

HIGH COURT OF UTTARAKHAND AT NAINITAL

NOTIFICATION

No. 292/UHC/Admin.(A)/2020

Dated: December 31, 2020.

In exercise of the powers conferred by Article 225 of the Constitution of India and all the other powers enabling in that behalf, the High Court of Uttarakhand hereby makes the following rules for the purpose of case filing, their processing, listing and matters connected thereto.

HIGH COURT OF UTTARAKHAND RULES, 2020

PART I

PRELIMINARY

1. **Short title and commencement-** (1) These rules shall be called “**High Court of Uttarakhand Rules, 2020**”.
- (2) These rules shall apply to all matters including petitions, memorandum of appeals, applications, affidavits, annexures, vakalatnama or any other material filed before the Court.
- (3) They shall come into force from date of their Notification.
2. **Interpretation-** In these rules, unless the context otherwise requires-
 - (a) ‘Advocate’ means an advocate and includes a party-in-person.
 - (b) ‘Chief Justice’ means the Chief Justice of the Court.
 - (c) ‘Court’ means the High Court of Uttarakhand.
 - (d) ‘Defect’ means a report of the Registry that a matter including a petition, memorandum of appeal, application, affidavit, annexure, vakalatnama or any other material filed in the Court does not conform to any law, rule, order or instructions applicable to their filing.
 - (e) ‘Defective matter’ means a matter in which defect has been reported by the Registry.
 - (f) ‘Fresh case’ means a fresh petition, memorandum of appeal, application *etc.* to which a new case registration number with the CNR number is allotted.
 - (g) ‘Judge’ means a Judge of the Court.
 - (h) ‘Pending case’ for the purpose of these rules means any case which already has a case registration number and includes a matter already

PART II

PAPER SIZE, FONT TYPE AND FONT SIZE ETC.

3. **Provisions to apply in all cases-** The provisions of this part shall apply to all matters relating to filing of all cases, whether they are fresh or pending.
4. **Paper size and thickness-** All cases including petitions, memorandum of appeals, applications, affidavits, annexures, vakalatnama or any other material shall be filed in A-4 size 80 GSM white paper.
5. **Use of both sides of paper-** All cases including petitions, memorandum of appeals, applications, affidavits, annexures, vakalatnama or any other material shall be type written on both sides of the paper with following side margins -
 - (A) Top margin two centimetre.
 - (B) Bottom margin two centimetre.
 - (C) Left margin four centimetre.
 - (D) Right margin four centimetre.
6. **Font type and size-** All cases including petitions, memorandum of appeals, applications, affidavits, vakalatnama or any other material shall be type written in New Times Roman font with font size 16 with 1.5 line spacing. For the headings, font size shall be 18 in the Times New Roman Font.
7. The provisions of rule 6 above shall also apply to type written copies of the annexures *etc.*
8. All petitions, memorandum of appeals, applications or any other material, shall be signed at the foot of every page by the petitioner, appellant, applicant, as the case may be, or by the advocate appearing on his behalf.
9. Every affidavit presented in the Court shall be signed on every page by the deponent and shall be dated.
10. All the annexures filed by the petitioner, appellant, applicant, as the case may be, alongwith the petition, memorandum of appeal, application, affidavit, supplementary affidavit, rejoinder affidavit *etc.*, shall be consecutively numbered as 1, 2, 3 and so on.
11. All the annexures filed by the respondent or opposite party alongwith counter affidavit, supplementary counter affidavit or application *etc.* shall be so consecutively numbered in case of their being filed by the first respondent or

13. The Presentation Form shall be the first and cover page of all papers presented for fresh case filing.
14. Presentation Form shall be filled up by advocates preferably by type writing. They shall put their signatures at the place earmarked for that purpose in the said Form.
15. Every Presentation Form shall be filed in the manner that on its overleaf, it has a printed format for scrutiny report of the Registry, which is prescribed in the schedule as 'Format No. 2'.
16. All fresh cases including petitions, memorandum of appeals, applications *etc.* shall be accompanied with an index of all papers presented for case filing.
17. The index shall be in the format as given in the schedule as 'Format No. 3'.
18. Entries in first five columns of the index shall be filled up by advocates by type writing. Case registration number, CNR number and entries in the last column of the index shall be filled up by Registry.
19. The index shall be prepared and filed in such manner that at least ten rows, next to the last row filled up by the advocates, are also drawn and left blank for future use of Registry. For this purpose also, both sides of papers shall be used.
20. The rows left blank for Registry shall be drawn in such manner that they have space to make entries requiring in five lines.
21. Advocates shall affix their signatures at the bottom of every page of the index, which contains entries filled up by them. At the bottom of the last page of the index, they shall affix their signatures with their particulars in the following manner-

