



fee of Rs. 500/- through tender as provided under the Act.

90. First appeal u/s 28, H.M. Act against section 18 H.M. Act, Maintenance Act. Limitation: 90 days, court fee chargeable according to valuation of appeal in view of section 7(ii)a of the court fee act.

10. First appeal u/s 299 Indian Succession Act will lie against probates if it comes against decree. Court fee Rs. 25/- as provided under schedule II article 1(3) page 118 of the court fee act, etc.

### FIRST APPEAL FROM ORDER

1. FAFO u/s 173 of Motor Vehicle Act will lie u/s 166, 144 M.V. Act award/enhancement, certificate of deposit Rs. 25,000/- if defendant comes. Court fee of Rs. 5/- fixed. Limitation 90 days from the date of ~~award~~ <sup>Judgement</sup> as provided under order XX Rule 7 C.P.C.

2. FAFO u/s 37 of Arbitration & Conciliation Act against section 34, 8, 9, 15, 19, 20, 30 of the Arbitration & Conciliation Act. Limitation 90 days from the date of judgment.

3. FAFO u/s 30 of the Employee Compensation Act 1923 Court fee of Rs. 5 fixed. Limitation 60 days from the date of order as provided u/s 30(2) of this act. Certificate of deposit is required if defendant comes.

4. FAFO u/s 384 Indian Succession Act.

5. FAFO u/s 299 Indian Succession Act against probate against order.

6. FAFO u/s 104 (FFA) of CPC against Sec 91, 92 CPC

7. FAFO u/s 50 of the Arbitration and Conciliation Act 1996. Court fee RS. 200/- fixed by the Hon'ble H.L. Gokhle C.J.

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8. FAFO u/s of Mental Health Act 1987 Court Fee of Rs. 5/- १०१५१

(8A) FAFO - VIS-42 Provision of money Lending Act 2002 CF-10/2 60१५१

(8B) FAFO - VIS-7 Payment of Gratuity Act CF-10/2 60१५१  
(Certificate of Payment of Award)

(8C) CPC Sec. Ch - 39 R-1+2 में misc. order दिये हैं (L.C. में) अतिरिक्त नोट्स में FAFO  
नियमित ॥

9.FAFO u/s of the Foreign Exchange Management Act 1999. Court Fee of Rs. 200/- fixed. Limitation 60 days from the date of communication of order. Cognizable by Division Bench.

10.FAFO u/s 23 Railway Claim Tribunal Court Fee of Rs. 5/- Limitation 90 days from the date of order. Cognizance according to the valuation.

11.FAFO u/s 55 Divorce act Court Fee of Rs. 5/-. Limitation 90 days. Valuation incapable. Cognizance by Single Judge.

12.FAFO u/s 10A of Company Act will lie against Company Law Board. Court Fee Rs. 5/- Limitation 90 days, cognizance according to valuation.

13.FAFO u/s 72 Copyright Act Court Fee RS. 5/- Limitation 90 days. Cognizance by Single Judge.

14.FAFO u/s 82 Employees State Insurance Act, Court Rs. 5/- Limitation 60 days. Cognizance by Single Judge.

15.FAFO

Under section 6 A Court fees Act will lie to this Hon'ble Court fee of Rs. 5/- Limitation 90 days from the date of order. Cognizance as per valuation.

16.FAFO

u/s 75 (2) semi provincial solvency Act Limitation 90 days from the date of order as required u/s 75(4) P.I Act. Cognizance as per valuation

17.FAFO

u/s 22-A chartered Accountant Act

Court Fee of Rs 5

Limitation 30 days from the date of order as provided under the Act  
cognizance as per Valuation

18.FAFO

u/s 47 Guardian and Wards Act 1890 will lie against section 7,9,25,26,28,32,39,40,43,44 G W Act

~~19 FAFO u/s 2a Protection of Women from Domestic Violence Act~~

19M FAFO - Sec 70(1) Food Safety Act 2006 → 60 days from order of communication of order  
(see 71C6)

9.FAFO u/s of the Foreign Exchange Management Act 1999. Court fee of Rs. 200/- fixed. Limitation 60 days from the date of communication of order. Cognizable by Division Bench.

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11.FAFO u/s 55 Divorce act Court Fee of Rs. 5/-. Limitation 90 days. Valuation incapable. Cognizance by Single Judge.

12.FAFO u/s 10-F of Company Act will lie against Company Law Board: Court Fee Rs. 5/- Limitation 90 days, cognizance according to valuation.

13.FAFO u/s 72 Copyright Act Court Fee RS: 5/- Limitation 90 days. Cognizance by Single Judge.

14.FAFO u/s 82 Employees State Insurance Act, Court Rs. 5/- Limitation 60 days. Cognizance by Single Judge.

15.FAFO

Under section 6. A Court fees Act will lie to this Hon'ble Court fee of Rs. 5/- Limitation 90 days from the date of order. Cognizance as per valuation.

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u/s 75 (2) semi provincial solvency Act Limitation 90 days from the date of order as required u/s 75(4) P.I Act. Cognizance as per valuation

17.FAFO

u/s 22-A chartered Accountant Act

Court Fee of Rs 5

Limitation 30 days from the date of order as provided under the Act cognizance as per Valuation

18.FAFO

u/s 47 Guardian and Wards Act 1890 will lie against section 7,9,25,26,28,32,39,40,43,44 G W Act

Court Fee of Rs 5  
 Limitation 90 days from the date of order  
 Cognizance as per valuation

19.FAFO

u/s 39 Chapter II Special Marriage Act  
 Court Fee of Rs 5  
 Limitation 90 days from the date of order cognizance as per valuation

20.FAFO

Order 43 Rule 1 (a) CPC will lie  
 Returning a plaint to be presented to the proper Court ( except where the  
 procedure specified in Rule 10 A of order VII has been followed

