintained for the purpose.
- (2) The Chief Justice and Judges of the Supreme Court, may, on application or otherwise, select from time to time, from among those whose names are on the Roll of Advocates, persons who are judged,

by their knowledge, ability and experience, to be worthy of being granted the status of Senior Advocates, and on signing the Roll of Senior Advocates, such person shall assume the said status.

5. The Chief Justice and the Judge may grant the enrolment of person, not qualified as afore-mentioned, if in their judgment he is qualified by knowledge, ability and experience to be enrolled as an Advocate:

Provided that the Chief Justice and the Judge may refuse to enroll a person who has at any time been adjudged guilty of professional misconduct or who is otherwise considered unfit to be enrolled.

6. No Advocate, other than an Advocate on record, shall plead in any matter unless he is instructed by an Advocate on record, but the restriction in the case of a Senior Advocate, not to appear and plead without a Junior, shall not apply when is instructed by an Advocate on record.

7. The Rolls of Advocates and Senior Advocates shall be kept by the Registrar and shall contain such particulars as the Court may from time to time require.

8. (1) The dress prescribed for Advocates is a black Sherwani, white shirt, white shalwar or pyjama or a short coat of black material, white shirt, with turn-down collar and white bands or black tie, white trousers, in the Summer, and in the Winter, trousers of material in the deeper shades of gray. The Advocate shall wear black lawyers' gown in the Court unless the Court directs otherwise.
- (2) The dress for Senior Advocates shall be the same as for Advocates with the additional requirement that they shall wear wigs during the period wigs are worn by the Judges.
- (3) The dress for advocates on record shall be the same as for Advocates:

Provided that Barristers who are Advocates of the Court may at all times wear the dress prescribed for them when appearing before the High Court in London.

9. The enrolment fee for Senior Advocates shall be Rs.500/-. A fee of Rs.5/- shall be charged from every Advocate of a High Court signing the Roll of Advocates under rule 4 (1).

10. The Advocate-General shall have precedence over all Advocates in the Court.
11. (1) Subject to the preceding rules of this Order, an Advocate appearing before the Court shall have precedence, among the Senior or other Advocates, as the case may be, according to the date of his enrolment as a Senior or other Advocate, as the case may be, in the Court.
- (2) Any question which arises with respect to the precedence of any Advocate shall be determined by the Court.
12. Any Advocate of this Court, not being a Senior Advocate, may, on his fulfilling the conditions laid down in the next succeeding rule be registered as an Advocate on record and shall thereafter be entitled to act as well as to plead for any party in any proceeding.
13. No Advocate of this Court shall be qualified to be registered as an Advocate on record unless he has passed such written tests as may be held by the Court, particulars whereof shall be notified in the official Gazette.
14. No Advocate, other than an Advocate on record, shall be entitled to act for a party in any proceeding in the Court.
15. No Senior Advocate shall be entitled to be registered as an Advocate on record.
16. Every Advocate on record shall:-
- (i) subscribe before the Registrar a declaration in Form 2 or Form 2-A of the Forms in the Sixth Schedule to these Rules, as may be appropriate to his case, undertaking to observe the rules, regulations, orders and practice of the Court, and to pay all fees or charges due and payable in any cause, matter or appeal in the Court.
 - (ii) subscribe similarly an indemnity bond in Form 2-B of the Forms in the said schedule; and
 - (iii) pay an enrolment fee of Rs.250/-
17. Every applicant for enrolment as an Advocate shall produce an authenticated copy of his enrolment certificate in the High Court and a certificate that he is still an Advocate of that High Court.

18. An Advocate on record who wishes to have his name removed from the Roll of Advocate on record shall apply by petition, verified by affidavit, entitled "In the matter ofan Advocate on record in this Court", and stating the date of his enrolment as an Advocate on record, the reason why he wishes his name to be removed, that no application or other proceeding in any Court is pending, or is likely to be instituted against him, and that no fees are owing to the Court for which he is personally responsible.

19. Every Advocate on record shall before acting on behalf of any person or party file in the Registry a power of attorney in the prescribed form authorizing him to act.

20. No person having an Advocate on record shall file a power or warrant of Attorney authorizing another Advocate on record to act for him in the same case save with the consent of the former Advocate on record or by leave of the Court, unless the former Advocate on record is dead or is by reason of infirmity of mind or body, unable to continue to act.

21. No Advocate on record may, without the leave of the Court, withdraw from the conduct of any case by reason only of the non-payment of his client of fees, costs and other charges.

22. Every Advocate on record shall be personally liable to the Court for due payment of all fees and charges payable to the Court.

23. No person having an Advocate on record shall be heard in person save by special leave of the Court.

24. No Advocate on record shall authorize any person whatsoever, except another Advocate on record, to do any act in his name in any case. The authorization shall be in writing.

25. Where a party changes his Advocate on record, the new Advocate on record shall give notice of the change to all parties concerned.

26. An Advocate or an Advocate on record who wishes to suspend his practice by reason of his appointment to any office of profit under the Government or his being engaged in another profession or for any other reason shall give intimation thereof to the Registrar.

27. The names of all Senior Advocates and other Advocates enrolled as such in the Judicial Board of Azad Jammu and Kashmir immediately

before the 7th November, 1975 shall be deemed to be transferred to the respective Rolls of the Supreme Court.

28. Where on the complaint of any person or otherwise, the Court is of opinion that an Advocate or an Advocate on record has been guilty of misconduct or of conduct unbecoming an Advocate, the Court may take action in accordance with the provisions of the Legal Practitioners Act, as in force in Azad Jammu and Kashmir.

29. An Advocate or an Advocate on record including a Senior Advocate, shall purchase a copy of these Rules from the Registrar at the time of his enrolment.

ORDER V

BUSINESS IN CHAMBERS

1. ⁷[The powers of the Court in relation to the following matters may be exercised by the Registrar:-

- (1) Application for revivor or substitution.
- (2) Application for discovery and inspection.
- (3) Application for delivery of interrogatories.
- (4) Certifying of cases as fit for employment of Advocates.
- (5) Application for substituted service.
- (6) Registration of petitions, appeals, suits and other matters.
- (7) Application for time to plead, for production of documents and generally relating to conduct of cause, appeal or matter and to allow from time to time any period or periods not exceeding six weeks, in the aggregate, and for doing any others act necessary to make a cause, petition or appeal complete.
- (8) Approval to Translator.
- (9) Approval of Interpreter.
- (10) Application for payment into Court.
- (11) Application for change of Advocate –on- record.

⁷ . Substituted vide Notification No. 650-51/SC/82 dated 27th April, 1982.

- (12) Application by Advocate-on-Record for leave to withdraw.
- (13) Application for search, inspection or getting copies of any document or record by Parties to proceedings and third parties on payment of prescribed fees and charges.
- (14) Application for return of documents.
- (15) Determination of the quantum of court-fee payable in respect of any document.
- (16) Application for issue of a refund certificate in respect of excess Court- fee Paid by mistake.
- (17) Application for a transcript record instead of printed record.
- (18) Application for production of documents outside Court premises.
- (19) Application for further particulars, better statement of claim or defence.
- (20) Application for payment of money out of Court or handing over or discharge of security.
- (21) Application for enforcing payment of costs.
- (22) Application for extending returnable dates of warrants.
- (23) Application for taxation and delivery of bill of costs, and for the delivery by an Advocate on-Record of documents and papers.
- (24) Application for brining on record the legal representatives of a deceased party.
- (25) Show- cause notice to the parties who fail to prosecute or defend appeals, petition or matter pending before the Court with due diligence.
- (26) Application for permission to exhibit or use documents in a language other than Urdu or English.
- (27) Application for permission to get paper-book prepared outside the Court.
- (28) Application for extension of time limit for filing affidavits.
- (29) Application for security for costs.
- (30) Application for assignment of Security Bonds.
- (31) Setting down, cause, appeal or matter ex-parte.

2. The powers of the Court in relation to the following matters may be exercised by a single Judge, sitting in Chambers, but subject to reconsideration, at the instance of any aggrieved party by the full Court which may include the Judge who dealt with the matter:-

- (1) Application for leave to compromise or discontinue a pauper

appeal.

- (2) Application for striking out or adding a party.
 - (3) Application for separate trials of causes of action.
 - (4) Application for separate trials to avoid embarrassment.
 - (5) Rejection of plaint.
 - (6) Application for setting down for judgment in default of written statement.
 - (7) Application for striking out any matter in a pleading.
 - (8) Application for amendment of pleading.
 - (9) Application for enlargement of time to amend.
 - (10) Application for withdrawal of suit, appeal or petition, for rescinding leave to appeal and for dismissal for non-prosecution.
 - (11) Application to tax bills returned by Taxing Officer.
 - (12) Application for costs of taxation where one sixth is taxed off.
 - (13) Application for review of taxation by Court.
 - (14) Application for enlargement or abridgment of time except those covered by item 8 of rule 1 and application for condonation of delay in filing petition for leave to appeal.
 - (15) Application for issue of commissions.
 - (16) Application for order against clients for payment of costs.
 - (17) Application for production of evidence by affidavit.
 - (18) Application for stay of execution of a decree or order in civil proceedings.
 - (19) Application for stay of execution of a sentence or order in Criminal proceedings.
 - (20) Application for grant of bail.
 - (21) Application to set aside ex-parte orders.
 - (22) Consent petitions.]
3. An appeal shall lie from the Registrar in all cases to the Judge in Chambers.
 4. An application for reconsideration under rule 2 and an appeal under rule 3 shall be filed within thirty days of the date of the order complained of.

5. The Registrar may, and if so directed by the Judge in Chambers shall, at any time adjourn any matter and place it before the Judge in Chambers, and the Judge in Chambers may at any time refer any matter into Court, and the Court may direct that any matter shall be transferred from the Registrar or the Judge in Chambers to the Court.

ORDER VI NOTICES OF MOTION

1. Except where otherwise provided by Statute or prescribed by these Rules, all applications which in accordance with these Rules cannot be made in Chambers shall be made before the Court on motion after notice to the parties affected thereby. Where the delay caused by notice would or might entail prejudice or hardship, an application may be made for an ad interim order ex-parte, duly supported by an affidavit, and the Court, if satisfied that the delay caused by notice would entail prejudice or hardship, may make order ex-parte, upon such terms as to costs or otherwise, and subject to such undertaking, if any, as the Court may think just, pending order on the main application by notice of motion.

2. A notice of motion shall be instituted in the suit or matter in which the application is intended to be made and shall state the time and place of application and the nature of the order asked for and shall be addressed to the party or parties intended to be affected by it and their Advocates, if any, and shall be signed by the Advocate of the party moving, or by the party himself where he acts in person.

3. Save by special leave of the Court, the notice of motion, together with the affidavit in support thereof, shall be served on the opposite party not less than eight days before the day appointed for the motion, and affidavit of service together with the acknowledgment receipt of the service of the notice shall be filed in the Registry at least three days before the day appointed for the motion. Counter affidavits, if any, shall be filed in the Registry during office hours not later than 3-30 p.m. on the day preceding the day of hearing and copies of these affidavits shall be served on the other party or parties to the notice of motion, and the affidavits shall not be accepted in the Registry unless they contain an endorsement of service signed by the other party or parties.

4. Notice shall be given to the other party or parties of all grounds intended to be urged in support of, or in opposition to, any motion.

5. Save by leave of the Court, no affidavit in support of the application beyond those specified in the notice of motion, nor any affidavit in answer or reply filed later than the time prescribed in these Rules, shall be used at the hearing or allowed on taxation.
6. Unless otherwise ordered, the costs of a motion in a suit or proceeding shall be treated as costs in that suit or proceeding.

ORDER VII DOCUMENTS

1. The officers of the Court shall not receive any pleading, petition, affidavit or other document, except original exhibits and certified copies of public documents, unless it is fairly and legibly transcribed on one side of the standard petition paper, demy-foolscap size. Copies of documents, if not forming part of the record of the Court appealed from, filed for the use of this Court, shall be certified to be true copies by the Advocate on record for the party presenting the same.
2. No document in a language other than Urdu or English shall be exhibited or used for the purpose of any proceedings before the Court unless it has been translated in accordance with these Rules.
3. Every document required to be translated shall be translated by a translator nominated or approved by the Court on payment of prescribed fees.

Provided that a translation attested by the Advocates on record for both parties may be accepted.

4. Every translator shall, before acting, make an oath or affirmation that he will translate correctly and accurately all documents given to him for translation, and at the end of the documents he shall certify in writing, signed by him, that the translation is correct.
5. Except as otherwise provided in these Rules, all complaints, petitions, appeals and other documents shall be presented in person by the party or by an Advocate duly appointed by the party for the purpose.
6. Except as otherwise specially provided in these Rules or by any law for the time being in force, the court fees set out in the Second Schedule to these Rules shall be payable on all documents mentioned therein.
7. The Registrar may refuse to receive any document which is presented otherwise than in accordance with these Rules.

ORDER VIII
AFFIDAVITS

1. The Court may at any time, for sufficient reason, order that any particular fact or facts may be proved by affidavit, or that the affidavit of any witness may be read at the hearing, on such condition as the Court thinks reasonable;

Provided that no such order shall be passed where it appears to the Court that either party bona fide desires the production of a witness for cross-examination and that such witness can be produced without unreasonable delay of expense.

2. Upon any application evidence may be given by affidavit, but the Court may, at the instance of other party, order the attendance for cross examination of the deponent in Court unless he is exempted from personal appearance or the Court otherwise directs.

3. Every affidavit shall be instituted in the cause, matter or appeal in which it is sworn.

4. Every affidavit shall be drawn up in the first person, and shall be divided into paragraphs to be numbered consecutively, and shall state the description, occupation, if any, and the true place of abode of the deponent.

5. Affidavits shall be confined to such facts as the deponent is able of his own knowledge to prove, except on interlocutory applications on which statement of his belief may be admitted, provided that the grounds thereof are stated.

6. The costs occasioned by any unnecessary prolixity in the title to an affidavit or otherwise shall be disallowed by the Taxing Officer.

7. An affidavit requiring interpretation to the deponent shall be interpreted by an interpreter nominated or approved by the Court, and if made elsewhere shall be interpreted by a competent person who shall certify that he has correctly interpreted the affidavit to the deponent.

8. Affidavits for the purposes of any cause, matter or appeal before the Court may be sworn before any authority mentioned in section 139 of the Code ⁸[and Oath Commissioner duly appointed by the High Court] or

⁸ . Inserted vide Notification No. SC/2288-98 dated 14th February, 2017.

before the Registrar or before a Commissioner generally or specially authorised in that behalf by the Chief Justice.

9. Where the deponent is a purdanashin lady, she shall be identified by a person to whom she is known and that person shall prove the identification by a separate affidavit.

10. Every exhibit annexed to an affidavit shall be marked with the title and number of the cause, matter or appeal and shall be initialled and dated by the authority before whom it is sworn.

11. No affidavit having any interlineation, alteration or erasure shall be filed in the Court unless the interlineation or alteration is initialled, or unless, in the case of an erasure, the words or figures written on the erasure are re-written in the margin and initialled by the authority before whom the affidavit is sworn.

12. The Registrar may refuse to receive an affidavit where, in his opinion, the interlineations, alterations, or erasures are so numerous as to make it expedient that the affidavit should be re-written.

13. Where special time is limited for filing affidavits, no affidavit filed after that time shall be used except by leave of the Court.

14. In this Order, "affidavit" includes a petition or other document required to be sworn, and "sworn", includes "affirmed".

ORDER IX

INSPECTION, SEARCH, ETC.

1. Subject to the provisions of these Rules, a party to any cause, matter or appeal who has appeared shall be allowed to search inspect or get copies of all pleadings and other documents or records in the case on payment of the prescribed fees and charges.

2. The Court, at the request of a person not a party to the cause, matter or appeal, may, on good cause shown, allow such search or inspection or grant such copies as are mentioned in the last preceding rule on payment of the prescribed fees and charges.