Certified that entries in serial number 1 to serial number..... of this Index have been filled up by me.

Signature
(Full Name of the Advocate)
Bar Council Registration No

22. Registry shall display specimens of duly filled up Presentation Form and Index *etc.*, prepared as per these rules, in the official website of the Court for general guidance.

- (E) Other papers, if any, prior to the Petition, Memorandum of Appeal, Application *etc.*
24. Petition, Memorandum of Appeal, Application *etc.* shall be filed in following chronological order-
- (A) Petition, Memorandum of Appeal, Application, as the case may be, with or without annexures.
 - (B) Affidavit in support of the Petition, Memorandum of Appeal, Application, as the case may be, with or without annexures.
 - (C) Interlocutory Application, if any.
 - (D) Affidavit in support of the Interlocutory Application, if any.
 - (E) Vakalatnama.
 - (F) Other papers, if any.
25. Page numbering in numerals in international form shall begin from the Petitions, Memorandum of Appeals, and Applications *etc.*
26. All papers prior to the Petitions, Memorandum of Appeals, Applications *etc.*, such as Presentation Form, index, receipt of court fee and brief details of date and events of the case *etc.*, shall be paginated in English alphabets in capital and in their alphabetical order such as A, B, C and so on.
27. Where index, receipt of court fees, brief details of date and events of the case *etc.* are in more than one page, they shall be paginated in following manner-
- (A) A/1, A/2, A/3 and so on
 - (B) B/1, B/2, B/3, B/4 and so on.

PART IV

FILING IN PENDING CASES

28. Applications, affidavits or other material in the pending cases shall be filed with index of the papers.
29. The index shall be filed in the format given in the schedule as 'Format No. 4'
30. The page numbering in the applications, affidavits or other material filed in the pending cases shall be done at the right corner of the bottom of the pages.

PART V

33. Counter affidavits, rejoinder affidavits, supplementary affidavits, vakalatnama and other material in the pending cases, not requiring registration, shall be filed in the Judicial Section of the Registry dealing with the matter.

PART VI

REPORTING OF DEFECTS ETC.

34. In fresh cases, Registry shall report the defects in writing, and shall mention them at the space fixed for the same, as prescribed under these rules.
35. Defects in Applications, counter affidavits, rejoinder affidavits, supplementary affidavits, vakalatnama and other material filed in pending cases shall be reported on overleaf of the index.
36. Where more than one defect is reported, they shall be mentioned by giving separate number.
37. Where a defect is reported, same shall be communicated to the advocate on the same day in any of the following manner-
- (A) By e-mail service, where e-mail address has been given by the advocate
 - (B) By publication in the notice board
 - (C) Any other manner, as may be directed by the Chief Justice.
38. Where more than one defect is reported, all of them shall be communicated.
39. Where a defect is reported in any counter affidavit, rejoinder affidavit, supplementary affidavit, vakalatnama or any other material presented in the Judicial Section of the Registry under rule 33 above, such counter affidavit, rejoinder affidavit, supplementary affidavit, vakalatnama or other material may be returned to the person, who have presented the same, for the re-presentation after removal of defect.
40. Where a counter affidavit, rejoinder affidavit, supplementary affidavit, vakalatnama or any other material is returned under rule 39 above, entries to that effect shall be made in Register maintained in the section.

PART VII

REMOVAL OF DEFECTS ETC.