21.FAFO

Order 43 Rule 1 (c) CPC will lie against O ix R ix CPC  
 Rejecting an application (in a case open lie appeal) for an order to set aside  
 dismissed of a suit

22.FAFO

Order 43 Rule 1 (d) CPC will lie against O ix R ix CPC  
 an order Rejecting an application (in a case open lie appeal) for an order to set  
 aside a decree passed ex partee

23.FAFO

Order 43 Rule (b) CPC will lie against O xi R 21 CPC  
 Non compliance will an order for discovery

24.FAFO

order 43 Rule I (i) CPC will lie against Order xxi rule 34 order CPC  
 an objection to the draft of a decree or of an endorsement

25.FAFO

order 43 Rule I(j)CPC will lie against O ix 72 order 96CPC  
 an order setting aside or refusing to set aside a sate

26.FAFO

u/s 43 Rule I (ja)CPC will lie against O xxi Rule 106(1)105(1)CPC  
 An order rejecting an application

27.FAFO

u/s 43 Rule I (k)CPC will lie against O xxii Rule 9CPC  
 An order referring to set -a- side the abatement or dismissed of a suit

28.FAFO

u/s 43 Rule I (l) CPC will lie against O xxii Rule 10 CPC  
 An order giving or refusing to give leave

29. FAFO

u/o 43 Rule I (n) CPC will lie against O xxv Rule 2 CPC  
 An order rejecting an application

30. FAFO

u/o 43 Rule I (na) CPC will lie against O xxxiii Rule 5,7 CPC  
 An order rejecting an application for permission to see as an indigent person

31. FAFO

u/o 43 Rule I (p) CPC will lie against O xxxv Rule 3,4,6 CPC  
 An order in inter pleader suit

32. FAFO

u/o 43 Rule I (q) CPC will lie against O xxxviii Rule 2,3,6 CPC  
 An order regarding security discharge or suit, attachment when cause not shown  
 or security not furnish

33. FAFO

u/o 43 Rule I (r) CPC will lie against O xxxix Rule 1,22A CPC

cases in which temporary injunction may be granted in junction to restrain repetition or continuance of breach discharging varying or setting aside an injunction order to deposit money in court

34. FAFO

u/o 43 Rule 1(s) CPC will lie against O XL Rule 1,4 CPC  
An order appointing a receiver enforcement of duties of a receiver

35. FAFO

u/o 43 Rule 1(t) CPC will lie against O XLI Rule 19,21 CPC  
An order of refused readmit or to rehear an appeal

36. FAFO

u/o 43 Rule 1(u) CPC will lie against O XLI Rule 23, 23A CPC  
An order remanding a case, when an appeal would lie from decree of appellate court

37. FAFO

u/o 43 Rule 1(w) CPC will lie against O XLVII Rule 4 CPC  
An order granting an application for review

Limitation 90 days from the date of order  
court fee of Rs 5  
cognizance as per valuation

38. Wealth Tax Application .

U/s 27(3) wealth tax act  
Limitation 90 days form the date of issuing of Tribunal Order  
(DB)

39. Gift Tax Application

U/s 26(3) of the Gift Tax Act.  
Limitation 90 days of Rs.5/- cognizance (DB)

40. Central Excise Appeal

U/s 35 G(3) Central Excise, Appeal and Suit Act 1944 Limitation 180 days from the date of service,  
court fees Rs.200/- through Tender  
cognizance D.B

41. Customs Appeal  
U/s 130 of the customs act  
court fee of Rs.200/- through Tender  
Limitation 180 days from the date of service of the Tribunal's order

### CIVIL REVISION

1. Civil Revision u/s 115 CPC will lie against impalement, amendment, issue frame, preparation of formal order in original suit, Restoration/Recall the order/Execution. Court fee Rs. 10/- fixed under Court Fee Act. Limitation: 90 days from the date of order.

2. Civil Revision u/s 25, Judges, Small Cause Court. Court fee Rs. 5/-.  
Limitation 90 days from the date of order. In view of AIR 1984 SC Page 146 and from 1983 ALLJ 252.

3. Civil Revision u/s 83(9) of the Waqf Act 1995. Court Fee Rs. 5/- fixed.  
Limitation 3 ~~years~~ from the date of order.

4

### 7/ COMMERCIAL TAX REVISION

1. Commercial Tax Revision u/s 58 Value Added Tax. Court Fee Rs. 250/- fixed.  
Limitation: 90 days from the date of service i.e. receiving of Tribunal's order.  
Cognizable by Single Judge.

### INCOME TAX APPEAL

1. Income Tax Appeal u/s 260 A of the Income Tax Act will lie against the appellate order of the Income Tax. Court Fee Rs. 5/- . Limitation: 120 days from the date of service i.e. receiving of the order of the appellate Tribunal.  
Cognizable by Divisional Bench.