3. A search or inspection under the last two preceding rules during the pendency of a cause, matter or appeal, shall be allowed only in the presence of an officer of the Court and after twenty four hours' notice in writing to the parties who have appeared, and notes of the search or inspection may be made but copies of documents shall not be allowed to be taken.
4. Copies required under any of the preceding rules of this order may be certified as correct copies by any officer of the Court authorised in that behalf by the Registrar.
5. No record or document filed in any cause, matter or appeal shall, without the leave of the Court, be taken out of the custody of the Court.

ORDER X

JUDGMENTS, DECREES AND ORDERS

1. The Court, after the case has been heard, shall pronounce judgment in open Court, either at once or on some future day of which due notice shall be given to the parties or their Advocates, and the decree or order shall be drawn up in accordance therewith.
2. Save as may, otherwise be provided in these Rules, a judgment pronounced by the Court or by a majority of the Court or by a dissenting Judge in open Court shall not afterwards be altered or added to, save for the purpose of correcting a clerical or arithmetical mistake or an error arising from any accidental slip or omission.
3. Certified copies of the judgment, decree or order shall be furnished to the parties on application made for the purpose and at their expense.
4. Every decree or order made by the Court shall be drawn up in the Registry and be signed by the Registrar or Deputy Registrar or Assistant Registrar and sealed with the seal of the Court and shall bear the same date as the judgment.
5. Every order made by the Registrar or other officer shall be drawn up in the Registry and signed by the Registrar or other officer, as the case may be.
6. In cases of doubt or difficulty with regard to a decree or order made by the Court, the Registrar shall, before issuing draft, submit the same to the Judge in Chambers.

7. Where a draft of any decree or order is required to be settled in the presence of the parties, the Registrar shall by notice in writing appoint a time for settling the same, and the parties shall attend accordingly and produce their briefs and such other documents as may be necessary to enable the draft to be settled.

8. Where any party is dissatisfied with any decree or order as settled by the Registrar, the Registrar shall not proceed to complete the decree or order without allowing that party sufficient time to apply by motion to the Court.

9. The decree passed or order made in every appeal, and a direction or writ issued in any matter, by the Court shall be transmitted by the Registrar to the Court, tribunal or other authority concerned from whose judgment, decree or order the appeal or matter was brought, and any such decree, order or direction shall be executed and enforced as if it has been made and issued by the High Court.

10. Any order as to the costs of proceedings in the Court, as soon as the amount of the costs to be paid is ascertained, shall be transmitted by the Registrar to the Court or tribunal appealed from or to any other authority concerned, and shall be given effect to by that Court, tribunal or authority as if it were an order made by the High Court.

ORDER XI CONSTITUTION OF COURT

(1) Save as provided by law or by these Rules, every cause, appeal or matter shall be heard and disposed of by the Court consisting of the Chief Justice and one ⁹[or more other Judges.]

Provided that when the number of the Judges, (due to appointment of an ad-hoc Judge or otherwise) is temporarily increased, every cause, appeal or matter shall be heard and disposed of by a Bench consisting of two ¹⁰[or more other) Judges to be nominated by the Chief Justice; ¹¹[or if the Chief Justice so decides, by a bench consisting of the Chief Justice and two ¹²(or more other) Judges to be nominated by him.]

⁹ . Added vide Notification No. SC/2288-98 dated 14th February, 2017.

¹⁰ .Added vide *ibid*.

¹¹ .Inserted vide Notification No. SC/311-14/1989 dated 1st February, 1989.

¹² . Added vide Notification No. SC/2288-98 dated 14th February, 2017.

¹³[Provided further that in the event any one ¹⁴(or two) of the Judges constituting the Court is ¹⁵(or are) unable to hear and dispose of an appeal, revision petition, cause or matter the same may be heard and disposed of by a single Judge.]

Provided further that a petition for leave to appeal shall be heard and disposed of by a single Judge nominated by the Chief Justice but the Chief Justice may in a fit case refer any petition as aforesaid to the Court consisting of two ¹⁶[or more other] Judges.

Provided further that in a case arising out of the Judgment, decree, order or sentence of any authority other than High Court, the decision of the Supreme Court shall be expressed in the terms of the opinion of the senior of the two ¹⁷[or more other] Judges.

PART II

APPELLATE JURISDICTION ORDER XII

¹⁸[CIVIL APPEALS UNDER SECTION 42 (11) (d) (e) & (f) OF THE CONSTITUTION.]

1. Civil appeal under clause (d) & (e) of sub-section (11) of section 42 of the Constitution shall be lodged within sixty days from the date of

¹³ . Added vide Notification No. 650-51/SC/82 dated 27th April, 1982.

¹⁴ . Added vide Notification No. SC/311-14/1989 dated 1st February, 1989.

¹⁵ . ibid

¹⁶ Added vide Notification No. SC/2288-98 dated 14th February, 2017.

¹⁷ . ibid

¹⁸ . Subs & inserted Notification No. SC/2288-98 dated 14th February, 2017. Original text of heading and Rule 1, 2,3 is as under:-

“CIVIL APPEALS UNDER SECTION 42 (11) and (12) OF THE CONSTITUTION.”

“1. No notice of motion in relation to a Civil Appeal under this order shall be entertained unless it is accompanied by a certified copy of the certificate granted by the High Court.

2. Where a certificate has been granted under section 42(11) of the Constitution any party who desires to appeal shall file a petition of appeal in the Court.

3. The petition of appeal shall be presented within thirty days from the date of the grant of the certificate by the High Court:

“Provided that the Court may for sufficient cause extend the time.”

judgment, decree or final order of the High Court and appeals in the cases under clause (f) sub-section (11) *ibid*, within thirty days from the date of the grant of the certificate by the High Court:

Provided that the Court may for sufficient cause extend the time.

2. An appeal under section 42 (11) (f) shall be entertained only if it is accompanied by a certificate issued by the High Court that the case involves a substantial question of law as to interpretation of the Constitution.]

¹⁹[3. The petition shall set forth the appellant's objections to the decision of the High Court, and where the appellant desires to raise other grounds in the appeal, the petition of appeal shall be accompanied by a separate petition indicating the grounds so proposed to be raised and praying for special leave to appeal on these grounds, and the petition for special leave, shall, unless the Court otherwise directs, be heard at the same time as the appeal. Copies of the petition of appeal shall be served on the respondent.

*4. The petition of appeal shall be accompanied by:-

- (i) certified copies of the judgment and decree or order appealed against as well as those of trial and lower appellate Courts;
- (ii) a certified copy of the certificate granted under section 42(11) (f) of the constitution, where that certificate is not embodied in the judgment; and
- (iii) an affidavit of service of a copy of the petition of appeal on the respondent.

²⁰[(iv) certified copies of lists of legal representatives filed by the plaintiff under Order VII Rule 26 and the defendant under Order VIII Rule 13 CPC in the trial Court.]

*5. Within thirty days of the service on him of the petition of appeal, a respondent, may, if he so desires file in this Court his objections, if any, to the grounds taken by the appellant in his petition of appeal, and to the appellant's right to raise in the appeal any question other than those bearing on the question of law to which the certificate relates.

¹⁹. Inserted vide Notification No. SC/2288-98 dated 14th February, 2017. Existing unamended rules Nos. 4,5,6,7 & 8 renumbered as 3, 4, 5, 6, & 7.

²⁰ .*ibid*.

*6. The liability of the parties to pay court-fee in this Court, unless otherwise ordered by this Court, shall not be affected by any order for consolidation of appeals made by the High Court or by this Court.

*7. The provisions contained in the succeeding Orders in this part of the Rules shall, with necessary modifications and adaptations, apply, so far as may be, to appeals under this order.]

²¹[ORDER XII-A

APPEALS UNDER OTHER LAWS

1. An appeal provided in any other law shall be lodged within a period of sixty days unless otherwise provided in such other law:

Provided that the Court may for sufficient cause extend the time.

2. The provisions of Order XII and XIII shall apply *mutatis mutandis* to the appeals under this Order.]

²²[ORDER XIII

**PETITIONS FOR LEAVE TO APPEAL IN
CIVIL PROCEEDINGS UNDER SECTION 42(12) OF THE
CONSTITUTION.]**

1. A petition for special leave to appeal shall be lodged in this Court within sixty days of the judgment or order sought to be appealed from or as the case may be within thirty days from the date of the refusal of grant of certificate under section 42 (11) of the Constitution by the High Court.

Provided that the court may for sufficient cause extend the time.

2. A petition for special leave to appeal shall state succinctly and clearly all such facts as it may be necessary to state in order to enable the Court to determine whether such leave ought to be granted, and shall be signed by the counsel or Advocate on record for the petitioner or by the party himself if he appears in person. The petition shall deal with the merits of the case only so far as is necessary for the purpose of explaining and supporting the particular grounds upon which special leave to appeal is

²¹ .Order XII-A added vide Notification No. SC/2288-98 dated 14th February, 2017.

²² . Substituted vide Notification No. SC/2288-98 dated 14th February, 2017. Original text reads as:-
“PETITION FOR SPECIAL LEAVE TO APPEAL IN CIVIL PROCEEDINGS”

sought. The Counsel should cite all previous decisions of this Court and the Supreme Court of Pakistan to the best of their knowledge, bearing the questions they propose to raise. The petition shall also state whether the petitioner moved the High Court for grant of certificate under section 42 (11) of the Constitution, and if so, with what result.

3. (1) The petitioner shall lodge at least four copies of;-
 - (i) his petition for special leave to appeal;
 - (ii) the judgment and order sought to be appealed from together with grounds of appeal or applications before the High Court and the order of the High Court refusing grant of certificate under section 42 (11) of the Constitution, if any, one copy each of which shall be certified to be correct;
 - (iii) the affidavit in support of allegations of fact prescribed by rule 4 of order XVII, hereinafter contained; and
 - (iv) unless a caveat as prescribed by rule 2 of Order XVII, has been lodged by the other party who appeared in the Court below, an affidavit of service of notice of the intended petition upon such party.
- ²³[(1-A) Certified copies of list of legal representatives filed by the plaintiff under Order VII Rule 26 and the defendant under Order VIII Rule 13 CPC in the trial Court.]
- (2) The petitioner shall, on demand, furnish to other parties, at their expense on the prescribed charges, copies of all or any of the documents filed by him in the Court.

4. In an appropriate case, the Registrar may require the petitioner to supply in advance of the hearing of the petition copies of the orders made in the case by all Courts subordinate to the High Court as well as the grounds of petition of any earlier appeal.

5. Save in cases where caveat as prescribed by rule 2 of order XVII has been lodged by the other party who appeared in the Court appealed from, petitions for special leave to appeal shall be heard ex-parte by the Court may, if it deems fit, direct the petitioner to issue notice to the other party and adjourn the hearing of the petition which shall be posted for hearing after service of notice on the party concerned and upon affidavit of service by the petitioner. Where the other party who has appeared in the Court appealed from has lodged a caveat as aforesaid, notice of the

²³ . Inserted vide Notification No. SC/2288-98 dated 14th February, 2017.

hearing of the petition shall be given to the caveator, but a caveator shall not be entitled to costs of the petition unless the Court otherwise orders.

6. Where the Court grants special leave to appeal, it shall, in its orders, give such direction, as it may deem fit, for the provision for security for costs of the respondent, as may be awarded at the disposal of the appeal. These directions shall be subject to modification at the instance of any party at any time prior to the hearing of the appeal.

7. Subject to the provisions of these Rules, no appeal by special leave of this Court shall be admitted to a hearing unless the amount of security has been first deposited, and, subject to any directions made by the Court, the deposit shall be made within a period of one month after the date on which the appeal is ripe for hearing.

8. Except where otherwise ordered by the Court, the security shall be deposited in cash in the National Bank of Pakistan under a chalan to be issued by the Registrar.

9. Where the appellant has lodged security for the respondent's costs of an appeal, the Registrar of the Court shall deal with such security in accordance with the directions contained in the Court's order determining the appeal.

10. After the grant of special leave to appeal by this Court, the Registrar shall transmit a certified copy of the order to the Registrar of the Court appealed from.

11. Where a petitioner, who has obtained special leave to appeal, desires, prior to the receipt of the original record of the appeal in this Court, to withdraw his petition, he shall make an application to that effect to the Court, and the Court may thereupon make an order dismissing the petition. The security if entered into by the appellant, shall be dealt with in such manner as the Court may think it fit to direct.

12. Where the petitioner makes default in depositing the security as required under rule 7, the Registrar shall, after notice to the Advocate for the petitioner, post the matter before Court, and the Court may thereupon rescind the order granting special leave to appeal or make such other order as it thinks fit.

13. Save as otherwise provided by the preceding rules of this Order, the provisions of Order XVII hereinafter contained shall apply mutatis mutandis to petition for special leave to appeal.

14. The provisions of Order XXI shall apply as far as applicable in the case of any person seeking special leave to appeal to the Court as a pauper.

²⁴[ORDER XIII-A

**PETITIONS FOR LEAVE TO APPEAL UNDER SECTION 47(3)
OF THE CONSTITUTION AND OTHER LAWS.**

1. A petition for leave to appeal under section 47 (3) of the Constitution or any other law, shall be lodged in this Court within sixty days unless provided otherwise in any other such law, of the judgment, decree or final order of the Service Tribunal or any other Administrative Tribunal or Court established under any other law, sought to be appealed from or as the case may be:

Provided that a petition for leave to appeal from the judgment, decree or order of an Administrative Court or Service Tribunal shall specify specifically in separate paragraphs, the substantial question of law of public importance upon which leave is sought:

Provided further that the Court may, for sufficient cause, extend the time:

Provided also that no security for costs, court fee, process fee, search fee or copying fee shall be charged in the petitions/appeals filed from the judgment/order of the Service Tribunal.

2. The provisions contained in Order XIII to XXI of this part of these Rules shall apply *mutatis mutandis* to the petitions for leave to appeal under this Order.]

ORDER XIV

PREPARATION OF RECORD, ETC.

1. As soon as a petition of appeal has been lodged in the Registry under Order XII, or the Court has made an order granting leave to appeal, the

²⁴. Added vide Notification No. SC/2288-98 dated 14th February, 2017.

appellant shall, without delay, take all necessary steps to have a printed or cyclo-styled record prepared in the Registry.

2. Where an appeal has been admitted by an order of this Court, the Registrar shall notify the respondent of the order of this Court granting leave to appeal, and shall also transmit a certified copy of the order to the Registrar of the High Court.

3. The Registrar shall then send for the original record from the High Court and the Registrar of the High Court, shall, with all convenient speed, arrange for the transmission of such record to the Registrar of this Court.

4. As soon as the original record has been received, the Registrar of this Court shall notify all parties of the date of such receipt and require them, within two weeks of the date of service of the notice upon them, to file their list of documents to be included in the paper books.

5. (1) Where the appellant fails to have the record prepared with due diligence, the Registrar shall call upon him to explain his default, and, if no explanation is offered, or, if the explanation offered is, in the opinion of the Registrar, insufficient the Registrar may issue a summons to the appellant calling upon him to show cause before the Court at a time to be specified in the said summons why the special leave to appeal should not be rescinded. The respondent shall be entitled to be heard before the Court in the matter of the said summons and to ask for his cost and such other relief as he may be advised. The Court may, after considering the matter of the said summons, rescind the grant of special leave to appeal or give such other directions as the justice of the case may require.

(2) The respondent shall show due diligence in the matter so far as is required of him, but negligence on his part shall not excuse delay in completion of the record for which the appellant is primarily responsible.

6. Where the decision of the appeals likely to turn exclusively on a question of law, the appellant may, after notice to the respondent and with the sanction of the Court, include such parts only of the record as may be necessary for the discussion of the same.

7. Save as otherwise provided in the last preceding rule, the Registrar, as well as the parties, shall endeavour to exclude from the record all documents (more particularly such as are merely formal) that are not relevant for the decision of the appeal, and, generally to reduce the bulk of the record as far as practicable; but the documents so omitted from the record shall be enumerated in a list separately.

