

PATNA HIGH COURT

No. 301 /Rules

Dated the 13th /July, 2016.

ADDENDA AND CORRIGENDA TO PATNA HIGH COURT RULES, 1916 (Fifth Edition)

C.S. No.154

The following amendment is made in the existing Chapter – XIX of the Patna High Court Rules, 1916 regarding “Preservation and Destruction of Civil and Criminal Records” with immediate effect.

Existing Rule	Proposed Amendments
Rule-1. Every Record, unless otherwise provided, shall consist of two parts to be styled respectively Part I and Part II. To Part I there shall be prefixed a Title Page coloured white and to Part II a Title page coloured blue.	Every Record, unless otherwise provided, shall consist of three parts to be styled respectively Part I, Part II and Part III. To Part I there shall be prefixed a Title Page coloured white, to Part II a Title page coloured blue and to part III a Title page coloured green.
Rule-2. Part I shall be preserved for ever and Part II for 3 years, after the expiry of which it shall be destroyed.	Part I shall be preserved for ever and Part II and Part III for 3 years, after the expiry of which Part II and III shall be destroyed after keeping the records of Part I and Part II in accordance with the provision of Information Technology Act, 2001

Existing Rule	Proposed Amendments
<p>Rule-3. The period of 3 years mentioned in the preceding rule shall be calculated from the date of the final decree or order, which, in cases of appeal to the Privy Council or the Federal Court or the Supreme Court, will be that of the decree or order of His Majesty in Council or of the Federal Court or of the Supreme Court respectively.</p>	<p>The period of 3 years mentioned in the preceding rule shall be calculated from the date of the final decree or order, which, in cases of appeal to the Supreme Court, will be that of the date of decree or order of the Supreme Court,</p>
<p>Rule-4. All copies of paper books in excess of the number to be preserved, either permanently or for 3 years as directed in these rules shall be kept separate from the records to which they relate and be destroyed on the expiry of one year from the final decree or order of the High Court, or of the Privy Council or of the Federal Court of the Supreme Court as the case may be.</p>	<p>All copies of paper books in excess of the number to be preserved, either permanently or for 3 years as directed in these rules shall be kept separate from the records to which they relate and be destroyed on the expiry of three years from the final decree or order of the High Court, or of the Supreme Court as the case may be.</p>
<p><u>Civil Records</u></p> <p>Rule-5. Part I of the record of every Original Civil Case shall contain the following papers:-</p> <p>(i) The table of contents.</p> <p>(ii) The order sheet.</p> <p>(iii) Preliminary decree, if any, preceded by the judgment on which it is founded.</p>	<p><u>Civil Records</u></p> <p>Rule-5. Part I of the record of every Original Civil Case shall contain the following papers:-</p> <p>(i) The table of contents.</p> <p>(ii) The order sheet.</p> <p>(iii) Preliminary decree, if any, preceded by the judgment on which it is founded.</p> <p>(iv) The judgment.</p>

Existing Rule	Proposed Amendments
<p>(iv) The judgment.</p> <p>(v) The final decree.</p> <p>(vi) The copy of the judgment and decree in appeal.</p> <p>(vii)Plaint or application initiating the proceedings with any schedule.</p> <p>(viii) The written statement of the defendant or the counter petition.</p> <p>(ix) Memorandum of the issues.</p> <p>(x) Award of arbitration on petitions of compromise, if given effect to in the decree; also the return or report and the map and field book (if any) of a Commissioner in matters relating to immoveable property if referred to or given effect in the decree, but not any portion of the evidence taken by such Commissioner; also in the case of minors or lunatics, any order of the Court sanctioning the compromise.</p> <p>(xi) Any paper whose preservation may be directed by the Presiding Judge or Judges. (Part II shall contain all other papers including Caveat filed if any)</p>	<p>(v) The final decree.</p> <p>(vi) Any original document produced in evidence by any of the parties.</p> <p>(vii) Award of arbitration on petitions of compromise, if given effect to in the decree; also the return or report and the map and field book (if any) of a Commissioner in matters relating to immoveable property if referred to or given effect in the decree, but not any portion of the evidence taken by such Commissioner; also in the case of minors or lunatics, any order of the Court sanctioning the compromise.(viii) Any paper whose preservation may be directed by the Presiding Judge or Judges.</p> <p>Part II shall contain</p> <p>(i) Plaint or application initiating the proceedings with any schedule.</p> <p>(ii) The written statement of the defendant or the counter petition.</p> <p>(iii) Memorandum of the issues.</p> <p>(iv) Evidence and Miscellaneous applications and replies.</p> <p>(v) Vakalatnama (Part III shall contain all other papers including Caveat filed if any)</p>