## NOTICE

Cal Mys. Case  
Bail

1. Receiving of bail application/applications u/s 482/483 Cr.P.C./Criminal Transfer application. Allotment of Sr. No. To each file received.
2. In case of bail application, feeding of data i.e. File Number, Date of reporting, Rejection order date, Applicant counsel name (s).
3. In case of applications u/s 482/483, only computer slips are generated in which search option are given for crime number or complaint case number.
4. Generation of computer slip to check the duplication of file.
5. Reporting of file by the reporters in which defects are checked and later on got removed by the learned counsel.
6. In bail applications, certified copy of FIR and free copy of bail rejection order of the lower court must be attached.
7. In bail application/applications u/s 482/483 Cr.P.C./Criminal Transfer application, the applications must be sworn by the oath commissioners in which seal and signature of the oath commissioner with the signature of the deponent in all pages should be checked.
8. Affidavit must be accompanied with the photograph and authentic ID of the deponent.
9. In case where applicants are in jail, parcha/memo of appearance must be annexed by the learned counsel.
10. In bail application, jail date must be mentioned in the memo of application.
11. In bail cancellation, vakalatnama should be annexed.
12. In bail application, where CBI matters are related, computer slips are not generated.
13. In case second bail and onwards, photo copy of high court rejection order must be annexed along with certified copy of FIR.
14. In case of applications u/s 482/483, certified copy of impugned order must be annexed which should have court fees of Rs.1.50 affixed.
15. Index, dates and events must be annexed in applications u/s 482/483 Cr.P.C.
16. All handwritten/illegible annexures should be typed. Fluid ink/overwriting/cutting must be avoided in all applications.
17. In all applications (bail application u/s 482/483 Cr.P.C./Criminal Transfer application) case crime details or case details must be mentioned on the right top of the memo of the opening page of memo of application.
18. In first page of the affidavit, full details of deponent (name, father's name, age, full address, religion and occupation) must be mentioned.
19. Each and every certified copy must bear stamp of Rs.1.50.
20. In criminal transfer application provision of law in under section 407 Cr.P.C., In bail applications provision of law in under section 439(2) Cr.P.C..
21. Different types of categories are maintained for bail application/applications u/s 482/483 Cr.P.C./Criminal Transfer application, for which a separate sheet is annexed herewith. (In case of matters of corruption cases, category for bail application is 401550, category for application u/s 482/483 is 401540 and for Criminal Transfer application category is 401560).
22. In case of applications u/s 482/483 Cr.P.C. and Criminal Transfer application, vakalatnama should be annexed in which applicants must be identified by a witness along with has authentic ID and signature.
23. Counter signature by the Stamp Reporter.
24. Distribution of file through counters after duly received by the learned counsel.

Jurisdiction and ~~exercised~~ the Registrar General of the High Court to send a copy of the judgment of the High Court to the Sessions Judge concerned for his guidance in future. See:  
**Lehray Vs. State of UP, 2008 (61) ACC 831 (All)**

**Sub. : Affidavits & Oath Commissioners....law relating to oath & affidavits**

1. Provisions in the Allahabad High Court Rules, 1952
2. Notaries Act, 1952
3. Order 19 CPC
4. Role, powers & functions of Deputy Registrars dealing with the affidavits.
5. Internal/administrative instructions of the High Court regarding duties of Deputy Registrars in relation to affidavits.
6. Internal/administrative instructions of the High Court regarding duties of Oath Commissioners in relation to affidavits.
7. Important judicial pronouncements of the Allahabad High Court and the Supreme Court on the subject.
8. Discussing the subject with some enlightened Deputy Registrar and Oath Commissioner.
9. Identifying problematic area/points often faced by the Deputy Registrars and the Oath Commissioners in relation to affidavits and the solutions therefor.
10. Points.. the Deputy Registrars and the Oath Commissioners would like to be addressed.

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**PRACTICE AND PROCEDURE REGARDING INSTITUTION FILING OF CASE IN THE HIGH COURT**

Broadly, speaking the Allahabad High Court exercises the following jurisdiction:-

- 1 Extra Ordinary Original Civil Jurisdiction - Chapter VIII Rule 4
- 2 Ordinary Original Criminal Jurisdiction - Chapter VIII Rule 10
- 3 Extra Ordinary Original Criminal Jurisdiction - Chapter VIII Rule 11
- 4 Appellate Jurisdiction
- 5 Revisional Jurisdiction

The following is the chart of appeals, revisions and other applications which are filed in the High Court:-

Nature	Under Rule / Section	Period	Time from which period begins to run	Court fee	Cognizable
Criminal Appeal	374 (2) Cr.P.C.	60 days	Date of Judgment	Rs 5/-	Single below life and above that
Jail Appeal		60 days	Date of Judgment	No Court Fee	
Criminal Appeal	372 Cr.P.C.	60 days	Date of acquittal	a. 5/- on memo b. 1/- 360 words on Judgment	If maximum punishment life on otherwise: Single
Criminal Appeal	377 (1) (b) by the Govt for enhancement of sentence	60 days	Date of Judgment	No Court Fee	Division
Leave to Appeal	378 (3) Cr.P.C.	a. 6 months, if complaint is public servant. b. 60 day in other case.	Date of Acquittal	a. 5/- on memo b. 1/- 360 words on Judgment	Life and above that Division below Single
Leave to Appeal	378 (4) Cr.P.C.	a. 60 days b. Where the complainant is Govt servant then 6 months	Date of acquittal	No court fee	Life and above that Division below Single
Leave to Appeal	378 (3) Cr.P.C.	90 days	Date of Judgment	5/- on memo appeal	Life and above that Division below Single
Criminal Appeal	449 Cr.P.C.	60 days	Date of order	a. 5/- on memo b. 1/- 360 words on Judgment	Single below life and above that
Criminal Revision	397/401	90 days	Date of Judgment	Rs 5/-	Single below life and Division above that

leave to appeal 377

u/s-19 F  
 3rd P H.L. F  
 5th P H.L. F  
 u/s 24 B  
 1st P H.L. F

R-1 (w)