8. The record shall be arranged, prepared and typed in the Registry in accordance with the rules embodied in the fifth Schedule to these Rules, and the parties may submit any disputed question arising in connection therewith to the Registrar who shall give such directions thereon as may be necessary in the case. The number of copies of the record to be prepared shall be determined by the Registrar.

9. As soon as the record has been made ready, the Registrar shall require the parties to enter appearance for the purpose of certifying the record to be correct and complete. The parties shall thereafter, under the direction of the Registry with due diligence, take further steps as required by these Rules preliminary to the hearing of the appeal.

10. Within thirty days from the date of service upon him of a notice to enter appearance under rule 9, the appellant shall pay court fees in respect of the appeal according to the scale laid down in item 2 of Part II of the Third Schedule to these Rules.

11. Every appellant and each respondent who has entered an appearance shall be entitled to receive, for his use, any number of copies of the record not exceeding three.

12. The parties shall be severally responsible for placing on the paper book to be used at the hearing all documents that may be necessary for the due appreciation of the case. In case of objection by any party to the inclusion or non-inclusion of any document which is desired by any other party, such document shall be included but at the cost of the party desiring such inclusion.

Provided that if the Court, when deciding the appeal considers that any document so included was either inadmissible in evidence, or wholly irrelevant or unnecessary for the purpose of the appeal, the costs incurred in respect of such document shall be borne exclusively by the party at whose instance such document was included.

ORDER XV
WITHDRAWAL OF APPEAL, NON-PROSECUTION OF
APPEAL, CHANGE OF PARTIES

1. Where an appellant, who has not lodged his concise statement as provided in Order XVIII, desires to withdraw his appeal, he shall make an application to that effect to Court. The costs of the appeal and the security entered into by the appellant if any, shall then be dealt with in such manner as the Court may think fit to direct.
2. Where an appellant who has lodged his concise statement as provided in Order XVIII desires to withdraw his appeal, he shall present a petition to that effect to the Court. On the hearing of any such petition a respondent may apply to the Court for his costs.
3. If an appellant fails to take any steps in the appeal within the time fixed for the same by these Rules, or, if no time is specified, it appears to the Registrar that the appellant is not prosecuting his appeal with due diligence, the Registrar shall call upon him to explain his default and, if no explanation is offered, or, the explanation offered appears to the Registrar to be insufficient, he may issue a summons calling upon the appellant to show cause to the Court why the appeal should not be dismissed for want of prosecution.
4. The Registrar shall send a copy of the summons mentioned in the last preceding rule to every respondent who has entered an appearance and every such respondent shall be entitled to be heard before the Court and to ask for his costs and other relief.
5. The Court may, after hearing the parties, dismiss the appeal for non-prosecution or give such other directions thereon as the justice of the case may require.
6. An appellant whose appeal has been dismissed for non-prosecution may, within thirty days of the order, present a petition praying that the appeal may be restored, and the Court may, after giving notice of such application to the respondent who had entered appearance in the appeal, restore the appeal if sufficient cause is shown, on such terms as to costs or otherwise as it thinks fit or pass such other orders as the circumstances of the case and the ends of justice may require.

7. Where at any time after the grant of special leave to appeal the record is found to be or becomes defective by reason of the death of change of status of a person who was a party to the decree or other decision by the lower Court, it shall be the duty of the appellant to make an application in that behalf, and the Court may, on such application, or on application by any other person interested, grant a certificate showing who, in the opinion of the Court, is the proper person to be substituted or entered on the record, in place of, or in addition to, the party on the record, and the name of such person shall thereupon be deemed to be so substituted or entered on the record as aforesaid.

8. An application to bring on record the legal representatives of any appellant or respondent who has died or suffered a change of status shall be made within ninety days, of such occurrence:

Provided that the Court may for sufficient cause extend the time.

ORDER XVI

APPEARANCE BY RESPONDENT

1. The respondent shall enter an appearance within thirty days of the receipt of the notice of despatch of the record under Order XIV but he may enter an appearance at any time before the hearing of the appeal on such terms as the Court thinks fit.

2. The respondent shall forthwith, after entering an appearance, give notice thereof to the appellant and endorse a copy of such notice to the Registry.

3. Where there are two or more respondents, and only one, or some, of them enter an appearance, the Appearance Form shall set out the names of the appearing respondents.

4. Two or more respondents may, at their own risk as to costs, enter separate appearance in the same appeal.

5. A respondent who has not entered an appearance shall not be entitled to receive any notices relating to the appeal from the Registrar, nor be allowed to lodge a concise statement in the appeal.

6. Where a respondent fails to enter an appearance in an appeal within thirty days of the lodging of the concise statement by the appellant, and

on proof of service of notice of the same having been served on him, the appeal may be set down ex-parte as against the said non-appearing respondent. The Registrar shall give notice of the appeal having been set down ex-parte to the non-appearing respondent:

Provided that the Court may condone the delay and grant such further time to the non-appearing respondent as it may deem fit.

ORDER XVII

PETITIONS GENERALLY

1. All petitions shall consist of paragraphs numbered consecutively and shall be fairly and legibly written, type written or lithographed on one side of standard petition paper demi-foolscap size or on paper ordinarily used in High Court for transcribing petitions, with quarter margin and endorsed with the name of the Court appealed from, the full title and Supreme Court number of the appeal to which the petition relates, or the full title of the petition (as the case may be) and the name and the address of the Advocate on record (if any) of the petitioner or of the petitioner where the petitioner intends to appear in person. Unless the petition is a Consent petition within the meaning of rule 8 of this Order, at least six copies thereof shall be lodged.

2. Where a petition which does not relate to any pending appeal of which the record has been registered in the Registry is expected to be, or has been, lodged, any person claiming a right to appear before this Court on the hearing of such petition may lodge a caveat in the matter thereof, and shall thereupon be entitled to receive from the Registrar notice of the lodging of the petition, if at the time of the lodging of the caveat such petition has not been lodged, and, if and when the petition has been lodged to require the petitioner to serve him with a copy of the petition and to furnish him, at his own expense, with copies of any papers lodged by the petitioner in support of his petition. The caveator shall forthwith, after lodging his caveat, give notice thereof to the petitioner, if the petition has been lodged.

3. Where a petition is lodged in the matter of any pending appeal of which the record has been registered in the Registry, the petitioner shall serve any party who has entered an appearance in the appeal with a copy of such petition, and the party so served shall thereupon be entitled to require the petitioner to furnish him, at the expense of the said party, with copies of any papers lodged by the petitioner in support of his petition.

4. A petition not relating to any appeal of which the record has been registered in the Registry, and any other petition containing allegations of fact which cannot be verified by reference to the registered record or any certificate or duly authenticated statement of the Court appealed from, shall be supported by affidavit. Where the petitioner prosecutes his petition in person, the said affidavit shall be sworn by the petitioner himself and shall state that, to the best of the deponent's knowledge, information and belief, the allegations contained in the petition are true. Where the petitioner is represented by an Advocate on record, the said affidavit may be sworn by such Advocate on record, and shall, besides stating that to the best of the deponent's knowledge, information and belief the allegations contained in the petition are true, show how the deponent obtained his instructions and the information enabling him to present the petition.
5. The Registrar may refuse to receive a petition on the grounds that it discloses no reasonable cause of appeal or is frivolous or contains scandalous matter, but the petitioner may appeal by way of motion from such refusal to the Court within fourteen days.
6. As soon as a petition and all necessary documents are lodged, the petition shall thereupon be deemed to be admitted.
7. Subject to the provisions of rule 5 of Order XIII, and the next following rule, the Registrar shall, as soon as the Court has appointed a day for the hearing of a petition, notify all parties concerned of the day so appointed.
8. Where the prayer of a petition is consented to in writing by the opposite party, or where a petition is of a formal and non contentious character, the Court may, if it thinks fit, make an order thereon without requiring the attendance of the opposite party, and the Registrar shall not in any such case issue notice as provided by the last preceding rule, but shall, with all convenient speed after the Court has made its order, notify the parties concerned that the order has been made and of the date and nature of such order.
9. A petitioner who desires to withdraw his petition shall give notice in writing to that effect to the Registrar. Where the petition is opposed, the opponent shall, subject to any agreement between the parties to the contrary, be entitled to apply to the Court for his costs, but where the petition is unopposed, or where, in the case of an opposed petition, the parties have come to an agreement as to the costs of the petition, the

petition may, if the Court thinks fit, be disposed of in the same way mutatis mutandis as a Consent Petition under the provisions of the last preceding rule.

10. Where a petitioner unduly delays bringing a petition to a hearing, the Registrar shall call upon him to explain the delay, and if no explanation is offered, or if the explanation offered is, in the opinion of the Registrar, insufficient, the Registrar may, after notifying all parties interested, place the petition before the Court for such directions as the Court may think fit to give thereon.

11. At the hearing of a petition not more than one counsel shall be admitted to be heard on one side.

ORDER XVIII

LODGING OF CONCISE STATEMENT AND SUPPLEMENTAL PROCEEDINGS

1. The appellant shall lodge in the Registry three copies of a concise statement of the facts of the case and of the arguments upon which he proposes to rely within thirty days of the completion of the record intimated by the Registrar under Order XIV.

2. The respondent shall file in the Registry, within thirty days of the completion of the record intimated by the Registrar under Order XIV, three copies of a concise statement of such facts of the case as he deems material and of the arguments on which he proposes to rely at the hearing.

3. No party to an appeal shall be entitled to be heard by the Court unless he has previously lodged his concise statement:

Provided that where a respondent who has entered an appearance does not desire to lodge his concise statement in the appeal, he may give the Registrar notice in writing of his intention not to lodge any concise statement while reserving his right to address the Court on the question of costs.

4. Two or more respondents may, at their own risk as to costs, file separate concise statements in the same appeal.

5. Each party shall, after filing his concise statement, forthwith give notice thereof to the other party, and shall thereafter be entitled to receive two copies of the concise statement filed by the opposite party on his applying therefor.

6. The concise statement shall consist of paragraphs numbered consecutively and shall state, as precisely as possible, in chronological order, the principal steps in the proceedings leading up to the appeal from the commencement thereof down to the admission of the appeal, and, thereafter, the contentions to be urged by the party filing the same, and the reasons therefor, and shall be neatly typed with quarter margin on one side of standard petition paper of the same size as the Court record, References by page and line to the relevant portions of record as typed or cyclostyled shall, as far as practicable, be typed in the margin, and care shall be taken to avoid, as far as possible, the reproducing in the concise statement of long extracts from the record. The counsel preparing the concise statements shall also cite all previous decisions of this Court and the Supreme Court of Pakistan to the best of their knowledge hearing on the questions proposed to be raised in the appeal. The Taxing Officer in taxing the cost of the appeal shall, either of his own motion or at the instance of the opposite party, enquire into any unnecessary prolixity in the concise statement, and may disallow the costs occasioned thereby.

ORDER XIX

HEARING OF APPEALS

1. All appeals filed in the Registry shall, as far as possible, be heard in the order in which they are set down.
2. Adjournment of cases of all kinds for hearing shall only be granted on proper application filed by an Advocate on record engaged in the case, except where it is sought by a party conducting his case in person.
3. The Registrar shall, subject to the provisions of Order XVI, notify the parties to the appeal of the date fixed for the hearing.
4. Subject to the directions of the Court, at the hearing of an appeal not more than two Advocates shall be heard on one side.

5. The Court may, when granting leave to appeal, order that in cases involving the following questions, a Senior Advocate shall appear at the hearing of the appeal for each party:-

- (i) cases involving substantial questions of law as to the interpretation of statute;
- (ii) civil cases in which the amount or value of the subject matter of the dispute on appeal is not less than twenty thousand rupees; and
- (iii) criminal cases involving charges of offences punishable with death or transportation for life.

6. The appellant shall not, without the leave of the Court, rely at the hearing on any grounds not specified in his petition of appeal and the concise statement.

7. Where the Court, after hearing an appeal, decides to reserve its judgment therein, the Registrar shall notify the parties concerned of the day appointed by the Court for delivery of the judgment.

ORDER XX

MISCELLANEOUS

1. The filing of an appeal shall not prevent execution of the decree or order appealed against but the Court may, subject to such terms and conditions as it may think fit to impose, order a stay of execution of the decree or order, or order a stay of proceedings, in any case under appeal to this Court.

2. A respondent may apply for the summary determination of an appeal on the ground that it is frivolous or vexatious or has been brought for the purpose of delay, and the Court shall make such order thereon as it thinks fit.

3. A party to an appeal who appears in person shall furnish the Registrar with an address for service, and all documents left at that address, or sent by registered post to that address, shall be deemed to have been duly served.

ORDER XXI**PAUPER APPEALS, PETITIONS, ETC.**

1. The provisions of Order XLIV in the First Schedule to the Code shall, with necessary modifications and adaptations, apply in the case of any person seeking to appeal to the Court as a pauper.

2. An application for permission to proceed as a pauper shall be made on petition setting out concisely in separate paragraphs the facts of the case and the relief prayed, and shall be accompanied by a certificate of counsel that the petitioner has reasonable grounds of appeal. It shall be also accompanied by an affidavit from the petitioner disclosing all the property to which he is entitled and the value thereof, other than his necessary wearing apparel and his interest in the subject-matter of the intended appeal, and stating that he is unable to provide sureties and pay court-fees. The Registrar, on satisfying himself that the petition is in order, may himself enquire into the pauperism of the petitioner after notice to the other parties in the case and to the Advocate General or refer the matter to the Registrar of the High Court, and the High Court either itself or by a Court subordinate to the High Court investigate into the pauperism after notice to the parties interested and make a report thereon within thirty days after the receipt of the reference from this Court:

Provided that no reference as aforesaid shall be necessary where the petitioner had been permitted to prosecute his appeal in forma pauperis in the Court appealed from.

3. The Court may allow an appeal to be continued in forma pauperis after it has begun in the ordinary form.

4. Where the petitioner obtains leave of the Court to appeal as a pauper, he shall not be required to pay court-fees or to lodge security for the costs of the respondent.

5. Where the appellant succeeds in the appeal, the Registrar shall calculate the amount of court-fees which would have been paid by the appellant if he had not been permitted to appeal as a pauper and incorporate it in the decree or order of the Court. Such amount shall be recoverable by the Government from any party ordered by the Court to pay the same and shall be the first charge on the subject-matter of the appeal.

6. Where the appellant fails in the appeal or is dispaupered, the Court may order the appellant to pay the court-fees which would have been paid by him if he has not been permitted to appeal as a pauper.
7. The Government shall have the right at any time to apply to the Court to make an order for the payment of proper court-fees under the last two preceding rules.
8. In every pauper appeal, the Registrar shall, after the disposal thereof, send to the Government a memorandum of the Court- fees due and payable by the pauper.
9. No person shall take, agree to take or seek to obtain from a person proceeding as a pauper, any fee, profit or reward for the conduct of the pauper's business in the Court, but the court may nevertheless award costs against the other party and in that case may direct payment thereof to the Advocate of the pauper and the Advocate on record acting for him.

ORDER XXII

²⁵[**CRIMINAL APPEALS UNDER SECTION 42 (11)**

OF THE CONSTITUTION AND APPEALS/REVISIONS UNDER OTHER LAWS]

1. Appeals under section 42 (11) (a), (b) and (c) of the Constitution shall be lodged within thirty days from the date of the judgment, final order or sentence appealed from, and appeals under section 42 (II)(f) shall be lodged within thirty days from the date of the certificate granted by the High Court:

Provided that the Court may for sufficient cause extend the time.

²⁶[1-A. Appeals under other laws except appeals/revisions under Islamic Penal Laws (Enforcement) Act, 1974, apart from appeals provided in rule 1, shall be lodged within 30 days unless provided otherwise in such other laws, from the date of the judgment, final order or sentence appealed from:

Provided that the Court may for sufficient cause extend the time.]

²⁵ . Substituted vide Notification No. SC/2288-98 dated 14th February, 2017. Original heading reads as:- “CRIMINAL APPEALS UNDER SECTION 42(11) OF THE CONSTITUTION.”