41. Except in cases where a counter affidavit, rejoinder affidavit, supplementary affidavit, vakalatnama or any other material is returned under rule 39 above, all defective matters shall be listed on the following day of the filing before the

43. Where the Registrar (Judicial) has overruled the defect and no defect survives, he shall order for listing of the case before the Court.
44. Where the Registrar (Judicial) is of the opinion that the defect reported by Registry holds good and the defect is not removed, he may grant a reasonable time for removal of the defect.
45. The Registrar (Judicial) may extend the time as given under rule 44 above.
46. Save as otherwise provided in these rules, no defective matter shall be listed before the Court.
47. A defective matter may be listed before the Court in any of the following circumstance-
 - (A) Where defect is of such a nature that the order of the Court is necessary for the defect.
 - (B) Where on being mentioned, Court orders that the matter be listed as defective.

PART VIII

OUT OF TURN LISTING OF CASES

48. An Advocate, desirous of out of turn listing of a fresh or pending case for urgent hearing, may make an oral mention before the Bench concerned by way of a Mention Memo, the format of which given in the schedule as 'Format No. 5'
49. No application for urgent hearing will be entertained by the Registry. Such an application, when presented in the Registry, shall be returned to person presenting the same.
50. The Advocate shall give Mention Memo to the Bench Secretary concerned.
51. Urgency shall be mentioned at 10:15 A.M. or such other time, as may be fixed by the Court.
52. When the urgency is mentioned, Bench Secretary shall place the Mention Memo before the Court for consideration for the listing of the case.
53. Where, the Court orders for out of turn listing of a case for urgent hearing, the Bench Secretary shall send the Mention Memo under his signature immediately to the Institution Section for listing of the case, as per the orders

- (A) The Bench having the Roster of the case, including the Bench having the roster on leave of a Judge.
- (B) The Bench to which the cases is nominated/assigned.
- (C) The Chief Justice, in any case, including mentioning in relation to matters mentioned in clause (A) to (B) above.

PART IX

DEVIATION FROM RULES ETC.

- 56. In any exceptional situation arising from natural calamity, disaster, pandemic or in any other extraordinary circumstance, the Chief Justice may order for deviation from these rules.
- 57. The Chief Justice may pass such orders consistent with the rules, as he may deem fit and appropriate, for giving effect to these rules and for their effective implementation.

PART X

REPEAL AND SAVINGS

- 58. All previous rules and orders on the subject to which these rules apply, are hereby repealed, provided that notwithstanding such repeal, nothing in these rules shall affect the matters already being dealt with in accordance with the rules and orders so repealed.
- 59. The Provisions of the Allahabad High Court Rules, 1952 (as applicable to High Court of Uttarakhand) shall continue to apply to all such matters, which are not covered under these rules.

By order of Hon'ble the Court,

Sd/-

Registrar General

No. 5809/UHC/Admin. A /2020

Dated: December 31, 2020.

Copy forwarded for information and necessary action to:

- 1. Advocate General of the Government of Uttarakhand.
- 2. President/Secretary, High Court Bar Association, Nainital.
- 3. Chief Standing Counsel, Government of Uttarakhand, Nainital.
- 4. Assistant Solicitor General, Government of India, Nainital.
- 5. Additional Chief Standing Counsel, Government of Uttar Pradesh, Nainital.
- 6. Secretary, Law cum-L.R. Government of Uttarakhand, Dehradun.
- 7. All the Registrars of the Court.
- 8. P.P.S. to Hon'ble the Court.
- 9. P.S./ P.A. to Hon'ble Judges of this Court with the request to place the Notification for kind perusal of Hon'ble Judges.
- 10. All the Joint Registrars/ Deputy Registrars of the Court.

WWW.LIVELAW.IN
SCHEDULE TO THE RULES
FORMAT NO 1

HIGH COURT OF UTTARAKHAND
AT NAINITAL

PRESENTATION FORM
(To be filled up by the Party/Advocate)

1. Case Category.....
2. District.....
3. Titled as.....
4. Name of Advocate(s) with Bar Council Registration Numbers, Contact Numbers, e-mail addresses etc.
.....
.....
.....
.....
5. Contact Numbers, e-mail addresses of Petitioner/Appellant/Applicant etc.....
6. Copies served on whom.....
7. Mode of service.....
8. Date of the service.....
9. Any other information.....