First Appeal	96 C.R.C.	90 days	Date of order /decree	Court which passed in the lower court	fee	Up to	Rs.
First Appeal	28. Hindu Marriage Act 1955	30 days	Date of order by Principal Judge, Family Court	Rs. 37.50/-	Division Bench	5,00,000/-	Single
First Appeal	23. Hindu Marriage Act	90 days	Date of order by Principal Judge, Family Court	Rs. 37.50/-	Single	5,00,000/-	Single
First Appeal	19. Under Section Court Act	90 days	Date of order by Principal Judge, Family Court	Rs. 37.50/-	Division	5,00,000/-	Single
First Appeal	54. Under Section Land Acquisition Act	90 days	Date of order by Principal Judge, Family Court	Rs. 37.50/-	Division	5,00,000/-	Single
C.R.L.	47. Domestic Violence Act	90 days	Date of order	Rs. 5.00/-	Single	5,00,000/-	Single
FAFO	43 C.P.C.	90 days	Date of order	Rs. 5.00/-	Single	5,00,000/-	Single
FAFO	37. Arbitration and Conciliation Act	90 days	Date of order	Rs. 10+100	Division Bench	5,00,000/-	Single
FAFO	6A of Court Fee Act read with 104 (1) C.P.C.	90 days	Date of order	Rs. 10/-	-do-	5,00,000/-	Single
FAFO	30 Workmen and Compensation Act	60 days	Date of order	Rs. 10/-	-do-	5,00,000/-	Single
FAFO	173. Motor Vehicle Act	90 days	Date of order	Rs. 10/-	Up to Rs. 5,00,000/-	More than Rs. 5,00,000/-	Single
FAFO	23. Railway Claim Act	90 days	Date of order	Rs. 10/-	-do-	5,00,000/-	Single
FAFO	104 C.P.C.	90 days	Date of order	Rs. 10/-	-do-	5,00,000/-	Single
FAFO	384/299 Indian Succession Act	90 days	Date of order	Rs. 10/-	-do-	5,00,000/-	Single
FAFO	130 Customs Act	180 days	Date of order	Rs. 10/-	-do-	5,00,000/-	Single
FAFO	47. Guardian & Ward Act	90 days	Date of order	Rs. 10/-	-do-	5,00,000/-	Single
FAFO	36. Electricity Reforms Act	60 days	Date of order	Rs. 10/-	-do-	5,00,000/-	Single
FAFO	35-G Central Excise Act	180 days	Date of order	Rs. 10/-	-do-	5,00,000/-	Single
Trade tax	u/s 11	90 days	Date of order	Rs. 200/-	Always Single	5,00,000/-	Single
FAFO	u/s 42	60 days	Date of order	Rs. 10	Always Single	5,00,000/-	Single

Revision	u/s 260A. I.T. Act	120 days from the date of service	Date of order	No Court fee	Always Division
Revision	u/s 260A. I.T. Act	120 days from the date of service	Date of order		Always Division
Central Excise Appeal	35 G of 180 days from the date of service	180 days from the date of service	Date of order		Division Bench
Custom Appeal	130 (2) of 180 days from the date of service	180 days from the date of service	Date of order		Division Bench
Cross Objection	Under order 41 C.P.C. Rule 22	30 days from the date of service	Date of order	As in Decree	Up to Rs. 1,00,000/-
Second Appeal	100 C.P.C. Chapter V Rule 12 of High Court	90 days	Date of order	of Rs. 5/-	Before the same Bench
Review Application	Rules C.P.C.	30 days	Date of order passed against order / Decree	If delay then 100% if in time then 50%	-do-
Contempt (Civil)	Under Section 12 of Contempt of Courts Act	1 year	From the date of cause of action.	Rs. 5/- per case	Single
Contempt (Criminal)	Under Section 15 of Contempt of Courts Act	1 year	From the date of cause of action	No court fee	Division
Contempt Appeal	Under Section 19 of Contempt of Courts Act	30 days	a. Against High Court order b. 60 days against Tribunal order.	Rs. 5/-	Division Bench
Civil Revision Special Appeal	115 C.P.C. Chapter IX, Rule 10, High Court	90 days	Date of order	Rs. 100/-	Always Single
Election Petition	80, 80-A, 81 R.P. Act	45 days	From the date of result	Rs. 5/-	Single
Company Petition	U/s 439 Company Act	No Limitation			Division
Company Appeal	Under Section 10 F	60 days			Division

In addition to the above, Criminal Misc Applications are also filed under section 482 to invoke the inherent power of the High Court to make such orders as it may deem fit to prevent abuse of the powers of any Court or otherwise to secure the ends of justice.

20/07/2019 CF 30 day limit in head

Bails applications are also filed under section 349 Cr.P.C. and under Rule 18 of Chapter XVIII of the High Court Rules, 1952.

**1 Power of the High Court to issue writs**

Every High Court has power throughout the territories in relation to which it exercises jurisdiction to issue to any person or authority, including in appropriate case, any Government, within these territories directions, orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warrant and certiorari or any of them, for the enforcement of any of the rights conferred by Part III and for any other purpose.

2 The power conferred by clause 1, to issue directions order or writs to any Govt, authority or person may also be exercised by any High Court exercising jurisdiction in relation to territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the seat of such Govt. or authority or the residence of such person is not within those territories.

**Article 227 - Power of superintendence over all Courts by the High Court**

Every High Court shall have superintendence over all Courts and Tribunals throughout the territories in relation to which it exercises jurisdiction.

**Article 228 - Transfer of certain cases to High Court**

If the High Court is satisfied that a case pending in a court subordinate to it involves a substantial question of law as to the interpretation of the Constitution determination of which is necessary for the disposal of the case, it shall withdraw the case may -

- (a) either dispose of the case itself, or
- (b) determine the said question of law and return the case to the court from which the case has been so withdrawn together with a copy of its judgment on such question, and the said court shall on receipt thereof proceed to dispose of the case in conformity with such judgment.

