

## **THE RULES AND ORDERS OF THE PUNJAB HIGH COURT**

### **PART A --- *General***

#### ***COURT HOURS, HOLIDAYS AND CAUSE LISTS***

##### **COURT HOUR**

All Civil Courts in Punjab and Haryana, and Delhi shall sit at the same hour on every day that is not a holiday for Civil Courts. The ordinary Court hours are from 09.30 A.M to 04.00 P.M. with an interval for luncheon from 1 to 1-30 Saturdays shall be full working day for courts and offices attached thereto but the Second Saturday of each month may be observed as a close day. The working hours for offices attached to Civil Courts are from 10 A.M. to 5 P.M.

##### **CHANGE OF COURT HOUR**

These hours may be varied in summer (May to September) with the previous sanction of the High Court if it would be for the convenience of the litigating public generally and of the Courts to do so.

Ordinarily, when change of hours is desired, the Deputy Commissioner should apply through the District and Sessions Judge; but if the Deputy Commissioner does not move in the matter and the District and Sessions Judge desired the change, he should apply after consulting the Deputy Commissioner. The date from which it is proposed that any change should take effect should be fixed sufficiently ahead in order to allow not only for time for obtaining the sanction of the High Court, but also for proper notice to the public in general and to the parties to civil suits in particular. It is not necessary to obtain the sanction of the High Court before the normal court hours are reverted to at the close of the summer, but such reversion should take place at the same time for all courts, civil and criminal, and the Deputy Commissioner and District and Sessions Judge should consult each other before the reversion is ordered.

##### **TAKING UP CASES AFTER COURT HOUR**

No new case should be taken up after the closing hour of the Court but the hearing of a case taken up before that hour may, if necessary, be continued for a short time.

##### **HOLIDAYS**

The holiday allowed to the Civil Courts are annually prescribed by the High Court, under the provisions of Section 47 of the Punjab Courts Act, and any other authority can allow no other holidays. The list of Civil holidays comprises general holidays and local holidays, the latter being usually limited to three days in the year for each district.

## TAKING UP CASES IN HOLIDAYS

Civil suits and appeals ought not, as a rule, to be taken up during the vacation or on a holiday; but any civil suits or appeal may be legally heard, by consent of the parties during the vacation or on a holiday, if the Presiding Officer of the Court thinks it expedient, for any reason, to keep his Court open for the purpose.

“Provided that the District Judge and in his absence any Additional District Judge or Subordinate Judge specially authorized by the District Judge in this behalf may entertain any urgent civil matter (suit appeal or application) during the period when the civil courts are closed for vacation.

## ATTENDANCE OF MINISTERIAL ESTABLISHMENT

The members of the ministerial establishment of the Courts should (subject to any special rules regarding the Vacation Department) attend their office on all days except on holidays allowed to Civil Courts. An official may, however, be ordered by the Presiding Officer to attend office on a holiday to clear off areas. An official should not always except in most exceptional cases be made to attend on a holiday pertaining to his religion.

## PREPARATION OF CAUSE LISTS

Cause List of cases fixed for each day should be prepared a day before. These lists should be exhibited in the Court room, or the verandah of the Court-house, at least by the afternoon of the day preceding that to which they relate, for the information of parties and their pleaders and the order of causes in the list should not be departed from without cogent reasons, unless the case be settled by compromise or the claim be admitted before the day fixed for trial. A strict adherence to this practice will secure punctual attendance and greatly promote the dispatch of business and the convenience of parties and witnesses. Cases should as far as possible be so arranged in the cause lists that the litigants may not have to wait long for simple cases and petty work such as miscellaneous applications, executions and objections, etc.

### Form of Cause List.

Cause lists should be in the following form:-

IN THE COURT OF \_\_\_\_\_  
 CAUSE LIST FOR (Day of the week and date) \_\_\_\_\_

Serial No.	No. description of the case	and Plaintiff of Appellant or Petitioner	or Defendant Respondent	or Stage of the case viz., for issues, evidence, arguments	Remarks

## **PART B**

### **RECEPTION OF PLAINTS AND APPLICATIONS**

#### **PLAINTS AND PETITIONS ARE RECEIVED EVERYDAY EXCEPT ON HOLIDAYS**

Plaints and petitions should be received by the Civil Courts on every day which is not an authorized holiday, during office hours.

#### **RECEPTION BY MOFASSIL COURTS**

Courts situated away from the head-quarters of the district can receive complaints and petitions direct, under the general directions prescribed by the District Judge or by a Subordinate Judge, empowered under section 37 of Punjab Courts Act, 1918, to do so.

#### **(i) Distribution of cases**

Plaints and petitions presented at the headquarters of a district will be received and distributed by the District Judge who may delegate this power under section 37 of the Punjab Courts Act to any Subordinate Judge and should always do so when it is for the convenience of the litigants. Regard should be had to provisions of Sections 15 and 20 and Order IV, Rule 1, of the Code of Civil Procedure, in framing directions regarding the reception of Civil suits.

#### **(ii) Duty of distributing officer**

The work of distribution of cases should not be left to the Reader or the Clerk of Court. The Judge should attend to it personally, noting in his own hand the name of person presenting the case and the Court to which the case has been assigned for trial. He should also inform the person presenting the complaint or petition of the date on which he is required to attend the Court to which the case is sent and note the fact of his having done so in his order. This will avoid the necessity of a notice being issued to the plaintiff or petitioner by the court to which the case is sent.

#### **(iii) List of cases assigned to be exhibited**

At the end of each day a list of all the cases so distributed should be exhibited in the Court of the distributing officer. Similarly each Court should exhibit at the end of each day a list of the cases assigned to it by the distributing officer.

