

Court Procedure

PREPARATION OF WEEKLY CAUSE LISTS

12.01 Preparation of Weekly Cause Lists :

Cause lists for the next week should be prepared and the copies made out by Wednesday afternoon at the latest. All the files pertaining to cases fixed for hearing in the following week will be handed over by the Head Clerk to the Court Master latest by Tuesday. Any letter or communication received in the registry after handing over the files to the Court Master pertaining to those cases will be handed over to the Court Master immediately on receipt.

12.02 The Court Master shall arrange the files of hearing datewise and prepare the cause list in accordance with orders issued from time to time. The short matters will be listed first in the cause list and regular matters later as indicated below

Short Matters :-

- a. Pronouncement of judgement
- b. Stay matters
- c. Miscellaneous Applications Regular Matters

Regular Matters :-

- a. Part heard matters
- b. Matter directed to be listed on priority on orders of the Bench
- c. Reference Applications
- d. Appeals

12.03 Within each category the cases should be listed in chronological order unless there is some order with regard to a particular matter being listed in a particular position. The part heard matters irrespective of the year they pertain to shall, however, take precedence over all other matters posted for a date. The names of the advocates / Authorized Representatives representing the appellants shall also be shown under the relevant column in the cause list. The "Part Heard", "Special Order" and "Adjourned Cases" will be shown in the cause list with the indication in the manner given below :-

- | | | | |
|----|-----------------------|-----------------|------------------------------------|
| 1. | (Case No.) | (Parties Names) | (Advocate / Representative's Name) |
| | (P.H. From | | |
| 2. | Case No. | _____ | _____ |
| | (Spl. Order dt | | |
| 3. | Case No. | _____ | _____ |
| | (Adj. from | | |

After preparing the cause list, the Court Master shall hand over the same to the Assistant Registrar who shall check up the same with reference to the diary maintained by him and also the files wherever necessary and arrange for typing, duplicating etc. Copies of the cause lists will be endorsed to :-

- i. The concerned Departmental Representative
- ii. Private secretary to President
- iii. Registrar
- iv. Deputy Registrars
- v. Assistant Registrar (C.R.)
- vi. Bar Association

Sufficient extra copies will also be taken to place a Copy on the files being sent to the Members concerned each day for hearing.

12.04 A copy of the cause list for Monday, Tuesday and Wednesday of the week following should be affixed on the Notice Board in the afternoon of Thursday of the current week. The cause list for Thursday in the following week should be affixed on the Notice Board after the Court hours in the afternoon of Thursday of the current week itself after removing the cause list for Thursday (Current week) from the Notice Board so as to avoid confusion. Similarly cause list for Friday in the following week should be affixed on the Notice Board after the court hours in the afternoon of Friday of the week. In case it is not possible to affix the cause lists of Thursday and Friday of the following week on Thursday and Friday of the current week as stated above such cause lists should invariably be affixed in the forenoon of Monday of the next week.

12.05 If during the course of the week any matter is adjourned for hearing in the same week by a Bench, a supplemental cause list will be prepared and issued for that day and placed on the Notice Board well before the time of hearing. The cause list shall invariably indicate the date and time and if possible the Court Room where the court will sit for hearing the cases listed. The Court Master shall personally be responsible for the timely issue the cause list its distribution and sending of the files to the Members and display of the cause lists on the Notice Board.

Where the cases pertaining to a Bench Registry are listed for some reason for hearing by different Benches on the same day the cause list should be prepared listing separately the cases for hearing before each Bench. As soon as the distribution of the cause list has been done according to these instructions the Court Master will go through the files and prepare a check list for each case in which he will indicate

- a. Whether all the requirements have been fulfilled by the parties and if not what are the deficiencies.
- b. Whether the case is time-barred and if so, whether the party has filed a request for condonation of delay.
- c. The Order-in-Original, Order-in-Appeal, Vakalatnama or authorization letter or any order of the Supreme Court/High Court etc., by flagging the same.
- d. He will then prepare as many sets as are required for the Members constituting the Bench for the day and send them to the Members concerned the original being sent to the Presiding Member at least one day prior to the date of hearing unless otherwise directed
- e. 12.06 If in any matter which has been listed for hearing Member of the Tribunal has passed an order as a lower authority or for any other reason a Member is not to hear that matter this should be immediately brought to the notice (in the form prescribed in Appendix-18) of the Private Secretary to the President so that

necessary steps may be taken while constituting the Bench for the day of hearing.

COURT HOURS OF THE TRIBUNAL

Under Procedure Rule 43, the sitting hours of the Tribunal shall ordinarily be from 10.30 A.M. to 1.15 P.M. and 2.00 P.M. to 4.15 P.M.

FILING OF LETTER OF AUTHORITY

On the day fixed for hearing the non Government side may be represented by some representative other than the one originally intimated. The Court Master has to make the necessary verification and if he is not an authorized person as per rules to appear before the Bench he should bring this fact to the notice of the Bench before the hearing commences

HEARING OF THE CASES FIXED ON THE BOARD

- a. on the day fixed or any other day to which the hearing may be adjourned the appellant shall be heard in support of the Appeal. The Tribunal shall then if necessary, hear the Respondent against the Appeal and in such case the Appellant shall be entitled to reply.
- b. In accordance with the cause list parties are called for hearing unless otherwise directed by the Bench. In case any party is not present when called the next case should be called for with the permission of the Bench
- c. If neither the Appellant nor any one (authorized) on his behalf is present when the case is called for hearing the Bench may dismiss the appeal for default under Rule 20 of the Procedure Rules or may decide the appeal ex-parte on merits or may take such further action as it thinks fit. If a request for adjournment is received without anyone being present on behalf of the appellant the Bench may in its discretion grant the adjournment or proceed in terms of Rule 20.
- d. Where on the day fixed for hearing or any other day to which the hearing is adjourned, the Appellant appears in person or through authorized representative and the Respondent does not appear when the appeal is called for hearing the Tribunal may hear the appeal ex-parte.
- e. The Court Master is required to maintain a Register called Daily Diary of cases heard on each day in the performa at Appendix 27. All particulars required therein should be entered in the Register pertaining to each Appeal Application daily All cases fixed and heard on a day are to be entered in the order in which they were called for hearing.
- f. The Court Master will submit the Appeal Applications for recording of orders to the Member indicated by the Presiding Member. The case is to be submitted with the departmental records where necessary. Any papers received from either party after the hearing should not be added to the records except with the approval of the Member to whom the file has been submitted for recording the order.

PRODUCTION OF ADDITIONAL EVIDENCE

12.10 Under the Procedure Rule 23 the parties to the appeal shall not be entitled to produce any additional evidence either oral or documentary before the Tribunal, but the Tribunal may on reasons to be recorded allow such documents to be produced or witnesses to be examined or affidavits to be filed or such evidence to be adduced. The Tribunal may however require production of any documents or examination of any witness or filing of any affidavits if it is of the opinion that it is necessary to enable it to pass orders or for any sufficient cause.

12.11 Where any direction has been made by the Tribunal the parties shall comply with the directions of the Tribunal and after such compliance send the documents the record of the deposition of the witnesses or record of the evidence adduced as the case may be, to the Tribunal.