**Petitions which are filed under Article 226, 227 of the Constitution of India**

Sl. No.	Nature of petition	Matter	Court fees	Cognizable by Bench
1	Habeas Corpus petition	In private custody	No court fee	Single

No.	Description	Rs 100/-	Division	No court fee
1	Habeas Corpus	-do-	Single	-do-
2	For direction	-do-	-do-	-do-
3	Consolidation	-do-	-do-	-do-
4	Board of Revenue	-do-	-do-	-do-
5	civil revisions	-do-	-do-	-do-
6	under	-do-	-do-	-do-
7	Ceiling	-do-	-do-	-do-
8	Tribunal	-do-	-do-	-do-
9	Industrial dispute	-do-	-do-	-do-
10	of	-do-	-do-	-do-
11	Labour Act	-do-	-do-	-do-
12	Special	-do-	-do-	-do-
13	Electricity Board	-do-	-do-	-do-
14	regional	-do-	-do-	-do-
15	Order	-do-	-do-	-do-
16	of	-do-	-do-	-do-
17	conciliation officer	-do-	-do-	-do-
18	tribunal	-do-	-do-	-do-
19	Other	-do-	-do-	-do-
20	statutory	-do-	-do-	-do-
21	court	-do-	-do-	-do-
22	Or	-do-	-do-	-do-
23	arbitrator	-do-	-do-	-do-
24	Against	-do-	-do-	-do-
25	appellate	-do-	-do-	-do-
26	of the	-do-	-do-	-do-
27	revisonal orders	-do-	-do-	-do-
28	or	-do-	-do-	-do-
29	any officer	-do-	-do-	-do-
30	Govt. or	-do-	-do-	-do-
31	any officer	-do-	-do-	-do-
32	authority	-do-	-do-	-do-
33	Under Land	-do-	-do-	-do-
34	Acquisition	-do-	-do-	-do-
	Act, 1894	-do-	-do-	-do-
	Central	-do-	-do-	-do-
	E.C. Act	-do-	-do-	-do-
	(S.State)	-do-	-do-	-do-
	Mines & minerals	-do-	-do-	-do-
	Cooperative Societies	-do-	-do-	-do-
	Citizenship	-do-	-do-	-do-
	Export & Import	-do-	-do-	-do-
	than	-do-	-do-	-do-
	Loan	-do-	-do-	-do-
	other	-do-	-do-	-do-
	agriculture	-do-	-do-	-do-
	Ceiling (Urban)	-do-	-do-	-do-
	Education matter	-do-	-do-	-do-
	Panchayat Raj Act	-do-	-do-	-do-
	Arms Act	-do-	-do-	-do-
	Ceiling (Rural)	-do-	-do-	-do-
	Societies Registration Act	-do-	-do-	-do-
	Public Premises Act	-do-	-do-	-do-
	Industrial	-do-	-do-	-do-
	(Central & State)	-do-	-do-	-do-
	Laws	-do-	-do-	-do-
	Agriculture loan	-do-	-do-	-do-
	Class III & IV	-do-	-do-	-do-
	Class I & II	-do-	-do-	-do-
	C.A.T.	-do-	-do-	-do-
	S.A.T.	-do-	-do-	-do-
	Teachers of Degree	-do-	-do-	-do-
	College & University	-do-	-do-	-do-
	Teachers	-do-	-do-	-do-
	upto	-do-	-do-	-do-
	Single	-do-	-do-	-do-

35	Writ Petition	Intermediate Toll Tax	-do-	Before C.J. or nominated Judge
36	-do-	Collection of lease money	-do-	-do-
37	Arbitration Petition (U/S 11)	Arbitration Act	Rs. 200/- for application	-do-
38	Company Petition	Companies Act	-do-	Single

**Maintainability**

Appeals, revisions, petitions are scrutinized as to whether they have been filed under the correct provisions of the Act / Rules or not.

**Affidavit**

affidavits are checked whether it has been sworn, signed and attested by the oath commissioner as per the relevant rules or not.

Annexures they are checked for proper heading, signature of the deponent, seal and signature of oath commissioner etc.

**Vakalatnama (Rule 4 of Order III of C.P.C.)**

they are checked for parties name, name and full addresses of the counsel-with mobile number, stamp of Rs. 5/-, welfare stamp of Rs. 10/- for each counsel.

**Caveat**

Caveats are filed against any order under section 148 (A) of C.P.C. and under Rule 5 of Chapter XXII of High Court Rules, 1952.

Court Fees Rs. 12.50 validity 90 days from the date of filing

**Caveat in writ petition**

Proof of service is necessary - receipt if sent by registered AD or affidavit of service.

**Review**

Limitation - 30 days  
Court Fees (in appeal and revision)(in appeal and revision)-One half of the fee leviable on the plaints or memorandum of appeal if presented before the nineteenth day from the date of the decree.

**Cross objection**

Limitation - 90 days

Sl. No.	Work Details / Polaris (for Shorter)	Provisions of High Court Rules
1	How to prepare heading of Petition in pending cases	Ch IX Rule 1 (1)(a)
2	Revision of misc Application in pending cases	Ch IX Rule 1(2)
3	Full description of parties	Ch IX Rule 3
4	Statement of facts etc should be signed	Ch I Rule 5
5	Paragraphs of annexures, of petition, counter, numbered etc.	Ch I Rule 7(a)
6	Each page of petition/application to be signed and dated	Ch I Rule 7(b)
7	Each page of affidavit to be signed and dated	Ch I Rule 7(c)
8	Details of deponent to be furnished (full particulars)	Ch IV Rule 9
9	Every petition to accompany date event wise synopsis	Ch IX Rule 7 (1) Civil side Ch XVII Rule 3 (1) Criminal side Ch XI Rule 3
10	Office report by Stamp Reporter Criminal side	Ch XVIII Rule 7
11	Office report by Stamp Reporter Civil side	Ch XVIII Rule 7
12	Urgent fresh matter for tomorrow matters	Ch XII Rule 1 (4)
13	Affidavit stating details facts / narrative in certain applications	Ch IX Rule 12