*Note:-* In almost all the districts in the Punjab, the District Judges have delegated their powers of the distribution of complaints to the Senior Subordinate Judges under the authority of Circular letter No. 653-G, dated 27th January, 1915.

## **EXAMINATION, ENDORSEMENT AND DISTRIBUTION OF PLAINTS/ PETITIONS**

Every plaint or petition should, if possible, specify the provision of law under which it is presented and should, at the time of its reception, be at once endorsed with the date of its receipt, and such endorsement should be signed by the receiving officer. The Court-fees should be forthwith examined and cancelled in the manner prescribed in that behalf. The receiving officer should prepare a list of all plaints and applications received each day, and be held responsible that they are duly distributed in accordance with the orders passed thereupon, and the general instructions (if any) given by the District Judge or the Senior Sub-Judge in that respect.

## **INSUFFICIENTLY STAMPED PLAINTS**

It shall be the duty of the Superintendent of the District and Sessions Judge, Clerks of Court of the Senior Sub Judge and Judges of Small Causes Courts and Readers of all other Subordinate Judges to see that appeals, plaints and petitions, etc., received in the Courts, to which they are attached, are properly stamped. When they are in doubt what Court-fee is due on any document, it shall be their duty to refer the matter to the Presiding Officer for orders. These officials are primarily responsible for any loss of revenue caused to Government by insufficiently stamped documents having been received owing to their neglect, but the ultimate responsibility for the loss lies on the Judge of the Court whose duty it is to look into such matters either when the plaints are instituted or when the plaints came up for hearing before him. *Note:-* The clerk of Court too the Senior Sub-Judge is responsible for checking the Court fee on those plaints only which the Senior Sub-Judge retains for trial by himself. In other cases the Reader of the Court to which the suit is sent for trial is responsible. Provided that the personal responsibility of the officers concerned shall only be enforced where obvious mistakes have been made and not in cases in which a genuine doubt was possible regarding the correctness of the Court-fee due.

## **TRANSFER OF CASES TO EQUALIZE WORK**

The equal distribution of work amongst the Courts available can always be effected by the transfer of cases when necessary from one Court to another under the authority vested in the District Judge.

When a case is transferred by judicial order, the Court passing the order should fix a date on which the parties should attend the Court to which the case is transferred.

### **(a) Petition box**

The petition box shall be placed in the verandah of the Court house about one hour before the Court sits, an official being specially made to attend early for this purpose. It shall be opened in the presence of the Judge about 15 minutes after the Court opens when all petitions shall be initialed by him. The Judge shall pass proper order forthwith or inform the petitioner when orders will be ready after the necessary *kaifyats* have been put up. The box shall be replaced in the Verandah and opened again shortly before the Court rises for luncheon in the presence of the Judge and the same procedure followed. It shall then be replaced once more in the Verandah and opened for the last time 15 minutes before the time fixed for the rising of the Court and the procedure prescribed above followed. After the box has been opened for the third time, it shall not

be replaced in the Verandah but petitions may thereafter be presented upto the closing hour of the Court to the Presiding Officer personally who shall receive them. A list of all miscellaneous or execution applications, on which orders cannot be passed forthwith, should be prepared and exhibited outside the court room specifying the date fixed for the disposal of each application.

### **(b)Urgent case**

In urgent cases, the judge may exercise his discretion and personally receive documents presented to him direct at any time.

### **(c) Reception by ministerial establishment prohibited**

The members of the ministerial establishment are strictly forbidden to receive petitions, complaints or other documents direct from lawyers and their clerks or from litigants except when the Judge is on leave and no other judicial officer is in charge of his current duties. District Judges should, however, invariably make arrangements for the reception of complaints and petitions, etc., by another officer of a court when an Officer is temporarily absent on leave, tour or otherwise. Where there is a single Judicial Officer at a station such as a Mofussil or outlying Court, arrangements should be made for the reception of complaints, petitions, documents, etc., by the Tahsildar or the Naib Tahsildar in consultation with the Deputy Commissioners.

### **(d)Exceptions:**

The above orders do not apply to applications put in by counsel for the inspection of records which may be presented to the Presiding Officer personally, nor do they apply to *talbanas* and stamped postal envelopes filed by litigants, which should be received direct by the Ahlmad or the moharrir and a receipt given for the same whether demanded or not.

## **WHO CAN FILE PETITION**

Complaints and petitions must be filed, except, when otherwise specially provided by any law for the time being in force, by the party in person or by his recognized agent or by a duly authorized and qualified legal practitioner.

## **RECOGNIZED AGENTS**

Recognized agents are defined in Order III, Rule 2, of the Code of Civil Procedure, 1908, As to appointment of a pleader, the provisions of Rule 4 of Order III, Civil Procedure Code, as amended by Act XXII of 1926, and the instructions of the High Court given in Chapter 16, Part A, of this volume should be carefully studied.

## **POWER OF ATTORNEY**

When parties appear by pleaders or agents duly authorized in that behalf, their powers-of-attorney should, when practicable, be filed in original with the complaint. Where the power-of-attorney is a general one, a copy should be filed, the original being presented for verification. When so filed,

the power-of-attorney will be considered to be enforced until revoked, with the leave of the Court, by a writing signed by the client and filed in Court, or until the client or pleader or agent dies, or all proceedings in the suit are ended so far as regards the client.

### **SENDING BY POST**

The reception of plaints and petitions made under the Code of Civil procedure for judicial purposes by post is irregular. All applications of a judicial nature received by post should be filed and on each application so filed an endorsement should be made to the effect that it was filed as not having been properly presented. This does not apply to applications for copies of judicial proceedings, which are not applications for judicial purposes made under the Code; but are applications dealt with under administrative authority.