²⁶ . Inserted vide *ibid*

2. The appeal shall be in the form of a petition in writing which shall be accompanied by a certified copy of the judgment or order appealed against, and, in the case of appeals under section 42 (11)(f) of the Constitution, also by a certified copy of the certificate granted by the High Court. The appellant shall file at least three copies of his petition and the accompanying documents.
3. The appellant, if he is in jail, may present his petition of appeal and the accompanying documents to the Officer in charge of the Jail, who shall forward them forthwith to the Registrar.
4. On receipt of the petition of appeal the Registrar shall cause notice of the appeal to be given to the Advocate General, and, in cases where the appeal is by the Government, to the accused, and shall also furnish the Advocate General or the accused, as the case may be, with a copy of the petition of appeal and the accompanying documents.
5. In the case of an appeal arising out of proceedings under the Foreign Exchange Regulation Act, 1947 (VII of 1947), the Registrar shall cause notice of the appeal to be given also to the Governor of the State Bank of Pakistan even if the said Bank is not impleaded as a party.
6. The Registrar shall thereafter send a copy of the petition of appeal to the High Court for its record, and require the Registrar of the High Court to transmit to this Court the original record of the appeal alongwith the records of the Courts below with all convenient speed.
7. In proper cases the Court may in its discretion direct the engagement of an Advocate for an accused person at the cost of the Government. In such a case the engagement of an Advocate on record to instruct the Advocate shall not be necessary. The fee of the Advocate so engaged shall be Rs. 200/- for preparation of the case and Rs.50/- per hours, or part thereof, of actual hearing in the Court, subject to a minimum of Rs. 100/-.
8. Due notice shall be given to the parties concerned of the date fixed for the hearing of the appeal. The accused may, where he so desires, present his case by submitting his arguments in writing, and the Court shall consider the same at the hearing of the appeal.
9. The Court may, where it thinks fit so to do, in the interest of justice, direct the production of an accused person at the hearing of the appeal.

10. After the disposal of the appeal, the Registrar shall with the utmost expedition send a copy of the Court's judgment or order to the High Court.

11. Pending the disposal of any appeal under this Order the Court may order that the execution of the sentence or order appealed against be stayed on such terms as the Court may think fit.

12. In criminal proceedings no security for costs shall be required to be deposited and no court-fee, process fee or search fee shall be charged, and no copying charges shall be made except for copies other than the first to any party to the proceedings.

13. Save as aforesaid the provisions contained in the preceding Orders in this Part of the Rules shall, with necessary modifications and adaptations, apply, so far as may be, to criminal appeals under this Order.

ORDER XXIII

PETITIONS FOR LEAVE TO APPEAL IN

CRIMINAL PROCEEDINGS

1. Save as hereinafter provided, the provisions with respect to petitions for special leave to appeal in civil proceedings contained in ORDER XIII of this Part of the Rules, shall, with necessary modifications and adaptations, apply to applications for leave to appeal in criminal matters:

Provided that no court-fee, process-fee or search-fee shall be charged and no copying shall be made except for copies other than the first to any party to the proceedings.

2. All petitions and applications for leave to appeal in criminal matters shall be lodged in the Court within thirty days from the date of the judgment or order sought to be appealed from or from the date of the refusal of certificate under section 42 (11) (f) of the Constitution by the High Court:

Provided that the Court may for sufficient cause shown extend the time.

Exception: The period of limitation for a petition for leave to appeal instituted by the Advocate- General, against an order of acquittal by the High Court shall be sixty days.

3. The petitioner, if he is in jail, may present his petition for leave to appeal in respect of his own conviction alongwith the accompanying documents, including any written arguments which he may desire to advance, to the Officer in charge of the jail who shall forthwith forward them to the Registrar.

4. ²⁷[Except in cases involving the sentence of death, the Registrar shall place the petition and the accompanying documents so received before the Court, and the Court may upon perusal of the papers, reject the petition summarily without hearing the petitioner in person, if it considers that there is no sufficient ground for granting leave to appeal.”]

5. In the case of a petition for leave to appeal involving a sentence of death, the Registrar shall as soon as the petition is filed or received from the Officer in charge of a jail, intimate the fact of the petition having been filed or received in the Court to the Government and thereupon the execution of the sentence of death shall be stayed pending the disposal of the petition.

6. In the case of a petition for leave to appeal in respect of proceeding under the Foreign Exchange Regulation Act, 1947 (VII of 1947), the Registrar shall cause notice of the petition also to be given to the Governor of the State Bank of Pakistan even if the Said Bank is not impleaded as a party.

7. Pending the disposal of a petition under this Order, the Court may direct that execution of any order for imprisonment or fine, against which leave to appeal is sought, be stayed on such terms as the Court may think fit:

Provided that unless surrender is first made to an order for imprisonment as above, the petition shall not be posted for hearing, nor shall operation of such order be suspended.

²⁷ .Substituted vide Notification No. 650-51/SC/82 dated 27th April, 1982.

8. After the grant of petition for leave to appeal by the Court, the Registrar shall transmit a certified copy of the order to the Court appealed from. The Court appealed from shall then arrange for the transmission of the original record of the appeal including the records of the Courts below with all convenient speed. In cases where paper books of the appeal were printed or typed for use in the High Court, 12 copies thereof, or such lesser number as the Registrar of this Court may specify, shall also be transmitted alongwith the original record.

9. The provisions contained in Order XXII shall, so far as practicable, apply to criminal appeals arising under this Order except that the record shall be prepared at the expense of the appellant.

10. The paper books for use in the Supreme Court shall be prepared at the expense of the appellant unless otherwise ordered by the Court, but in case involving sentence of death or for life, these shall be prepared at the expense of the Government.

PART III

ORDER XXIV

APPLICATIONS FOR ENFORCEMENT OF FUNDAMENTAL RIGHTS, HABEAS CORPUS

1. An application for a writ of habeas corpus shall be filed in the Registry and shall be accompanied by an affidavit by the person restrained, stating that the application is made at his instance and setting out the nature and circumstances of the restraint. The application shall also state whether the applicant has moved the High Court for the same relief and, if so, with what result:

Provided that where the person restrained is unable owing to the restraint to make the affidavit, the application shall be accompanied by an affidavit to the like effect made by some other person which shall state the reason why the person restrained is unable to make the affidavit himself.

2. The application shall be heard by the full Court.

3. If the Court is of opinion that a prima facie case for granting the application is made out, a rule nisi shall be issued calling upon the person

or persons against whom the order is sought to appear on a day to be named therein to show cause why such order should not be made and at the same time to produce in Court the body of the person or persons alleged to be illegally or improperly detained then and there to be dealt with according to law.

4. On the return day of such rule, or any day to which the hearing thereof may be adjourned. The Court shall, after hearing such parties as are present and wish to be heard, make such order as in the circumstances it considers to be just and proper.

5. In disposing of any such rule, the Court may in its discretion make such order for costs as it may consider just.

**MANDAMUS, PROHIBITION, CERTIORARI, QUO
WARRANTO, ETC.**

6. Any other application for the enforcement of a fundamental right shall be filed in the Registry. It shall set out the name and description of the applicant, the relief sought and the grounds verifying the facts relied on, and at least six copies of the said application and affidavit shall be lodged in the Registry. It shall also state whether the applicant has moved the High Court for the same relief and, if so, with what result. The application shall be made by notice of motion, but the Registrar may in appropriate cases put up the application before the Court for orders as to issue of notice.

7. Such application shall be heard by the full Court. Unless the Court otherwise directs, there shall be at least eight clear days between the service of the notice of motion and the day named therein for the hearing of the motion.

8. Copies of the said application and the affidavit in support thereof shall be served with the notice of motion, and every party to the proceeding shall supply to any other party on demand and on payment of the proper charges, copies of any affidavit filed by him.

9. The notice shall be served on all persons directly affected and on such others persons as the Court may direct:

Provided that on the hearing of any such motion, any person who desires to be heard in opposition to the motion and appears to the Court to be a proper person to be heard shall be heard, notwithstanding that he has not been served with the notice of motion, and shall be liable to costs in the discretion of the Court.

10. The Court may in such proceedings impose such terms as to costs and giving of security as it thinks fit.

11. The provisions of Order XVII relating to petitions shall, so far as may be applicable, apply to applications under this Order.

PART IV

ORDER XXV

PLAINTS

1. Every suit shall be instituted by the presentation of the plaint.
2. A plaint shall be presented to the Registrar, and all plaints shall be registered and numbered by him according to the order in which they are presented.
3. Every plaint shall comply with the rules contained in Order XXVIII of these Rules so far as they are applicable.
4. A plaint shall contain the following particulars, namely:-
 - (a) the names of the plaintiff and of the defendant;
 - (b) the facts constituting the cause of action and when it arose;
 - (c) the facts showing that the Court has jurisdiction; and
 - (d) the declaration which the plaintiff claims.
5. The plaintiff shall endorse on the plaint, or annex thereto, a list of the documents (if any) which he has produced alongwith it, and the Registrar of the list if an examination he finds it to be correct.
6. The plaint shall be rejected-
 - (a) where it does not disclose a cause of action ; or

(b) where the suit appears from the statement in the plaint to be barred by any law.

7. Where a plaint is rejected, the Court shall record an order to that effect with the reasons for the order.
8. The rejection of the plaint shall not of itself preclude the plaintiff from presenting a fresh plaint in respect of the same cause of action.
9. Where a plaintiff sues upon a document in his possession or power, he shall produce it to the Registrar when the plaint is presented and shall at the same time deliver the document or a copy thereof to be filed with the plaint.
10. Where the plaintiff relies on any other documents (whether in his possession or power or not) as evidence in support of his claim, he shall enter such documents in a list to be added or annexed to the plaint.
11. Where any such document is not in the possession or power of plaintiff, he shall, if possible, state in whose possession or power it is.
12. A document which ought to be produced in Court by the plaintiff when the plaint is presented, or to be entered in the list to be added or annexed to the plaint, and which is not produced or entered accordingly, shall not, without the leave of the Court, be received in evidence at the hearing of the suit.

ORDER XXVI

ISSUES AND SERVICE OF SUMMONS

1. When a suit has been duly instituted, a summons may be issued to the defendant to appear and answer the claim.
2. Every summons shall be signed by the Registrar and shall be sealed with the Seal of the Court.
3. Every summons shall be accompanied by a copy of the plaint.
4. The summons shall be served by being sent by registered post to the Advocate General or to an Attorney of the defendant empowered to accept service.

5. There shall be endorsed on every summons a notice requiring the defendant to enter an appearance within twenty eight days after the summons has been served.
6. A defendant shall enter his appearance by filing in the Registry a memorandum in writing containing the name and place of business of his Advocate on record, and in default of appearance being entered within the time mentioned in the summons or as hereinafter provided, the suit may be heard ex-parte. The defendant shall also file a written statement alongwith his memorandum of appearance.
7. The defendant shall forthwith give notice of his having entered an appearance to the plaintiff and shall at the same time supply him a copy of the written statement.
8. The plaintiff shall, within fourteen days after the defendant has entered an appearance, take out a summons for directions returnable before the Judge in Chambers, and the Judge shall on the hearing of the summons give such directions with respect to pleadings, interrogatories, the admission of documents and facts, the discovery, inspection and production of documents and such other interlocutory matter as he may think expedient.

ORDER XXVII

WRITTEN STATEMENT, SET-OFF AND COUNTER CLAIM

1. It shall not be sufficient for a defendant in his written statement to deny generally the facts alleged by the plaintiff but he shall deal specifically with each allegation of fact of which he does not admit the truth, except damages.
2. Where a defendant denies any allegation of fact he shall not do so evasively but shall answer the point of substance.
3. Each allegation of fact in the plaint, if not denied specifically or by necessary implication or not expressly to be not admitted in the pleading of the defendant, shall be taken to be admitted, but the Court may, in its discretion, require any fact so admitted to be proved otherwise than by such admission.

4. Where the defendant claims to set-off against a demand by the plaintiff any ascertained sum of money, he may in his written statement, but not afterwards without the leave of the Court, state the grounds of his claim and the particulars of the debt sought to be set-off.
5. The written statement containing particulars mentioned in the last preceding rules shall have the same effect as a plaint in a cross-suit so as to enable the Court to pronounce a final judgment in respect of both of the original claim and of the set-off.
6. The rules relating to a written statement by a defendant shall apply to a written statement by a plaintiff in answer to a claim of set-off.
7. No pleading subsequent to the written statement of a defendant, other than by way of defence to a set-off, shall be presented except by the leave of the Court and upon such terms as the Court may think fit, but the Court may at any time require a written statement or additional written statement from any of the parties and may fix the time for presenting the same.
8. Where any party from whom a written statement is so required fails to present the same within the time fixed by the Court, the Court may pronounce judgment against him or make such order in relation to the suit as it thinks fit.
9. The defendant, in addition to his right of pleading a set-off, may set up by way of counter-claim against the claims of the plaintiff any right or claim in respect of a cause of action accruing to him either before or after the filing of the suit, but before he has delivered his defence and before the time limited for delivering his defence has expired, whether that counter-claim stands in damages or not, and the counter-claim shall have the same effect as a cross-suit so as to enable the Court to pronounce a final judgment in the same suit, both on the original and on the counter-claim.
10. The Court may, if in its opinion the counter-claim cannot be disposed of in the pending suit or ought not to be allowed, refuse permission to the defendant to avail himself thereof, and require him to file a separate suit.

ORDER XXVIII**PLEADINGS GENERALLY**

1. In this order “pleading” means plaint or written statement.
2. Every pleading shall contain, and contain only, a statement in a concise form of the material facts on which the party pleading relies, but neither the evidence by which those facts are to be proved nor only argumentative matter, and shall be divided into paragraphs numbered consecutively. Dates, sums and numbers shall be expressed in figures.
3. A further and better statement of the nature of the claim or defence, or a further and better particular of any matter stated in any pleading, may in all cases be ordered upon such terms as to costs and otherwise as may be just.
4. Wherever the contents of any document or material, it shall be sufficient to state the effect thereof, as briefly as possible, without setting out the whole or any part thereof unless the precise words of the document or any part thereof are material.
5. Every pleading shall be signed by, or by an Advocate on behalf of, the Advocate General.
6. The Court may at any stage of the proceedings order to be struck out or amended any matter in any pleading which may be unnecessary or scandalous or which may tend to prejudice or embarrass or delay the trial of the suit or which contravenes any of the provisions of this Order.
7. The Court may at any stage of the proceedings allow either party to amend his pleading in such manner and on such terms as may be just, but only such amendment shall be made as may be necessary for the purpose of determining the real question in controversy between the parties.
8. If a party who has obtained an order for leave to amend does not amend accordingly within the time limited for that purpose by the order, and, if no time is thereby limited, within fourteen days from the date of the order he shall not be permitted to amend after the expiration of such

limited time or of such fourteen days, as the case may be, unless the time is extended by the Court.

9. Amendment of pleadings only for the purpose of rectifying a clerical error may be made on an order of the Registrar without notice, but, unless otherwise ordered, a copy of the order shall be served on all other parties.

ORDER XXIX

DISCOVERY AND INSPECTION

1. Order XI of the First Schedule to the Code shall apply with respect to discovery and inspection in suit instituted, before the Court, except rules 5 and 23 of that Order.

2. Where the Court has made an order allowing one party to deliver interrogatories to the other, those interrogatories shall be answered by such person as the Court may direct.

3. No application for leave to deliver interrogatories shall be made by the defendant until after he has filed his written statement.

4. After an order has been made for the delivery of interrogatories, one set of the interrogatories as allowed shall be annexed and served with the order upon the person to be interrogated.

5. The Court may, for sufficient reason, allow any affidavit to be sworn on behalf of the party from whom discovery, production or inspection is sought by any person competent to make the same.

6. Where any document is ordered to be deposited in Court, a copy of the order and a schedule of the document shall be left in the Registry at the time when the deposit is made.

7. When the purpose for which any documents have been deposited in the Court is satisfied, the party by whom they were deposited may, pending the suit, have them delivered out to him if he has the consent in writing of the other party or an order of the Court.

ORDER XXX

ADMISSIONS

Order XII in the First Schedule to the Code shall apply.