- 1) Renewal on the ground of discovery of new facts.
- 2) Application for stay.
- 3) Stay of execution proceedings stay including security
- 4) Application for Section XXI Rule 6 or 10 application under Section XXI Rule 6 or 10 C.P.C.
- 5) Application for attachment before Judgment or injunction or any other application v/o XXXVIII or XXXIX C.P.C.
- 6) Application for appointment or discharge or receiver
- 7) Application for readmission restoration of appeal, dismissed for default or appearance or for want of prosecution or for setting aside ex parte decree.
- 8) Application for substitution including application of order XXII Rule 3 (1) or 4 (1).
- 9) Application for appointment or renewal of guardian ad litem or next friend.
- 10) Application under order XXXII Rule 1, 2, 13, 14 or 15 C.P.C. (1) minor to sue

	through next friend (2) unreasonable or improper suit (3) person of unsound mind. 11) Application for transfer under Section 24 or under Section 22 C.P.C. It shall be obligatory to annexed copy of order passed by the DJ if any. 12) Application praying that a person be punished for contempt. 13) Application by way of complaint against legal practitioner. 14) Application under Section 5 limitation Act. 15) Application for setting aside abatement supported by any other law rules to be 16) Application by any other law rules to be 17) Application when the Court may require affidavit.	
14	Petition / appeal etc. fairly and legibly written or type written or printed - on one side of paper with quarter margin.	Ch IX Rule 6
15	Contents of memo of appeal etc. (civil side)	Ch IX Rule 7
16	Documents to accompany	Ch IX Rule 8
17	Contents of memo of appeal etc. (criminal side)	Ch XVIII Rule 3
18	Court fee to be paid in cases coming before the Court	Ch VIII Rule 40 (Sec. 4 Court Fee Act)
19	Objection of Court fee to be decided by the Taxing Officer	Ch XI Rule 4 (Sec. 5 Court Fee Act)
20	Procedure in case of insufficiently stamped document	Ch XI Rule 6
21	Presentation before Registrar on the last date of limitation after Court hours	Ch XI Rule 11
22	Defective application or memo or appeal or objection may not be received - if it is not in proper term or not accompanied by necessary papers/documents such application, memo of appeal or objection can be received by the Judge or Registrar for sufficient cause shown and grant of such time	Ch IX Rule 11
23	On a day when Court is not sitting urgent matters may be presented before the Judge / Judges receiving similar matter immediately preceding working day with the leave of Judge / Judges in chamber or their residence. Provided : if the Judge / Judges are not available the CJ may constitute another Bench.	Ch V Rule 11 (2)
24	Full affidavit	Ch IX Rule 12
25	Water mark paper to be used	Ch IX Rule 6
26	Receipt	Ch VIII Rule 35

27	Application for information in Pen
28	Constitution of Benches
29	Jurisdiction of a Single Judge
30	By post of publication
31	Comment of the A.G. (und of the Contempt of Court Act Contempt Power (Vakalatnama)
32	

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# LIMITATION CHART

COURT FEE

COGNIZABLE

CATEGORY	ART/RULE/SECTION	LIMITATION	TIME FROM WHICH PERIOD BEGINS TO RUN	NO COURT FEE REQUIRED	IF LIFE DIVISION BENCH OTHERWISE SINGLE
CRIMINAL APPEAL	374 C.R.P.C.	60 DAYS	DATE OF THE SENTENCE OR ORDER	1. 5/- ON MEMO 2. 1/-=360 WORDS ON JUDGMENT	IF PUNISHMENT DIVISION BENCH OTHERWISE SINGLE
CRIMINAL APPEAL	372 C.R.P.C.	60 DAYS	DATE OF ACQUITTAL	1. 5/- ON MEMO 2. 1/-=360 WORDS ON JUDGMENT	IF PUNISHMENT DIVISION BENCH OTHERWISE SINGLE
LEAVE TO APPEAL	378 (3) C.R.P.C.	6 months, if complainant is public servant. (ii) 60 days in other case.	DATE OF ACQUITTAL	1. 5/- ON MEMO 2. 1/-=360 WORDS ON JUDGMENT	IF PUNISHMENT DIVISION BENCH OTHERWISE SINGLE
LEAVE TO APPEAL	378 (4) C.R.P.C.	60 DAYS	DATE OF ACQUITTAL	1. 5/- ON MEMO 2. 1/-=360 WORDS ON JUDGMENT	IF PUNISHMENT DIVISION BENCH OTHERWISE SINGLE
LEAVE TO APPEAL	378 (3) C.R.P.C.	90 DAYS	DATE OF ACQUITTAL	1. 5/- ON MEMO OF APPEAL 2. 1/-=360 WORDS ON JUDGMENT	IF PUNISHMENT DIVISION BENCH OTHERWISE SINGLE
CRIMINAL APPEAL	449 C.R.P.C.	60 DAYS	DATE OF ORDER	1. 5/- ON MEMO 2. 1/-=360 WORDS ON ORDER	IF PUNISHMENT DIVISION BENCH OTHERWISE SINGLE

377 A Div B, 60 days.

5  
60  
Jul

### LIMITATION CHART

CRIMINAL REVISION

ALL SECTIONS

2977-1-33  
K01 - 23/12/18

90 DAYS

DATE OF ORDER

OF

1. 5% ON MEMO

SINGLE

FIRST APPEAL

96 C.P.C.

90 DAYS

DATE OF ORDER

OF

2. 1/-=360 WORDS ON ORDER COURT FEE WHICH WAS PAID IN THE LOWER COURT.

VAL 500000=SINGLE

VALMORETHAN

500000=DIVISION BENCH

DIVISION BENCH

FIRST APPEAL

H.M. Act  
28 FAMILY COURTS ACT

30 DAYS

DATE OF ORDER PASSED BY PRINCIPAL JUDGE FAMILY COURT

RS.37.50

SINGLE

FIRST APPEAL

C.P.R

H.M. Act  
28 FAMILY COURTS ACT

90 DAYS

DATE OF ORDER PASSED BY DJ/ADJ.

RS.37.50

SINGLE

F.A.F.O.

4-BOWESTIC AND VIOLENCE ACT

UNDER ORDER 43

90 DAYS

DATE OF INTERNAL ORDER

RS.5.00

100000=SINGLE

F.A.F.O.