Signature
(Name of the Advocate)

Date:

Place:

Note: Times New Roman Font Size 14 may be used to contain the Presentation Form in single page

**SCHEDULE TO THE RULES
FORMAT NO 2**

HIGH COURT OF UTTARAKHAND

AT NAINITAL

SCRUTINY REPORT

1. Filed on.....
2. Case No..... 3. CNR Number.....
4. Court Fees Paid and if sufficient.....
5. If No, Deficiency of.....
6. Limitation Began on.....Expired on.....
7. If barred by Limitation, there is delay of.....days
8. If Delay Condonation Application is filed.....
9. If any Caveat has been filed.....
If Yes by.....
10. Caveator served/not served.....
11. Notice served on Opposite Party on
12. This is.....
.....
13. Defects, if any-
 - (1).....
 - (2).....
 - (3).....
 - (4).....
 - (5).....
14. Remarks, if any.....

A.R.O./R.O./S.O.

S.O./A.R.(Stamp Reporting)

S.O./A.R.(Defects Scrutiny)

D.R.(Institution)

**Note: Times New Roman Font Size 14 may be used to contain the
Presentation Form in single page**

**SCHEDULE TO THE RULES
FORMAT NO 3**

HIGH COURT OF UTTARAKHAND

AT NAINITAL

INDEX

IN

CASE No..... CNR No.....

Between

ABC Kumar

And

CDE Kumar

Sl. No.	Description of Paper	Page No.	Date of Filing	Court Fees Paid	Part A/B
1.	Presentation Form				
2.	Scrutiny Report				
3.	Index				
4.	Receipt of Court Fees Paid				
5.	Brief Details of Date and Events of the Case.				
6.	Petition, Memorandum of Appeal, Application, as the case may be				
7.	Affidavit in support of Petition, Memorandum of				

	Appeal, Application as the case may be				
8.	Annexure No. 1 with brief details				
9.	Annexure No. 2 with brief details and so on				
10.	Interlocutory Application				
11.	Affidavit in Support of the Interlocutory Application				
12.	Vakalatnama				
13.					
14.					
15.					
16.					
17.					
18.					
19.					
20.					
21.					
22.					

Entries from Serial No. 1 to Serial No. 11 have been filled up by me.

Signature

Date:

(Name of Advocate)

Note:

1. Entries in this Index are for only for illustrations.

- 2. Case No. and CNR No. will be filled up by Registry**
- 3. At the time of case filing, entries in first five columns will be filled up by advocates/parties.**
- 4. The index be prepared in such a manner that at least ten rows next to the last row filled up by the advocates/parties, be also drawn and left blank for future use of Registry.**
- 5. The rows left blank for Registry shall be drawn in such manner that they have space to make entries requiring in five lines.**
- 6. Times New Roman Font Size 14 may be used for this Index.**

HIGH COURT OF UTTARAKHAND

AT NAINITAL

INDEX

IN

Interlocutory Application for Stay Vacation

In

Second Appeal No. 123 of 2020

Between

ABC KumarAppellant

And

CDE KumarRespondent

Sl. No.	Particulars	Page No.
1	Application for Stay Vacation	
2	Affidavit	
3	Annexure No 1 to the Affidavit (with brief details of the annexure)	
4	Annexure No 2 to the Affidavit (with brief details of the annexure)	

Signature

Date:

(Name of Advocate)

Note: Entries in this Index are for only for illustrations.

**SCHEDULE TO THE RULES
FORMAT NO 5**

HIGH COURT OF UTTARAKHAND

AT NAINITAL

Mention Memo

PART A

(To be filled up by the Advocate)

1. Case No :
2. Case title :
3. Date of filing of the case :
(in fresh institution)
4. If any date has already :
been fixed by the Court
(in pending case)
5. Reasons for the urgency, with purpose of listing, in brief

.....
.....

Date.....
Place.....

Signature
(Name of the Advocate)

PART B

(To be filled up by the Bench Secretary)

Mentioned on.....before the Court No.....

By the Advocate for.....

Orders of the Hon'ble Court.....

Signature
(Bench Secretary)

**Note: Times New Roman Font Size 14 may be used to contain the
Mention Memo in one single page.**