PART V

ORDER XXXI

SUMMONING AND ATTENDANCE OF WITNESSES.

1. The provisions of section 28 and 32 of the Code shall apply to summons to give evidence or to produce documents under these Rules.
2. Order XVI in the First Schedule to the Code with respect to the summoning and attendance of witnesses shall apply, with the exception of the proviso to sub-rule (3) of rule 10, and the words "(a) within the local limits of the Court's ordinary original jurisdiction, or (b) without such limits but "in rule 19".

ORDER XXXII

ADJOURNMENTS

Order XVII in the First schedule to the Code shall apply, with the substitution in rule 2 of the words "in such manner as it thinks just" for the words "in one of the modes directed in that behalf by Order IX, or make such other order as it thinks fit".

ORDER XXXIII

PAYMENT INTO COURT

Order XXIV in the First Schedule to the Code with respect to payment into Court shall apply.

ORDER XXXIV**SPECIAL CASE**

1. (1) Parties claiming to be interested in the decision of any question of fact or law may enter into an agreement in writing stating such question in the form of a case for the opinion of the Court, and providing that, upon the finding of the Court with respect to such question-
 - (a) a sum of money fixed by the parties or to be determined by the Court shall be paid by one of the parties to the other of them; or
 - (b) some property, movable or immovable, specified in the agreement, shall be delivered by one of parties to the other of them; or
 - (c) one or more of the parties shall do, or refrain from doing, some other particular act specified in the agreement.
- (2) Every case stated under this rule shall be divided into consecutively numbered paragraphs, and shall concisely state such facts and specify such documents as may be necessary to enable the Court to decide the question raised thereby.
2. (1) The agreement, if framed in accordance with the rules hereinbefore contained, may be filed in the Court.
- (2) The agreement, when so filed, shall be numbered and registered as a suit between one or more of the parties.
3. (1) The case shall be set down for hearing as a suit instituted in the ordinary manner, and the provisions of the Code shall apply to such suits so far as the same are applicable.
- (2) Where the Court is satisfied, after examination of the parties or after taking such evidence as it thinks fit,-
 - (a) that the agreement was duly executed by them;
 - (b) that they have a bonafide interest in the question stated therein; and
 - (c) that the same is fit to be decided.

It shall proceed to pronounce judgment thereon in the same way as in an ordinary suit.

ORDER XXXV

MISCELLANEOUS

In the absence of any specific provision in this Part of the Rules, the provisions of the Code shall apply, unless the Court otherwise directs.

PART VI

ORDER XXXVI

SPECIAL REFERENCES UNDER SECTION 46-A

OF THE CONSTITUTION

1. On receipt by the Registrar of a reference from the Chairman of the Council or the President under section 46-A of the Constitution, the Registrar shall give notice to the Advocate-General to appear before the Court on a day specified in the notice to take the directions of the Court as to the parties who shall be served with notice of the special Reference, and the Court may, if it considers it desirable, order that notice of the Special Reference shall be served upon such parties as may be named in the order.
2. The notice shall require all such parties served therewith as desired to be heard at the hearing of the Special Reference to attend before the Registrar on the day fixed by the order to take the directions of the Court with respect to statements of facts and arguments and with respect to the date of the hearing.
3. Subject to the provisions of this order, the procedure on a Special Reference shall follow as nearly as may be the procedure in proceedings before the Court in the exercise of its original jurisdiction, but with such variations as may appear to the Court to be appropriate and as the Court may direct.

4. After the hearing of the Special Reference, the Court shall record its opinion, and the Registrar shall transmit it to the Chairman or the President, as the case may be:

Provided that in case of difference between the Chief Justice and the Judge, the opinion of the Chief Justice shall be transmitted as aforesaid as the opinion of the Court.

5. The Court may make such order as it thinks fit as to the costs of all parties served with notice under these Rules who appear at the hearing of the Special Reference.

PART VII

ORDER XXXVII

COSTS

1. Subject to the provisions of any statute or of these Rules the costs of, and incidental to, all proceedings shall be in the discretion of the Court. Unless the Court otherwise orders, an intervener shall not be entitled to costs.

2. Where it appears that the hearing of any suit or matter cannot conveniently proceed by reason of the neglect of the Advocate of any party to attend personally, or by some proper person on his behalf, or because of his omission to deliver any paper necessary for the use of the Court which ought to have been delivered, the Advocate shall personally pay to all or any of the parties such costs as the Court may think fit to award.

ORDER XXXVIII.

TAXATION

1. The Registrar shall be the Taxing Officer of the Court.

The Chief Justice may assign, and the Taxing Officer may with the approval of the Chief Justice delegate, to any other officer any function required by or under this Order to be exercised by the Taxing Officer.

2. The Taxing Officer shall allow all such costs, charges and expenses as appear to him to have been necessary or proper for the attainment of justice or for defending the rights of any party, and shall not allow any costs, charges and expenses which appear to him to have been incurred or increased unnecessarily or through negligence or mistake.
3. The Court may, in any proceedings where costs are awarded to any party direct payment of a sum in gross in lieu of taxed costs, and may also direct by and to whom that sum shall be paid.
4. Where, in the opinion of the Taxing Officer, the maximum fee allowed by these Rules is insufficient or a fee ought to be allowed for any matter not provided for in these Rules, he may refer the matter to the presiding Judge of the Bench hearing the appeal, cause or matter, and the Judge may make such order thereon as to the allowance of the whole or any part of the amount proposed by the Taxing Officer as he thinks fit.
5. Where the Taxing Officer is of opinion that any costs have been injuriously or unnecessarily occasioned by the negligence or improper conduct of any Advocate on record he shall not allow any charge for the same.
6. In all cases of taxation as between party and party, the bill shall be lodged for taxation as between party and party and, unless the client expresses his desire to the contrary in writing, also as between Advocate on record and client.
7. Every bill of costs lodged for taxation shall specify the exact number of folios contained in the bill lodged.
8. Every bill of costs shall be properly dated throughout and shall show in a column for the purpose the money paid out of pocket.
9. Every bill of costs shall be certified by the signature of the Advocate on record from whose office it is issued.
10. The fees for taxation and registration of every bill of costs shall be paid in court-fee stamps when the bill is lodged for taxation.
11. Every bill of costs shall, wherever possible, be accompanied by vouchers, and every item of disbursement and the cause thereof shall be

distinctly specified, and no payment out of pocket shall be allowed except on production of the necessary vouchers or in the case of Advocate's fees, without the receipt of the Advocate that the fee has been paid:-

Provided that a Taxing Officer may dispense with the production of a receipt of fee paid to the Advocate-General.

12. Within one month from the date of the signing of the judgment or order awarding costs or within such further time as the Taxing Officer may for good cause allow, the party to whom the costs have been awarded shall lodge in the Registry the bill of costs and vouchers accompanied by a certified copy of the decree or formal orders drawn up in the case. Where, in the opinion of the Taxing Officer, the filing of a bill of costs has been unduly delayed, the Taxing Officer may return the bill and shall not receive or tax the same except by order of the Court.

13. The party having the charge of the bill shall, within fourteen days or within such further period as the Taxing Officer may for good cause allow, serve on the opposite party a copy of the bill of costs and file in the Registry an affidavit of service. In default of the filing of such affidavit within the time aforesaid or within the further period allowed by the Taxing Officer, the Taxing Officer may return the bill and vouchers and shall not thereafter receive or tax the bill except by order of the Court:

Provided that, where the Taxing Officer is satisfied that the party having the charge of the bill has made all reasonable efforts to have the copy of the bill served and has failed, the Taxing Officer may dispense with such affidavit and may receive and tax the bill.

14. As soon as the affidavit of service referred to in the last preceding rule has been filed, the Taxing Officer shall fix a date for taxation of the bill and shall notify the parties of the date fixed.

15. The Taxing officer shall allow such costs of procuring the advice on evidence of an Advocate and of employing an Advocate to settle pleadings and affidavits, as the Taxing Officer in his discretion thinks just and reasonable.

16. In cases of taxation as between the Advocate on record and client where the fees are payable by the client personally or out of a fund

belonging entirely to him, the Taxing Officer shall allow, as fees to Advocates, all sums actually paid, but not exceeding those set out in the Second Schedule to these Rules, unless the written consent of the client is produced.

17. Where an Advocate on record acts for different parties to the same suit, appeal or matter, only one set of attendances shall be allowed unless the Court otherwise orders.

18. Where two or more appeals arising out of a single proceeding are heard together and costs are awarded in both or all of them, only one set of counsel's fee shall be allowed for the hearing unless the presiding Judge of the Bench hearing the appeals otherwise directs.

19. Where, on the taxation of a bill of costs payable out of a fund or out of the assets of a company in liquidation, the amount of the professional charges and disbursements contained in the bill is reduced by a sixth part or more, no costs shall be allowed to the Advocate on record lodging the bill for taxation for drawing or copying it nor for attending the taxation.

20. Where, on taxation of an Advocate on record's bill of costs as between advocate and client, the amount of the bill is reduced by a sixth part or more, the Advocate on record shall pay the costs of taxation including the cost of the Advocate on record employed in contesting the bill and the same shall be reduced by the Taxing Officer but the Taxing Officer may certify any special circumstances relating to the bill of taxation and the Court may, upon application by the Advocate on record whose bill has been taxed, make any such order as the Court may think just and equitable with respect to the costs of the taxation.

21. No court fees shall be payable by an applicant to proceed in forma pauperis except the fee for the petition to proceed.

22. In the taxation of costs as between party and party, the costs of an incidental to the attendance by an Advocate on summons or other matters in Chambers shall not be allowed unless the Court certifies that it was a fit case for the employment of an Advocate.

23. Unless specially allowed by the Taxing Officer, no allowance shall be made in party and party taxation for work done before the

commencement of proceedings in the Court, except for necessary letter of demand and the reply thereto, if any, for receiving instructions to sue, to defend, or to appeal, and searches necessary for the purpose of instituting or defending proceedings.

24. In every case of taxation as between Advocate on record and client, the client shall be duly summoned by the Taxing Officer to attend the taxation unless the Taxing Officer sees fit to dispense with his attendance.

25. No retaining fee to an Advocate shall be allowed on taxation as between party and party.

26. Any party who is dissatisfied with the allowance or disallowance by the Taxing Officer of the whole or any part of the items in a bill of costs may apply to the Taxing Officer to review the taxation in respect thereof.

27. (1) An application to review shall be made within a week from the date of the passing of the bill by the Taxing Officer.
- (2) The application shall contain objections in writing specifying concisely therein items or parts of the bill allowed or disallowed and the grounds for the objection.

28. The Taxing Officer shall serve fourteen days notice of the application on the opposite party, and a copy of the application shall accompany the notice.

29. Objections which were not taken at the time of the taxation shall not be taken at the stage of review unless allowed by the Taxing Officer.

30. The Taxing Officer may, where he thinks fit, issue, pending the consideration of any objections, a preliminary allocation for or on account of the remainder of the bill of costs.

31. Upon application to review, the Taxing Officer shall reconsider his taxation upon the objections carried in and may, where he thinks fit, receive further evidence in respect thereof, and shall state in a certificate the grounds of his decision thereon and any special facts or circumstances relating thereto.

32. Any party dissatisfied with the decision of the Taxing Officer on review may, not later than seven days from the date of the decision or within such further time as the Taxing Officer or the Court may allow, apply to the Court for an order to review the decision of the Taxing Officer and the Court may thereupon make such orders as may seem just; but the taxation of the Taxing Officer shall be final and conclusive as to all matters which shall not have been objected to in the manner aforesaid.

33. No evidence shall be received by the Court upon the review of the Taxing Officer decision which was not before the Taxing Officer when he taxed the bill or reviewed his taxation unless the Court otherwise directs.

34. The certificate of the Taxing Officer by whom any appeal has been taxed shall, unless it is set aside or altered by the Court, be final as to the amount of costs covered thereby.

35. Except as otherwise specially provided in these Rules, the fees set out in the Second and Fourth Schedules to these Rules may be allowed to Advocates, Advocate on record and officers of the Court.

36. In defended appeals, suits and special references the first day's hearing fee shall be allowed in full as fixed under the Second Schedule, for the first four and a half hours of the hearing or part thereof, subject to the provisions contained in rules 33 and 39.

37. No refresher shall be allowed unless the hearing has lasted for more than four and a half hours, and the Taxing Officer shall have discretion to reduce the refresher or to allow an additional refresher having regard to the duration of the hearing after the first four and a half hours:

Provided that the refresher shall not be reduced by more than one half.

38. Where the hearing of a part-heard case is held up on account of the Court being occupied with any other matter, the time taken in the hearing of such matter shall be taken into consideration by the Taxation Officer for purposes of a refresher.

39. In cases involving less than fifteen thousand rupees in value, the Taxing Officer shall have discretion to reduce the fees, including the first day's hearing fee and the fee of the Advocate on record suitably according to the nature of the case.

40. Save as otherwise provided in these Rules, the fees provided in the Second Schedule, other than items 1 and 2 of Part 1 shall be subject to reduction in the discretion of the Taxing Officer according to the nature of the case.

41. The allowances to be made to witnesses per diem shall be such as the Taxing Officer may think reasonable having regard to the profession or status of the witness, but shall not exceed Rs. 50 per diem unless the Court otherwise directs.

42. Witnesses residing more than five miles from the place where the Court sits shall be allowed travelling expenses according to the sums reasonably and actually paid by them, and also be allowed such sums for subsistence money and carriage hire as the Taxing Officer, having regard to the daily allowances fixed under rules 41, considers reasonable.

43. Every person summoned to give evidence shall have tendered to him with the summons a reasonable sum for his travelling expenses (if any) and for the first day's attendance, and shall, if obliged to attend for more than one day, be entitled before giving his evidence, to claim from the party by whom he has been summoned the appropriate allowance and expenses for each additional day that he may be required to attend.

44. Witnesses who have not been paid such reasonable sums for their expenses as the Court allows by its Rules may apply to the Court at any time in person to enforce the payment of such sum as may be awarded to them.

45. For the purposes of this Order a folio shall consist of one hundred words; seven figures shall be counted as one word and part of a folio exceeding fifty words shall be reckoned as a folio. A document consisting of less than one hundred words shall count as one folio.

46. Where the party having the charge of the bill does not appear on the date fixed for taxation, the Taxing Officer may make an order that the bill be rejected. An application for the restoration of the bill shall be made within fourteen days from the date of the rejection of the bill, and the Taxing Officer may for sufficient cause shown receive and tax the bill.

47. A party dissatisfied with the order of the Taxing Officer under the last preceding rule may, not later than seven days from the date of the order, or within such further time as the Taxing Officer or the Court may allow, apply to the Court for an order that the bill be restored.

48. Subject to any agreement in writing to the contrary, the rules regulating the taxation of costs between party and party shall be applicable, as far as may be, to taxation between Advocate and client.

49. If an Advocate makes an agreement in writing with his client as to his remuneration in respect of any business done or to be done by him in any proceedings in this Court, the amount payable under the agreement shall not be received by the Advocate until the agreement has been examined and allowed by the Taxing Officer, and if, the Taxing Officer is of opinion that the amount is unfair or unreasonable, he may seek the direction of the presiding Judge of the bench hearing the appeal, cause or matter and the Judge may reduce the amount payable thereunder, or order the agreement to be cancelled and the costs covered thereby to be taxed as if the agreement had never been made.

50. Where a dispute arises between the Advocate and his client as to fees and charges payable to the Advocate in any proceeding before the Court, either party may apply to the Taxing Officer for an order to have the bill taxed in accordance with the provisions of this order. The application, when made by the Advocate, shall be accompanied by a copy of the bill sought to be taxed.

51. The Advocate whose bill against his client has been taxed may apply to the Court for an order against his client or his legal representative for payment of the sum allowed on taxation or such sum thereof as may remain due to him. The order so made may be transmitted for execution to such Court or tribunal as the Court may direct.

52. Where it is necessary to enforce payment of costs under a direction of the Registrar, an order for that purpose shall be obtained from a Judge.