37 OF ARBITRATION AND CONCILIATION ACT

90 DAYS

DATE OF ORDER /AWARD

RS.200.00

100000=SINGLE  
MORETHAN 100000=DB  
MORETHAN 100000=DI

415 23 Reading under 90 days

1/20/18

Ab. S.

V  
GAI  
SGM  
Judge



# LIMITATION CHART

SECOND APPEAL 100 C.P.C.

REVIEW PETITION CHAPTER V RULE 12 OF HIGH COURT RULES

REVIEW PETITION

CONTEMPT PETITION

9] CONTEMPT APPEAL

90 DAYS

30 DAYS

30 DAYS

30 Days.

DATE OF COURT FEE WHICH WAS PAID IN LOWER COURT JUDGMENT /DEGREE

DATE OF COURT FEE WHICH WAS PAID IN WRIT PETITION (RS.5.00)

DATE OF DELAY THEN 100% ORDER PASSED AGAINST ORDER /DEGREE

DATE OF DELAY THEN 100% ORDER PASSED AGAINST ORDER /DEGREE

DATE OF DELAY THEN 100% ORDER PASSED AGAINST ORDER /DEGREE

From the date on which the contempt has been committed

AGAINST CONTEMPT IF PUNISHMENT ORDER HAS BEEN PASSED BY THIS HON'BLE COURT

IN LOWER SINGLE

ACCORDING TO WRIT PETITION

SINGLE

DIVISION BENCH

10/11, 12 CONTEMPT OF COURTS ACT

Sec. 19(4) (a)

1 Year

WRIT PETITIONS

Art. 226, 227 etc

**LIMITATION CHART**

No limitation but  
to be filed as early  
as possible.

seal  
seal,  
for the  
Judge



Case No.	Description	Main Case	YES/NO	Legal Basis	Original	Civil/Criminal
15	COMPANY PETITION	Main Case	No	u/s 100, 101, 391, 394, 433, 434, 439, 560(6) Company Act	Original	Civil
16	CONSOLIDATION	Main Case	YES			
17	CONTENTMENT	Main Case	No	u/s 10, 11 Contempt of Court Act (Civil) & u/s 15 Contempt of Court Act (Criminal)	Original	Civil/Criminal
18	CONTENTMENT APPEAL	Main Case	No	u/s 19 of Contempt of Court Act	Appellate	Criminal
19	CONTENTMENT APPEAL DEFECTIVE	Main Case	No	u/s 19 of Contempt of Court Act	Appellate	Criminal
20	CRIMINAL APPEAL	Main Case	No	u/s 374(2) of Cr.P.C	Appellate	Criminal
21	CRIMINAL APPEAL DEFECTIVE	Main Case	No	u/s 374(2) of Cr.P.C	Appellate	Criminal
22	CRIMINAL REVISION	Main Case	No	u/s 397, 491 of Cr.P.C	Revision	Criminal
23	CRIMINAL REVISION DEFECTIVE	Main Case	No	u/s 397 of Cr.P.C	Revision	Criminal
24	CROSS OBJECTION	Main Case	No	Under Order 41 C.P.C Rule 22	Appellate	Civil
25	ELECTION PETITION	Main Case	No	u/s 81 of Representation of People's Act	Original	Civil
26	EXECUTION DECREE	Main Case	No	u/s 47 C.P.C	Appellate	Civil
27	FIRST APPEAL	Main Case	No	u/s 96 C.P.C	Appellate	Civil
28	FIRST APPEAL DEFECTIVE	Main Case	No	u/s 96 C.P.C	Appellate	Civil
29	FIRST APPEAL FROM ORDER	Main Case	No	u/s Order 43 Rule 1(a) to (iv) C.P.C	Appellate	Civil
30	FIRST APPEAL FROM ORDER DEFECTIVE	Main Case	No	u/s Order 43 Rule 1(a) to (iv) C.P.C	Appellate	Civil

13/11/16  
 13/11/16  
 13-1-16  
 S.O.

Section Officer  
 13-1-2016  
 Shri. S. S. S.



Sl. No.	Section	Main Case	No.	Appellate	Civil
49	SECOND APPEAL	Main Case	No	Appellate	Civil
50	SECOND APPEAL DEFECTIVE	Main Case	No	Appellate	Civil
51	SERVICE BENCH	Main Case	YES	Appellate	Civil
52	SERVICE SINGLE	Main Case	YES	Appellate	Civil
53	SPECIAL APPEAL	Main Case	No	Appellate	Civil
54	SPECIAL APPEAL DEFECTIVE	Main Case	No	Appellate	Civil
55	TESTAMENTARY	Main Case	No	Original	Civil
56	TRADE TAX REVISION	Main Case	No	Revision	Civil
57	TRADE TAX REVISION DEFECTIVE	Main Case	No	Revision	Civil
58	u/s 340 Cr. P. C.	Main Case	No	Revision	Civil
59	u/s 378 Cr. P. C. DEFECTIVE	Main Case	No	Appellate	Criminal
60	u/s 378 Cr. P. C.	Main Case	No	Appellate	Criminal
61	u/s 407 Cr. P. C.	Main Case	No	Original	Criminal
62	u/s 482	Main Case	No	Original	Criminal
63	WEALTH TAX PETITION	Main Case	No	Original	Civil
64	WEALTH TAX APPEAL	Main Case	No	Appellate	Civil

65. Election Petition → CMS → Attorney (highly) → 45 days from the date of declaration of result  
 → Petition of 2000 ₹ required

→ Of Returning Candidate's candidature is challenged → then he can only be appointed as a candidate  
 → Creation of one self's own election is claimed then all the candidates are made as a opportunity

→ 100 ₹ CP  
 → All the returns to verified by return and no. of copies of returns to join and there are no. of opportunity.