Existing Rule	Amendments
<p>Rule-6. Rule 5 shall apply, as far as possible, to all records of Original Matrimonial cases, Testamentary and Intestate cases, and inquiries under the Letters Patent into the conduct of Advocates, Vakils and Attorneys of the Court.</p>	<p>Rule 5 shall apply, as far as possible, to all records of Original Matrimonial cases, Testamentary and Intestate cases, Election Petitions and Company Petitions or of any other cases of special jurisdiction.</p>
<p>Rule-7. Part I of every civil Appeal shall contain the following papers:-</p> <ul style="list-style-type: none"> (i) The order sheet. (ii) Remand order of the Court, if any. (iii) Final judgment of this Court. (iv) Decree (v) Any paper whose preservation may be directed by the Presiding Judge or Judges <p>(Part II shall contain all other papers including Caveat filed if any)</p>	<p>Part I of every Civil Appeal shall contain the following papers:-</p> <ul style="list-style-type: none"> (i) The order sheet. (ii) Remand order of the Court, if any. (iii) Final judgment or order of this Court. (iv) Decree (v) Any original document produced in evidence by any of the parties. (vi) Any paper whose preservation may be directed by the Presiding Judge or Judges <p>Part II shall contain;-</p> <ul style="list-style-type: none"> i. Memorandum of Appeal/Cross Objections ii. Judgment or order under Appeal, iii. Interlocutory Applications, iv. Show-cause v. Vakalatnama <p>(Part III shall contain all other papers including Caveat filed if any)</p>

Existing Rule	Proposed Amendments
<p>Rule-8. Judgments/orders in Civil Appeals dismissed under order XLI, Rule 11, of Letters Patent Appeals dismissed summarily and of cases dismissed for default or which the plaint or memorandum of appeal has been rejected or returned, shall be included in Part I and Part II shall contain other papers.</p>	<p>Judgments/orders in Civil Appeals dismissed under order XLI, Rule 11, of Letters Patent Appeals dismissed summarily and of cases dismissed for default or which the plaint or memorandum of appeal has been rejected or returned, shall be included in Part I, whereas Memorandum of Appeal, Judgment or order under Appeal, Interlocutory Applications, Vakalatnama etc. shall be kept in Part II and all other documents shall be kept in Part III.</p>
<p>Rule-9. Judgments and orders/order sheet passed by this Court in applications giving rise to the Civil Revision, Civil Review, Tax Cases, and MJC shall be treated as Part I record, whereas the remaining papers shall be contained in Part II and the same shall be destroyed after three years.</p>	<p>Judgments and orders/order sheet passed by this Court in applications giving rise to the Civil Revision, Civil Review, Tax Cases, and MJC shall be treated as Part I record, whereas Judgment or order under consideration, vakalatnamas, Applications, and reply thereof, if any, giving rise to the Civil Revision, Civil Review, Tax cases and MJC will be kept in Part II, and remaining papers shall be kept in Part III</p>
<p>Rule-10. Part I of the records of original Criminal cases shall be following papers:- (ii) The order sheet. (vii) Order of the Presiding Judge. (ix) Copy of order commuting a sentence or suspending the execution thereof or remitting punishment. (x) Any paper whose preservation may be</p>	<p>Part I of the records of original Criminal cases shall be following papers:- (i) The order sheet. (ii) Order of the Presiding Judge. (iii) Copy of order commuting a sentence or suspending the execution thereof or remitting punishment. (iv) Any paper whose preservation may be</p>

Existing Rule	Existing Amendments
directed by the Presiding Judge or Judges.	directed by the Presiding Judge or Judges. Part II shall contain i. Complaint/Report initiating proceedings with annexures, if any ii. Charge or Substance of accusation, if any iii. Vakalatnama Part III shall contain all other papers.
Rule-11. Part I in Criminal Appeals, Revisions, References, and Miscellaneous Cases shall contain only Judgments/ orders/ order sheets and Part II shall contain rest of the papers.	Part I in Criminal Appeals, Revisions, References, and Miscellaneous Cases shall contain only Judgments/ orders/ order sheets and Part II shall contain Memorandum of Appeal, Application for Revisions, and Miscellaneous case as the case may be as well as Judgment or order under Appeal or Revision and Vakalatnama, whereas the Part III shall contain rest of the papers.
Rule-12. The order-sheet and index about the result of Criminal Appeals and Revisions which have been summarily dismissed shall be maintained in Part I and other papers shall be shown in Part II.	The order-sheet of Criminal Appeals and Revisions which have been summarily dismissed shall be maintained in Part I and index, Memorandum of Appeal, Petitions, Interlocutory Applications, as well as Judgment or order under Appeal or Revision and Vakalatnama shall be kept in Part II and all other papers shall be kept in Part III.

Existing Rule	Amendments
<p>Rule-13. Regarding application for bail and suspension of sentence and orders thereon, which are treated as Miscellaneous Cases Part I shall contain index indicating the date on which bail was granted or refused. Rest of the papers shall be kept in Part II and preserved for a period of three years.</p>	<p>Regarding application for bail, suspension of sentence, quashing and orders thereon, which are treated as Miscellaneous Cases, Part I shall contain the order granting or refusing or disposing off the application, whereas Application seeking bail/ suspension, quashing and reply if any thereof, including the orders of the Courts attached with such petitions and Vakalatnama be contained in Part II. Rest of the papers shall be kept in Part III.</p>
<p>Rule-14. The order sheets and judgment passed in writ cases should be included in Part I records. The other papers including the applications and affidavits, if any, filed in reply should be included in Part II records which should be preserved for 6 years.</p>	<p>Rule-14. The order sheets and judgment passed in writ cases will be included in Part I records. The applications /affidavits, and counter affidavit, rejoinder if any, filed in reply and Vakalatnama will be included in Part II records and all other papers shall be kept as Part III record.</p>

File No.PF-XII-06-2015.

Dated, the 13th July, 2016.

By order of the Court,

 Registrar General.