Application for such order may be made, without notice, by petition, supported by a certificate of the Registrar.

53. The Court may, on the application of a client or his representative in interest, direct an Advocate to deliver up any documents or papers to the possession of which the applicant may be entitled, and pass such other orders in this behalf as the circumstances of the case may require, including orders as to the costs of the application.

PART VIII

MISCELLANEOUS

ORDER XXXIX.

NOTICE OF PROCEEDINGS TO THE ADVOCATE GENERAL, ETC.

1. The Court may direct notice of any proceedings to be given to the Advocate-General or the Additional Advocate-General, and the Advocate-General or the Additional Advocate-General to whom such notice is given may appear, and shall do so if required by the Court.
2. The Advocate-General may apply to be heard in any proceedings before the Court, and the Court, if in its opinion the justice of the case so requires, permit the Advocate General so applying to appear and be heard, subject to such terms as to costs or otherwise as the Court may think fit.
3. For the purposes of this order, the expression "Advocate-General" shall include the "Additional Advocate General".

ORDER XL

FORM TO BE USED

1. Every writ, summons, order, warrant or other mandatory process shall be signed by the Registrar with the day and the year of signing, and shall be sealed with the Seal of the Court.

2. The forms set out in the Sixth Schedule to these Rules, or forms substantially to the like effect with such variations as the circumstances of each case may require shall be used in all cases where these forms are appropriate.

ORDER XLI

SERVICE OF DOCUMENTS

1. Except where otherwise provided by statute or prescribed by these Rules, all notices, orders or other documents required to be given to, or served on, any person shall be served in the manner provided by the Code for the service of summons.

2. Service of any notice, order or other document on the Advocate on record of any party may be effected by delivering it to the Advocate or by leaving it at his place of business or by sending it to his address by registered post.

3. Service of any notice, order or other document upon a person, other than an Advocate, residing at a place within the territory of Azad Jammu and Kashmir between which place and the seat of the Court there is communication by registered post, may be effected by posting a copy of the document required to be served in a prepared envelope registered for acknowledgment, addressed to the party or person at the place where he ordinarily resides:

Provided that the Registrar may direct, in a particular case or class of cases, that the service shall be effected in the manner provided by the Code for the service of summons.

4. A document served by post shall be deemed to be served at the time at which it could have been delivered in the ordinary course of post.

5. Except where the notice or process has been served through the Registry, the party required to effect the service shall file an affidavit of service, alongwith such proof thereof as may be available, stating the manner in which the service has been effected.

6. Where the notice, order or other document has been served through another Court, the service may be proved by the deposition or affidavit of the serving officer made before the Court through which the service was effected.

7. Service effected after Court hours shall, for the purpose of computing any period of time subsequent to that service, be deemed to have been effected on the following day.

ORDER XLII

COMMISSIONS

1. Order XXVI in the First Schedule to the Code with respect to commissions shall apply except rules 13, 14, 19, 20, 21 and 22 thereof.
2. An application for the issue of a commission may be made by summons in Chambers after notice to all parties who have appeared or ex-parte where there has been no appearance.
3. The Court may, when the commission is not one for examination on interrogatories, order that the commissioner shall have all the powers of a Court under Chapter X of the (Evidence Act, 1872 (I of 1872), to decide questions as to the admissibility of evidence and to disallow any question put to a witness.
4. The Commissioner shall record a question disallowed by him and the answer thereto, but the same shall not be admitted in evidence until the Court so directs.
5. Unless otherwise ordered, the party, at whose instance the commission is ordered to issue, shall lodge in the Court copies of the pleadings and issues in the case within twenty four hours of the making of the order, and those copies shall be annexed to the commission when issued.
6. Any party aggrieved by the decision of the commissioner refusing to admit documentary evidence may apply to the Court within a period of fourteen days of the date of the submission of the report to set aside the decision and for direction to the Commissioner to admit the evidence.
7. After the deposition of any witness has been taken down, and before it is signed by him, it shall be read over and, where necessary, translated to the witness. Every page of the deposition shall be signed by him and

left with the Commissioner who shall subscribe his name and the date of the examination.

8. Commissions shall be made returnable within such time as the Court may direct.

ORDER XLIII

POWER TO DISPENSE AND INHERENT POWERS

1. The Court or the Chief Justice or the Judge thereof may, for sufficient cause shown, excuse the parties from compliance with any of the requirements of these Rules, and may give such directions in matters of practice and procedure as it shall consider just and expedient.

2. An application to be excused from compliance with any of the requirements of these Rules shall be addressed in the first instance to the Registrar, who shall take the directions of the Court or of the Chief Justice or the Judge thereof and communicate the same to the party or parties, as the case may be.

3. The Court may enlarge or abridge any time appointed by these rules, or fixed by any order enlarging time, for doing any act or taking any proceeding upon such terms (if any) as the justice of the case may require and any, enlargement may be ordered, although the application therefor is not made until after the expiration of the time appointed or allowed.

4. The Court shall have power to pass any decree and make any order which ought to have been passed or made, and to pass or make such further or other decree or order as the case may require, and this power may be exercised by the Court notwithstanding that the appeal is as to part only of the decree, and may be exercised in favour of all or any of the respondents or parties, although such respondents or parties may not have filed any appeal or objection.

5. Nothing in these Rules shall be deemed to limit or otherwise affect the inherent powers of the Court to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Court.

4. The period for which any particular record is to be preserved shall be reckoned from the date of the final decree or order in the proceeding to which the record belongs, and in case a review is filed against the decree or order, from the date of the final decree or order made on review. In the case of registers, the period shall be reckoned from the date of the last entry in the Registry.
5. The Registrar may direct that any paper assigned to Part II be transferred to Part I for being preserved permanently.
6. Records which do not fall under Part I or Part II as classified below shall be referred to the Registrar who shall decide the part under which they should be included.
7. When any record is ripe for destruction, it shall either be burnt or sold as waste-paper, as the Registrar may in his discretion direct.
8. Where the record is sold as waste-paper, the sale proceeds shall be credited to Government.
9. As soon as a record is destroyed, a note shall be made in the Index against the record showing that it has been destroyed and the date of destruction.

PART I

The following papers shall be included under Part I, to be preserved permanently:-

1. Index.
2. Judgment.
3. Decree or Order.
4. Order for Costs.
5. Pleadings (plaint, written statement, set-off and counter-claim).
6. Authenticated copy of the typed/cyclostyled record.
7. Petition of appeal.
8. Concise statement.
9. Original petitions, including special leave petitions.
10. Interlocutory applications, other than applications for condonation of delay and other formal applications.

11. Orders on petitions.
12. References received under section ----- of the Constitution.
13. Memorandum of compromise.
14. Title deeds, if any, remaining unreturned to any party.
15. Any other records or papers which the Registrar may direct to be included.

Registers.

1. Minutes Books.
2. Registers of Suits, Civil and criminal appeals, special leave petitions, Special references and Miscellaneous petitions and matters.
3. Rolls of Senior Advocates/ Advocates and enrolment files.

PART II

The following papers shall be included in Part II and shall be destroyed after a period of three years as indicated below:-

1. Powers of Advocate on record and memo of appearance.
2. Affidavits.
3. Applications for condonation of delay and such other formal applications.
4. Correspondence in cases.
5. Unclaimed documents filed by parties, other than title deeds.
6. Office notices in the case files.

Register, files and miscellaneous

7. Taxation files including bills of costs.

8. Register of bills of costs.
9. Despatch Registers.
10. Surplus copies of typed/cyclostyled record and of pleadings and petitions.
11. Copies of summons and notices.
12. Copying Register.

**²⁹ORDER XLV
Omitted**

**³⁰ORDER XLVI
REVIEW**

1. Subject to the law and the practice of the Court, the Court may review its judgment or order in a civil proceeding on grounds similar to those mentioned in Order XLVII, rule 1 of the Code, and in a criminal proceeding on the ground of an error apparent on the face of the record.
2. Application for review shall be filed in the Registry within thirty days after pronouncement of the judgment, or, as the case may be, the making of the order, which is sought to be reviewed. The applicant shall after filing the application for review, forthwith give notice thereof to the other party and endorse a copy of such notice to the Registry.
3. Every application for review shall be accompanied by a certified copy of the judgment or order complained of, and when the application

²⁹ . Omitted vide Notification No.SC/2288-98/2017 dated 14th February, 2017. Original text is as:-
“PETITIONS FOR LEAVE TO APPEAL UNDER SECTION 47(3) OF THE AZAD JAMMU AND KASHMIR INTERIM CONSTITUTION ACT, 1974”

1.A petition for leave to appeal from the judgment, decree or order of an Administrative Court or service Tribunal shall specify sufficiently in separate paragraphs, the substantial question of law of public importance upon which leave is sought and, in other respects, the provisions of Order XIII to XXI of these Rules shall apply mutatis mutandis to such petition or appeal, as the case may be, except that no security for costs shall be required to be deposited and no Court Fee, Process Fee, Search Fee or Copying Fee shall be charged.

(Note Order XLV now omitted was added vide Gazette No. 108 of 27 April, 1982)

³⁰ .Added vide Notification No. 650-51/SC/82 dated 27th April, 1982.

proceed on the ground of a discovery of fresh evidence, certified copies of the documents, if any, relied upon shall be annexed to the application together with an affidavit setting forth the circumstances under which such discovery has been made.

4. The Advocate signing the application shall specify in brief the points upon which the payer for review is based and shall add a certificate to the effect that consistently with the law and practice of the Court, a review would be justifiable in the case. The certificate shall be in the form of a reasoned opinion.

5. In case the Court comes to the conclusion that the Review application filed was vexatious or frivolous, the Advocate or the Advocate-on-record, drawing the application may render himself liable to disciplinary action.

6. Except with the special leave of the Court, no application shall be drawn by any Advocate other than the Advocate who appeared at the hearing of the case in which the judgment or order, sought to be reviewed, was made. Such Advocate shall, unless his presence has been dispensed with by the Court, be present at the hearing of the application for review.

7. No application for a review in civil proceedings shall be entertained unless the party seeking review furnishes a cash security amounting to Rs.1000/- for the cost of opposite party.

8. As far as practicable the application for review shall be posted before the same bench that delivered the judgment or order sought to be reviewed.

9. After the final disposal of the first application for review no subsequent application for review shall lie to the Court and consequently shall not be entertained by the Registry.

10. All Review petitions presented after the enforcement of Supreme Court Review Powers Act, 1980 but before the framing of Rules thereunder, shall be deemed to have been presented validly under these rules.

³¹ORDER XLVII**PROCEEDINGS IN RELATION TO THE CONTEMPT OF COURT**

1. The Court may take cognizance of its contempt suo motu or on a petition by any persons:

Provided that where the alleged contempt consists of wilful disobedience of any judgment, decree, direction, order, writ, or other process of the Court or a breach of an undertaking given to the Court or a Judge in Chambers, the Court may take cognizance sou motu or on a petition by the aggrieved person.

2. A petition for proceedings under this Order shall be registered as original petition and the provisions of Order VI, Part I shall apply as nearly as may be.

3. The petition shall state succinctly and clearly all relevant facts constituting the contempt of the Court and shall be supported by affidavit of the petitioner, if any.

4. Notice of the petition alongwith the statement of allegations and affidavit, if any, shall be served on the person complained against hereinafter called the respondent. The notice shall require the respondent to appear in person and unless the Court, otherwise directs, he shall appear on each subsequent hearing and, if so required shall enter into recognisance with one or more sureties.

5. Where the alleged contempt consists of wilful disobedience of a judgment, decree, direction, order, writ or other process of the Court or a breach of an undertaking given to the Court or a Judge in Chambers by a company registered under the Companies Act, 1913 or a statutory corporation or a partnership firm, the notice shall be served upon each director or partner as the case may be, and such other persons who at the

³¹ . Added vide Notification No. 650-51/SC/82 dated 27th April, 1982.

time of the alleged contempt were in charge of or responsible for the conduct of the company, corporation or firm as the case may be.

6. Where the Court is satisfied by an affidavit or otherwise, that the respondent is avoiding service, it may direct issuance of bailable or non-bailable warrants for his arrest.

7. (1) Where the contempt consists of words or acts or visible signs which tend to prejudice a party to a proceeding before the Court or tend to scandalise the Court or any Judge or otherwise tend to bring the Court or a Judge in relation to his office into hatred, ridicule or contempt, the matter shall, in the first instance, be placed before the Chief Justice and the other Judge to consider the expediency or propriety of taking action in the matter.

(2) If the Chief Justice and the other Judge decide that action should be taken in the matter, a notice of the proceedings shall issue to the Advocate-General who shall in that event be under a duty to conduct the proceedings.

8. (1) The respondent shall, on the first hearing file a written statement in answer to the allegations against him and shall be afforded reasonable opportunity to adduce evidence in his defence.

(2) No oath shall be administered to the respondent unless he chooses to appear as his own witness.

9. Notwithstanding anything contained in this order, where the contempt is committed in the face of the Court or a Judge in Chambers, the Court or the Judge, as the case may be, may proceed forthwith to determine the guilt of the respondent and award him punishment under the law.

10. If at any time during the pendency of the proceedings under this Order or thereafter but before the execution of the sentence, the respondent tenders unqualified apology, the Court may consider such apology and make such order as it considers fit.

11. The Court may award such costs as it deems fit in the circumstances of the case. The costs, if any, shall be recovered as fine under the Code of Criminal Procedure, 1898.

FIRST SCHEDULE

SENIOR AND OTHER ADVOCATES

1. A Senior Advocate shall not appear or plead without a Junior, except in a case in which he is instructed by an Advocate on record.
2. A Senior Advocate shall not accept instructions to draw pleading, affidavits, advice on evidence or to do any drafting work or an analogous kinds, but this prohibition shall not extend to settling any such matters as aforesaid in consultation with a junior.
3. An enrolled Advocate may, if otherwise qualified, apply to be enrolled in the list of senior Advocates and any fee payable by him on enrolment shall be reduced by the amount of the fee paid by him on his original enrolment.
4. A Senior Advocate appearing with another Senior Advocate senior to himself shall be entitled to, and shall be paid, a fee not less than two-third's of the fee marked on the brief of that other Advocate, and a junior appearing with a Senior Advocate or with any other Advocate senior to himself shall be entitled to, and shall be paid, a fee not less than one-third not more than two-third's of the fee marked on the brief of the Senior or other Advocate, but this rule shall not apply in the case of second junior.

5. A senior Advocate may inform the Court that he will not accept any brief, or any brief of a specified class, without a special fee of a named amount, in addition to the ordinary fee marked on the brief, and shall not so long as he does not inform the Court to the contrary accept a brief or a brief of the specified class without that special fee.

6. An Advocate appearing with a Senior Advocate whose brief is marked with a special fee in accordance with the last preceding rule shall only be entitled to his proper proportion of the ordinary fee marked on the Senior Advocate's brief and not to any proportion of the special fee.

7. Any disputes arising under this schedule shall be referred to and determined by the Chief Justice.

SECOND SCHEDULE

FEES TO ADVOCATES

PART I

**SECOND SCHEDULE
FEES TO ADVOCATES
PART I**

		Fee on brief Not Exceeding	Refresher Not Exceeding
1. Defended appeals, suits and References under Sectionof the interim Constitution.	(Senior	Rs. 800	Rs. 400
	(Junior when pleading (without Senior (Junior when appearing alongwith as Senior (and not pleading himself)	Rs. 400	Rs. 200
2. Undefended appeals.	(Leading Senior Advocate	Rs. 400	No refresher
	(Leading Junior Advocate	Rs. 200	No refresher
3. Petitions for leave to appeal.	(Senior	Rs. 400	No refresher
	(Junior when himself pleading without a (senior. (Junior when appearing alongwith as Senior (and not pleading himself)	Rs. 200	
		Rs. 100	
4. Miscellaneous Petitions when opposed.	(Senior (if allowed)	Rs. 200	No refresher
	(Junior	Rs. 100	
5. Miscellaneous Petitions when unopposed.	(Senior (if allowed)	Rs. 200	No refresher
	(Junior	Rs. 50	
6. Chamber application when opposed.	(One fee only (Senior (if allowed)	Rs. 200	No refresher
	(Junior		
7. Chamber application when unopposed or ex-parte.	(One fee only (Senior (if allowed)	Rs. 200	No refresher
	(Junior	Rs. 50	
8. Review petitions.	(Senior	Rs. 200	No refresher
	(Junior	Rs. 100	
9. Attending taxation (Advocate one fee only)		Rs. 30	No refresher

PART II

- | | | |
|---|--|-----------------|
| 1 | The Junior Advocate for drawing special petitions inclusive of affidavits in support thereof. | Rs.75 |
| | To the Senior for settling the above: | Rs.100 |
| 2 | To Junior Advocate for drawing other petitions or affidavits(except petitions of formal nature, e.g. condonation of delay etc., and affidavits connected therewith). | Rs.30 |
| 3 | The Junior Advocate for drawing concise statement in appeals ,pleadings in suits or special case: | |
| | (a) When settled by Senior. | Rs. 50 |
| | (b) When not settled by Senior. | Rs.50 to Rs.100 |
| | To Senior Advocate for settling the above: | Rs.100 |
| 4 | Conference with Advocate on record if allowed. | Rs. 50 |
| 5 | Senior Advocate (for certifying that a case is fit for review). | Rs.100 |

PART 111

Fee set out in parts I and II of this schedule for junior advocates shall be allowed to senior Attorneys where admissible under the rules.

**THIRD SCHEDULE
TABLE OF COURT FEES
PART I
ORIGINAL JURISDICTION**

	Rs.
1. Filing and registering plaint.	1,000.00
2. Filing and registering written statement.	50.00
3. Filing and registering set-off or counter-claim.	500.00
4. Reply to a counter-claim.	50.00
5. Examining and comparing documents with the original for each folio.	0.50
6. Reducing into writing or, where taken down in shorthand, transcribing the deposition of each witness, for each folio.	0.75
7. Typed copies of transcript of depositions of witnesses for any Party, first copy per folio.	0.50
8. Carbon copies per folio.	0.12
9. Declarate decree.	50.00

**PART II
APPELLATE JURISDICTION**

³² (1. Filing and lodging petition for leave to Appeal.	5.00
2. On the appeal as provided by order XIV, rule 6, where the amount of value of the subject-matter in dispute on appeal is	
Rs. 25,000 or below that sum	Nil
Where exceeds Rs. 25,000/- but does not exceed Rs.30,000/-	250.00
For every Rs. 1,000 or fraction thereof in excess of Rs. 30,000/-	5/-)
In case where it is not possible to estimate at a money value the subject matter in dispute:	250.00
Provided:-	
(i) That the maximum fee payable in any case shall not exceed Rs.2,000;	
(ii) that where an appeal is brought by leave granted by this Court credit shall be given to the appellant for the amount of court-fee paid by him on the petition for leave to appeal.	
3. Filing and lodging concise statement or caveat.	10.00
4. Applications for Review of judgment or order including filing.	Half the fee paid on the original proceedings

³² .Sub. vide Notification No. 650-51/SC/82 dated 27th April, 1982.

5. Petition to proceed in forma pauperis.	1.00
6. Filing and registering cross objections.	40.00

**PART III
MISCELLANEOUS**

1. Entering in register of suits, appeal or matter, names of representatives of a deceased party or of a substituted or added party.	2.00
2. Summons or notice to defendant or his representative or a respondent to a petition or to a memorandum of appeal for not more than five persons (with an additional fee of Rs.1 for every person in excess of five)	
3. Entering appearance.	2.00
4. Amending appearance.	2.00
5. Power of Attorney.	4.00
6. Filing fee for every document for which a fee is not specially provided, including document annexed as exhibits, if any, or produced with plaint or used in evidence, each document.	2.00
7. Every application to the Court not specially provided for.	5.00
8. Every application to a Judge in Chamber, the Registrar or Taxing officer, not specially provided for.	5.00
9. Every requisition to draw up an order, including fee for filing the order.	5.00
10. Warrant, writ, summons or other process not specially provided for not more than five persons (with an additional fee of Rs. 1 for every person in excess of five).	10.00
11. Every certificate or report of a Judge in Chambers or of Registrar on an investigation.	10.00
12. Every other certificate for which a fee is not specially provided.	3.00
13. Commission to examine witnesses or other Commission.	10.00
14. Production by an Officer of the Court in any other court or before a commissioner of records of any suit, matter or appeal, exclusive of travelling expenses, and halting charges.	10.00
15. For production of records by post, exclusive of postage, registration and insurance fees.	5.00
16. For enquiry into sufficiency of security.	8.00
17. For every search or examination of records.	3.00
18. Every affidavit affirmation sworn.	2.00
19. For every oath or affirmation administered to witness.	2.00
20. For every certified copy of decree, judgment or other docu-	

ment in addition to the folio or other charges.	5.00
21. Every requisition for duplicate or other copy of any document.	1.00
22. For copies of any document, per folio, less requisition fee paid.	0.62
23. For amending pleadings or other proceedings under order of the Court per folio.	2.00
24. Upon all moneys or securities paid to the Registrar or deposited with him.	A commission of 1 per-cent and 2-1/2 percent on interest drawn on invested money.
25. Every requisition for translation.	1.00
26. Summons by Taxing Officer.	3.00
27. Certificate by Taxing Officer.	3.00
28. Taxing each bill not exceeding 10 folios.	10.00
29. For every other folio.	1.00
30. Registering every bill of costs.	1.00
31. Certificate on review of taxation.	10.00
N.B:- In cases of special References under the Constitution such of the above fees as may be appropriate shall be charged.	

**FOURTH SCHEDULE
FEES TO ADVOCATES ON RECORD**

	Rs. Ps
1. Receiving instructions for special affidavits or petitions.	5.00 to 10.00
2. Drawing affidavits, petitions and all other necessary documents (not specially provided for) exclusive of copies inserted therein upto ten folios.	5.00 to 10.0
Thereafter per folio.	0.62
3. Drawing security bond.	15.00
4. Drawing notice of motion and other necessary notices except notice to witnesses.	8.00
5. Drawing notice on opposite parties of entering appearance or lodging petition of appeal or concise statement.	2.00
6. Drawing observations or instructions for Advocate to accompany brief (to be shown at taxation).	20.0 to 50.0
7. Drawing particulars of claim, set-off or counter-claim Where required.	4.00 to 10.00
8. (a) Preparing copies of documents (other than tabulated statements and accounts) whether written or typed, first copy per folio.	0.25
	Receipts to be produced.
(b) Preparing carbon copies of above, if legible, per folio.	0.12)
	Where work done outside.

(c) Preparing copies of tabulated statements and accounts, Per folio.	0.50)
	The office of the Advocate or on record.
(d) Preparing carbon copies of above, per folio.	0.25
(e) Preparing printed copies, per folio, for each copy.	0.31
(f) Preparing photographed copies.	Actual charge.
9. Serving every necessary notice, summons to a witness or other judicial process which may be served by Advocate on record or his Clerk or by post.	2.00
When required to serve outside the municipal limits of the seat of the Court (besides travelling expenses actually incurred per day.	10.00
10. Receiving, filing or depositing any papers from or in the Registry.	2.00
11. Attendance before the Court or Judge or on Officer of the Court not otherwise provided for (if allowed.)	10.00 to 20.00
12. Attending every application to Registrar when contested (if allowed)	10.00
Attending every application to Registrar when uncontested if allowed)	5.00
13. Attendance on client or opposite party at the office of the Advocate on record of either party where a letter would not suffice.	10.00 to 20.00
Where letter would suffice.	3.00
14. Receiving and perusing necessary letters.	2.00
15. Perusing documents received from opposite party or obtain- ed from the Court, where necessary, in the discretion of the Taxing Officer up to.	8.00
16. Perusal and approval of draft orders or decree.	2.00 to 4.00
17. Attending execution of Security Bond at the Advocate on record's house or office or at the Court House.	4.00
18. Attending Court upon the swearing of every necessary affidavit (including attendance upon the Interpreter to have the same Explained)	2.00
19. Attendance in the Registry if necessary, inspecting docu- ments, books and accounts by Advocate on record, per hour.	10.00
20. Attending searches in Registry (if allowed).	10.00
21. Attending, obtaining and filing copies of decrees or orders in the Registry.	2.00
22. Attending Advocate delivering brief with instructions.	16.00
Attending Advocate, delivering Additional brief.	8.00
23. Attending Advocate, paying fee.	2.00

24. Attending Advocate, fixing time for consultation or conference.	2.00
25. (a) Attendance at hearing of suits, appeals or matters, each day, if contested.	Rupees fifty Per hour or part thereof, subject to a maximum of Rs. 150.00
(b) Attendance at hearing of suits, appeals or matters each day, if uncontested. Half the above rates.	
26. Attendance in Court when suits, appeal or matter or motion is on days' list for hearing, if not called on, per day.	25.00
27. Attending Court to hear judgment where judgment is reserved, if Advocate is not briefed.	15.00
28. Attending taxation per hour.	15.00
29. Attending Judge in Chamber or Registrar at hearing or enquiry on review of taxation before Taxing Officer, or Advocate is not briefed, per hour.	15.00
Where Advocate is briefed per hour.	5.00
30. Attending on local enquiry or commission to examine witnesses within the municipal limits of the seat of the Court, where personal attendance of Advocate on record is required per hour.	7.00
31. Writing or answering necessary letters.	2.00 to 5.00
32. Writing letters to witnesses, for each witness.	2.00
33. Writing letter of instructions to legal practitioner attending examination of witness on commission, when Advocate on record cannot attend personally.	2.00 to 7.00
34. Necessary translations made by translators approved by Court, per folio.	0.75
35. Receiving instructions to appeal, including petitions.	25.00 to 50.00
36. Receiving instruction to sue, or defend and or to counter-Claim.	25.00
37. Drawing special case.	16.00
38. Drawing interrogatories.	8.00 to 25.00
39. Drawing bill of costs in suits, appeals or matters.	5.00 to 10.00
40. Consultation with Advocate (if allowed).	25.00
41. Making transcript or copying papers for the press where necessary for preparing paper book, including examination per folio.	0.62
42. Printing paper book.	Actual cost at reasonable rate to be allowed by the Taxing Officer.
43. Examining proofs, per folio.	0.25

- | | |
|---|----------------|
| 44. Comparing transcript record per folio. | 0.12 |
| 45. Preparation of the case and other unforeseen works. | Discretionary. |

FEES TO OFFICERS OF COURT

- | | |
|---|--|
| 1. Fees of interpreter for explaining at the house of a party or any place other than the Court House, pleadings and other documents except affidavits or affirmations, where not exceeding 20 folios. | 8.00 |
| Where over 20 folios, for every 10 folios or part there. | 2.00 |
| 2. Fees of Registrar for taking bonds at the house of a party of any place other than the Court House;-
For the first bond, where within the municipal limits of the seat of the Court. | 16.00 |
| Where beyond such limits. | 24.00 |
| 3. Fees of Registrar and commissioners for taking affidavits or affirmation at the house of a party or any place other than the Court House:
For the first affirmation where within the municipal limits of the seat of the Court. | 16.00 |
| Where beyond such limits. | 24.00 |
| For every affidavit, oath or affirmation taken at the same time and place after the first in the same suit, appeal or matter. | 8.00 |
| 4. Fees of Registrar and commissioners for receiving affidavits, oaths or affirmation at the court house for every affidavits, oath or affirmation. | 2.00 |
| 5. Fees of interpreter for explaining bonds, affidavits or petitions at the house of a party or any place other than the allowed to Court House. | Half the
fees allowed
to Registrar
or
Commissioner |

FIFTH SCHEDULE

RULES AS TO PREPARATION OF RECORD

1. All records and other proceedings in appeals or other matters pending before Supreme Court shall be typed or cyclostyled.
2. The size of the paper used shall be such that the sheet, when folded and trimmed, will be 11 inch length and 8 ½ inches in width.

3. The type to be used in the text shall be pica type, but long Primer shall be used in cyclostyling accounts tabular matters and notes. The number of lines in each page of; pica type shall be 47 or thereabouts, and every tenth line shall be numbered in the margin.

4. Records shall be arranged in two parts in the same volumes, where practicable, viz-

Part I: The pleadings and proceedings, the transcript of the evidence of the witnesses, the judgments, decrees, etc. of the Courts below down to the order admitting the appeal.

Part II: The exhibits and documents.

5. The index to Part I shall be in chronological order and shall be placed at the beginning of the volume.

The index to Part II shall follow the order of the exhibit mark, and shall be placed immediately after the index to part I.

6. Part I shall be arranged strictly in chronological order, i.e., in the same order as the index.

Part II shall be arranged in the most convenient way for the use of the Supreme Court as the circumstances of the case require. The documents shall be printed as far as suitable in chronological order. Each document shall show its exhibits mark- and whether it is plaintiff's or defendant's document (unless this is clear from the exhibit mark), and in all cases documents relating to the same matter such as-

(a) a series of correspondence; or

(b) proceedings in a suit other than the one under appeal; shall be kept together. The order in the record of the documents in Part II may be different from the order of the index and the proper page number of each document shall be inserted in the printed index.

The parties shall be responsible for arranging the record in proper order for the Supreme Court, and in difficult case, counsel may be asked to settle it.

7. The document in Part I shall be numbered consecutively. The documents in Part II shall not be numbered, apart from the exhibit mark.

8. Each document shall have a heading which shall consist of the number of exhibit mark and the description of the document; in the index without the date.

9. Each document shall have a marginal note which shall be repeated on each page over which the document extends.

PART I

(a) Where the case has been before more than one court, the short name of the court shall first appear. Where the case has been before only one court, the name of the court need not appear.

(b) The marginal note of the document shall then appear consisting of the number and the description of the documents in the index, with the date, except in the case of oral evidence.

(c) In the case of the oral evidence, "Plaintiff's evidence" or "Defendant's evidence" shall appear beneath the name of the Court and then the marginal note consisting of the number in the index and the witness's name, with examination, "cross-examination", or "re-examination", as the case may be.

PART II

The word "exhibits" shall first appear.

The marginal note of the exhibit shall then appear consisting of the exhibit mark and the description of the document in the index with the date.

10. The parties shall agree to the omission of formal and irrelevant documents, but the description of the document may appear (both in the index and in the record), if desired, with the word "not printed" against it.

A long series of documents such as accounts, rent rolls, inventories, etc., shall not be printed in full, unless counsel so advises, but the parties shall agree to short extracts being printed as specimens.

11. In cases where maps are of an inconvenient size or unsuitable in character, the appellant shall, in agreement with the respondent, prepare maps drawn properly to scale and of reasonable size showing, as far as possible, the claims of the respective parties in different colours.

12. Charges for cyclostyling the record:-

- | | |
|---|-----------|
| (i) For preparing rough estimate of printing typing charges. | Rs. 16.00 |
| (ii) Typing charges for first 12 copies.
per page | Rs. 2.50 |
| (iii) For every additional copy other than the first 12 copies.
per page | Rs. 0.15 |
| (iv) Preparation of index for every ten entries. | Rs. 22.00 |
| (v) Binding charges (with card-board sides)
per copy | Rs. 2.00 |

SIXTH SCHEDULE

FORMS

No. 1

SUPREME COURT OF AZAD JAMMU & KASHMIR

Certificate of Enrolment of Advocate or Advocate on Record.

(ORDER IV)

No.....

THIS IS TO CERTIFY that

has this day been admitted and enrolled as a senior Advocate/ as an Advocate as an Advocate on record in the Supreme Court of Azad Jammu and Kashmir.

Dated this the _____ day of _____ 19_____

REGISTRAR.

No. 2

Undertaking by Advocate on record.

(ORDER IV)

I, the undersigned, do hereby solemnly affirm and declare that I will observe, submit to, perform, and abide by all and every orders, rules, regulations and practice of the Supreme Court now in force or hereafter from time to time to be made, and also to pay and discharge, from time

to time, when the same shall be demanded, all fees, charges and sums of money due and payable in respect of any appeal, cause or other matter in and upon which I shall appear as such Advocate on record, and that I shall maintain a regular account for each case in such form as the Court may prescribe in respect of all sums received or disbursed on behalf of my client in respect of any such appeal, cause or other matter.

No. 2-A

Undertaking by Advocate on record

(ORDER IV)

I, the undersigned, a partner in the firm.....do hereby solemnly affirm and declare that, I will observe, submit to, perform, and abide by, all and every orders, rules, regulations and practice of the Supreme Court now in force or hereafter from time to time to be made, and also to pay and discharge, on behalf of myself and the firm, from time to time, when the same shall be demanded, all fees, charges and sums of money due and payable in respect of any appeal, cause or other matter in and upon which I shall appear as an Advocate on record-partner of the firm, and that the firm shall maintain a regular account for each case in such form as the Court may prescribe in respect of all sums received or disbursed on behalf of the client of the firm in respect of any such appeal, cause or other matter.

No. 2-B.

Indemnity Bond by Advocates on record.

(ORDER IV)

WHEREAS

I,.....
(name, description and address), have subscribed to an undertaking to pay and discharge on behalf of myself or of the Firm, namely,..... Advocates on record, in which I am a partner, from time to time and as and when the same shall become due or be demanded, all fees, charges, costs and other sums of money due or payable in respect of any appeal, cause or other matter filed by me or by the said Firm or in which I, or the said Firm, shall have appeared or filed any power as an Advocate on record or as a Firm of Advocates on record.

NOW, therefore, BY THESE PRESENTS I agree and consent to pay and always to keep the Court indemnified against all such fees,

charges, costs and other sums as may be found to be due or payable in respect of any one such appeal, cause or other matter or as may be demanded from me or from the said Firm upto the extent of Rupees Five Thousand (Rs. 5,000.00), and in the event of the same not being paid within seven days (7) days of the service of the notice of demand or within such further time as may be allowed by the Court, execution may issue forthwith against me, by heir, executors and administrators, goods and chattels for a sum not exceeding Rupees Five Thousand (Rs. 5,000.00).

IN WITNESS WHEREOF I have on this the.....day of.....19 affixed my hand and seal.

Seal and Signature of Advocate on record.

Witnesses:-

- 1.....
2.....

No. 3.

"Power of Attorney" to Advocate on record. (ORDER IV)

In the Supreme Court of Azad Jammu and Kashmir. (Appellate Jurisdiction)(Original Jurisdiction)

Case No. of 19 (A.B) (Appellant) (Petitioner) (Plaintiffs)

(District of A.B Vs. (CD) (Respondent)

(Defendants) (Opposite Party)

I (we) A.B. of (residence and addition of place) Plaintiff(s) Appellant(s)/Petitioner(s) Defendant(s) /Respondent (s)/Opposite Party.

in the above suit/appeal/petition/reference do hereby appoint and constitute Mr.....,Advocate on record, Supreme Court, the Advocate on record for the aforesaid appellant (or plaintiff(s) or petitioner(s) or respondent(s) or defendant(s) or opposite party to commence and prosecute (or to appear and defend) this action appeal/suit/petition reference on my (our) behalf and all proceedings that may be taken in respect of any application connected with the same including proceedings in taxation and application for review, to draw and deposit money, to file and take back documents, to accept the processes of the Court, to appoint and instruct counsel, to represent the aforesaid appellant or plaintiff (s) or petitioner(s) or respondent(s) or defendant(s) or opposite party in the above matter and to do all things incidental to such acting for the aforesaid appellant or plaintiff(s) or petitioner(s) or respondent(s) or defendant (s) or opposite party. The aforesaid appellant or plaintiff (s) or petitioner(s) or respondent(s) or defendant(s) or opposite party agree(s) to ratify all acts done by the aforesaid Advocate on record in pursuance of this authority.

In witness whereof I (we) do hereunto set my (our) hand(s) this theday of

(Signature)

The address for service of the said Advocate on record is.....

No.4

Form of summons for an order in Chamber

(ORDER V)

In the Supreme Court of Azad Jammu and Kashmir,
(appellate Jurisdiction)
(Original Jurisdiction)

Case No.....of 19

(A.B.)
(District of A.D. (Appellant)

vs
(Plaintiffs)

(C. D.)
(District of C.D.)
(Respondent)
(Defendants)

Let all parties concerned attend before.....in chambers at the Court House, (Muzaffarabad) on the _____ day of _____ 19 at _____ o'clock in the forenoon on the hearing of an application on the part of the above named(state on whose behalf the application is made and the precise object of the application).

Dated this the _____ day of _____ 19

This summons was taken out by A. Advocate on record for the Appellant. To (insert the names of the Advocates on record for the defendants). To the plaintiffs or defendants or appellant A.B. or as the case may be.

Grounds: (here insert a list of the materials relied on e.g. affidavit of X.Y.U. etc.

No. 5.

**Notice of appeal from Registrar
(ORDER V)**

In the Supreme Court of Azad Jammu and Kashmir
(Appellate Jurisdiction)
(Original Jurisdiction)

Case No. _____ of _____ 19
(A.B.)
(District of C.D.)

vs _____
(C.D.)
(District of C.D.)
(Appellant)
(Plaintiffs)
(Respondent)
(Defendants)

Take notice that the above named plaintiff (or as the case may be) intends to appeal against the decision of the Registrar given on the day of _____ ordering or refusing to order that

And further take notice that you are required to attend before the Judge in Chambers at the Court House, (Muzaffarabad) on the day of 19 at _____ O'clock in the forenoon, on the hearing of an application by

the said plaintiff (or as the case may be) that (here state the order sought to be obtained) to etc.

signed etc.)

No. 6.

**Notice of Motion
(ORDER VI)**

In the Supreme Court of Azad Jammu and Kashmir
(Appellate Jurisdiction)
(Original Jurisdiction)

Case No. _____ of _____ 19____
(A.B.) (Appellant)
vs (Plaintiff)
(C.D.)
(District of C.D.)

(Respondent)
(Defendants)

Take notice that the court will be moved on the day of _____ 19____ at..... O'clock in the forenoon or so soon thereafter as Counsel can be heard (state by whom, and on whose behalf, the motion is to be made as thus: by Mr. A. Counsel on the part of the above named defendants, C.D., as by the above named defendants, C.D. in person or on the part of g.f., or (insert place of residence, description and addition of applicant, if not a party to the proceedings) that (here state the precise objection of the motion , as thus: this action may stand dismissed for want of prosecution).

Dated this the _____ day of _____ 19____

State name, etc., of Advocate on record, party or person giving notice).

**Form of oath by Translator
(ORDER VII)**

In the Supreme Court of Azad Jammu and Kashmir
In the matter of _____, a translator.

I, _____ solemnly affirm and say that I will translate correctly and accurately all documents given to me for translation.

Before the _____ 19 _____ Registrar.

**Application for Production of Records.
(ORDER IX)**

In the Supreme Court of Azad Jammu and Kashmir
(Appellate Jurisdiction)
(Original Jurisdiction)

Case No.	of	19
(A.B.)		(Appellant)
vs		(Plaintiffs)
(C.D.)		(Respondent)
(District of C.D.)		(Defendants)

To
The Registrar, Supreme Court of
Azad Jammu and Kashmir.

Sir,

Please produce the records of the above case before on

Dated this the _____ day of _____ 19 _____ (signed)

Notice No. 9
**Notice to parties of the day fixed for Delivery of Judgment.
(ORDER X)**

In the Supreme Court of Azad Jammu and Kashmir
(Appellate Jurisdiction)
(Original Jurisdiction)

Case No. _____ of _____ 19
(A.B.)
(District of A.B)

vs
(C.D.)
(District of C.D.)

(Appellant)
(Plaintiffs)
(Respondent)
(Defendants)

To
(Names of parties or their Advocate on record)

Take notice that the Court will deliver judgment in the above-named case on the _____ day of _____ 19 _____ at _____ O'clock in the forenoon, or as soon thereafter as may be convenient to the Court.

Dated this the _____ day of _____ 19. _____ Registrar.

No. 10
**Notice to Respondent of lodging of Appeal.
(ORDER XV)**

In the Supreme Court of Azad Jammu and Kashmir.
(Appellate Jurisdiction)

Case No. _____ of _____ 19

Appeal from the Judgment (or decree or final order) of the High Court of _____ at _____ dated the _____ of _____ 19.
In case No. _____

(Here give number of case in High Court) was presented by the above named appellant on the _____ day of _____ 19____ and has been registered in this Court as Criminal Appeal No.of..... Dated this the _____ day of _____ 19____

Registrar

No. 11

**Memorandum of Appearance in person.
(ORDER XVII)**

Case No. _____ 19____
In the Supreme Court of Azad Jammu and Kashmir.
(Appellate Jurisdiction)

(A.B.) _____ (Appellant)
vs.
(CD.) _____ (Respondent)

To
The Registrar,

Please enter an appearance for me (name of respondent) the respondent above-named in this appeal.

Dated this the _____ day of _____ 19____

(Signature of respondent)
Address for service.

No. 12

**Notice to parties of the day fixed for hearing of appeal.
(ORDER XIX)**

Case No. _____ of _____ 19____
In the Supreme Court of Azad Jammu and Kashmir.
(Appellate Jurisdiction)

(AB) _____ (Appellant)
vs.
(CD.) _____ (Respondent)

To
(Names of parties and their Advocates on record)

Take notice that the above appeal is fixed for hearing on the day of 19 . and shall be taken up for hearing by the Court on that day at O'clock in the forenoon or as such thereafter as may be convenient to the Court.

Dated this the day of 19

Registrar

No.13

**Notice of payment into Court.
(ORDER XXXIII)**

In the Supreme Court of Azad Jammu and Kashmir.
(Original Jurisdiction)

Case No. of 19
(District of A.B.) (Plaintiffs)

vs.
(District of C.D.) (Respondents)

Take notice that the defendants have paid into Court Rs. and say that (part of) that sum is enough to satisfy the plaintiffs claim(for and Rs. the other part of that sum is enough to satisfy plaintiffs claim for).

Dated this the day of 19

(Signature)

Advocate on record for defendants
place of business of Advocate on record.

To
(Name)
(Advocate on record for Plaintiffs.

**Acceptance of sum paid into Court.
(ORDER XXXIII)**

In the Supreme Court of Azad Jammu and Kashmir.
(Original Jurisdiction)

Case No. _____ of _____ 19

(District of A.B) (Plaintiffs)

vs.

(District of C.D.) (Defendants)

The plaintiffs accept the sum of Rs. _____ paid by the defendants
(District of C.D.) into Court in satisfaction of the claim in respect of
which it was paid in (and abandon their other claims in this action).

Dated this the day of _____ 19

(Signature)

Advocate on record for the plaintiffs
Place of Business of Advocate on
record.

To
(Name)
Advocate on record for the defendants.

No. 15

Notice to the Advocate General of Azad Jammu and Kashmir of Special
Reference under the Interim Constitution.

ORDER XXXVI

In the Supreme Court of Azad Jammu and Kashmir.

Case No. _____ of _____ 19

In the matter of a Special Reference under
Section.....of the Interim Constitution Act, 1974.

To

The Advocate General of AJ& K.

Whereas under Section _____ of the Interim Constitution Act, 1974, the President has referred the following question(s) of law for consideration and report to this court:-

(here set out the question or questions referred)

Take notice that you are hereby required to appear before this Court on the day of _____ 19 at _____ O'clock in the forenoon to take the directions of the Court in the matter.

REGISTRAR.

No. 16

Notice to parties of Special Reference under the Interim Constitution Act, 1974.

(ORDER XXXVI)

In the Supreme Court of Azad Jammu and Kashmir.

Case No. _____ of _____ 19

In the matter of (here-state the Subject matter under reference) and

In the matter of special Reference under section.....of the Interim Constitution Act, 1974.

To

(Name of parties).

WHEREAS under sections.....of the Interim Constitution Act, 1974,

the President has referred the following matter(s) (of law) for consideration and report to this Court:-

(here set out the question or questions referred)

Take notice that you are hereby required if you desire to be heard to cause on appearance to be entered for you in the Registry of this Court on or before the day of _____ 19 and to attend on the said day at

_____ O'clock in the _____ forenoon before the Registrar by an (Advocate) of the Court to take the directions of the Court with respect to

statements of facts and arguments and with respect to the date of the hearing.

REGISTRAR

No. 17

**Summons to attend Taxation
(ORDER XXXVIII)**

In the Supreme Court of Azad Jammu and Kashmir.

(Appellate Jurisdiction).

(Original Jurisdiction).

Case No.	of	19	
(A.B.)			
(District of A.B)			(Appellant)
vs			(Plaintiffs)
(C.D.)			
(District of C.D.)			(Respondent)
			(Defendants)

Bill No.of	19	Here state the Name of the Parties to the bill
------------	----	--

WHEREAS MR. _____, Advocate on record for the appellant/or plaintiff/respondent/defendants has lodged a bill of costs (copy appended hereto) to taxation as between party and party and also as between Advocate on record and client, notice is hereby given that the taxing Officer of the Court will proceed to tax the said bill on the _____ day of _____ 19____ at _____ O'clock in the forenoon when you may attend before the Taxing Officer in his office in the Court House and contest the said bill or any items therein.

Dated this the _____ day of _____ 19____

Taxing Officer.

(A.B.)	
(District of A.B)	(Appellant)
vs	(Plaintiffs)
(C.D.)	
(District of C.D.)	(Respondent)
	(Defendants)
To	

The Advocate General of Azad Jammu and Kashmir.

Take notice that the above-named case has been filed in this Court (and is fixed for hearing on the day of 19 and shall be taken up for hearing by the Court on that day, at O'clock in the forenoon or as soon thereafter as may be convenient to the Court), and shall be fixed for hearing on a suitable date of which due notice will be given to you.

As the case raises (an) important question(s) (here state briefly the question(s) involved notice is hereby given to you so that you may appear and take such part in the proceedings before this Court as you may be advised.

Dated this the _____ day of _____ 19.

Registrar

No.20

Affidavit of Service of Summons

(ORDER XLI)

In the Supreme Court of Azad Jammu and Kashmir.

(Appellate Jurisdiction).

(Original Jurisdiction).

Case No. _____ of _____ 19

(A.B.)	
(District of A.B)	(Appellant)
vs	(Plaintiffs)
(C.D.)	

(District of C.D.)

(Respondent)
(Defendants)

I, Advocate on record for the above named make oath
solemnly affirms and says as follows:-

I did on the _____ day of _____ 19 ____ . serve Mr.
advocate on record for the above-named in this action for appeal with a
true copy of the summons now produced and shown to me marked A, by
leaving it, before the hour of.....in the afternoon, at the (office or
dwelling house) of the said situate being the address for service in this
action (or appeal) (with his clerk or his servant, or as may be there), or
by posting it at the post office, at _____ in a duly registered
envelope addressed to this said _____ at _____ ,being
the address for service in this action or (appeal).

Sworn at this day of _____ 19 _____ before me.

This affidavit is filed on behalf of the

No .21

Affidavit of service by post.

(ORDER XLI)

In the Supreme Court of Azad Jammu and Kashmir.
(Appellate Jurisdiction).
(Original Jurisdiction).

Case No. _____ of _____ 19 ____
(A.B.)
(District of A.B) (Appellant)
vs
(C.D.)
(District of C.D.) (Respondent)
(Defendants)

I, _____ Advocate on record for the above-named
make oath
solemnly affirm and say as follows:-

I did serve the Advocate on record for the above named
in this appeal for the above-named (if he has appeared in person)
with the summons (or action notice or other document) now
produced and shown to me marked A, by posting on the day of
19, at (name of post office)
a true copy of the said summons (or as may be in a prepaid envelop
registered for acknowledgement addressed to the said Advocate on
record or Respondent or as may be) at which is his address for service.
The postal acknowledgment is attached hereto.

Sworn at this day of 19
before me.

This affidavit is filed on behalf of the

End