→ Section 81, 82 & 83 to be complied with and if amount payable by them claimed then affidavit has to be furnished.  
 → Prohibition of petition 80 - R.P. Act  
 → List of documents also required

13/11/16  
 13/11/16

Return's  
 13-11-16  
 Stamp Reporting  
 Section Officer  
 13-1-2016  
 Rajiv Kumar

DS FCF (MS) →  
 Under Section - not known

jurisdiction and directed the Registrar General of the High Court to send a copy of the judgment of the High Court to the Sessions Judge concerned for his guidance in future. Sec :  
 Lekraj Vs. State of UP, 2008 (61) ACC 831 (All)

- Sub: Affidavits & Oath Commissioners...law relating to oath & affidavits
- Provisions in the Allahabad High Court Rules, 1952
  - Notaries Act, 1952
  - Order 19 CPC
  - Role, powers & functions of Deputy Registrars dealing with the affidavits.
  - Internal/administrative instructions of the High Court regarding duties of Deputy Registrars in relation to affidavits.
  - Internal/administrative instructions of the High Court regarding duties of Oath Commissioners in relation to affidavits.
  - Important judicial pronouncements of the Allahabad High Court and the Supreme Court on the subject
  - Discussing the subject with some enlightened Deputy Registrar and Oath Commissioner.
  - Identifying problematic areas/points often faced by the Deputy Registrars and the Oath Commissioners in relation to affidavits and the solutions therefor.
  - Points... the Deputy Registrars and the Oath Commissioners would like to be addressed.

**PRACTICE AND PROCEDURE REGARDING INSTITUTION FILING OF CASE IN THE HIGH COURT**

- Broadly speaking the Allahabad High Court exercises the following jurisdiction:-
- Extra Ordinary Original Civil Jurisdiction - Chapter VIII Rule 4
  - Ordinary Original Criminal Jurisdiction - Chapter XIII Rule 10
  - Extra Ordinary Original Criminal Jurisdiction - Chapter VII Rule 11
  - Appellate Jurisdiction -
  - Revisional Jurisdiction

The following is the chart of appeals, revisions and other applications which are filed in the High Court:-

Nature	Under Rule / Section	Period	Time from which period begins to run	of Rs 5/-	of No Court	Cognizable
Jail Appeal	374 (2) Cr.P.C.	60 days	Date of Judgment	30	of Court	Single below Division and above that
Criminal Appeal	372 Cr.P.C.	60 days	Date of acquittal	30	of Court	Single below Division and above that
Criminal Appeal	377 (1) (b) by the Govt for enhancement of sentence	60 days	Date of acquittal	30	of Court	Single below Division and above that
Leave to Appeal	378 (5) Cr.P.C.	a. 6 months if complainant is servant b. 60 days in other case.	Date of acquittal	30	of Court	Single below Division and above that
Leave to Appeal	378 (4) Cr.P.C.	a. 60 days b. Where the complainant is servant then 6 months	Date of acquittal	30	of Court	Single below Division and above that
Leave to Appeal	378 (3) Cr.P.C.	90 days	Date of Judgment	30	of Court	Single below Division and above that
Criminal Appeal	449 Cr.P.C.	60 days	Date of order	30	of Court	Single below Division and above that
Criminal Appeal	397/401	90 days	Date of Judgment	30	of Court	Single below Division and above that



Bails applications are also filed under section 349 Cr.P.C. and under Rule 18 of Chapter XVIII of the High Court Rules, 1952.

**1 Power of the High Court to issue writs**

Every High Court has power throughout the territories in relation to which it exercises jurisdiction to issue to any person or authority, including in appropriate case, any Government, within these territories directions, orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warrantu and certiorari or any of them, for the enforcement of any of the rights conferred by Part III and for any other purpose.

2 The power conferred by clause (a) issue directions order or writs to any Govt. authority or person may also be exercised by any High Court exercising jurisdiction in relation to territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the seat of such Govt. or authority or the residence of such person is not within those territories.

**Article 227 - Power of superintendence over all Courts by the High Court**

Every High Court shall have superintendence over all Courts and Tribunals throughout the territories in relation to which it exercises jurisdiction.

**Article 228 - Transfer of certain cases to High Court**

If the High Court is satisfied that a case pending in a court subordinate to it involves a substantial question of law as to the interpretation of the Constitution determination of which is necessary for the disposal of the case, it shall withdraw the case may -

- (a) either dispose of the case itself, or
- (b) determine the said question of law and return the case to the court from which the case has been so withdrawn together with a copy of its judgment on such question, and the said court shall on receipt thereof proceed to dispose of the case in conformity with such judgment.

**Petitions which are filed under Article 226, 227 of the Constitution of India**

Sl. No.	Nature of Matter	Court fees	Cognizable by
1	Habeas Corpus In private custody	No court fee	Single

Sl. No.	Nature of Matter	Court fees	Cognizable by
2	Habeas Corpus In Govt. custody	Rs 100/-	Simple
3	Petition U/A 227 For direction	-do-	-do-
4	Writ petition. Consolidation Board of Revenue where civil revisions are barred	-do-	-do-
5	-do- Ceiling under	-do-	-do-
6	-do- Tribunal under	-do-	-do-
7	-do- Industrial dispute Act	-do-	-do-
8	-do- Labour Act	-do-	-do-
9	-do- Special Officer of Electricity Board	-do-	-do-
10	-do- Order of Regional conciliation officer	-do-	-do-
11	-do- Other statutory tribunal or court	-do-	-do-
12	-do- Arbitrator appellate or Against orders of the revisional orders of the Govt. or any officer or authority	-do-	Division
13	Writ petition Under Land Acquisition Act, 1894	-do-	-do-
14	-do- E.C. Act (Central & State)	-do-	-do-
15	-do- Mines & Minerals	-do-	-do-
16	-do- Cooperative Societies	-do-	-do-
17	-do- Citizenship	-do-	-do-
18	-do- Export & Import	-do-	-do-
19	-do- Loan other than agriculture	-do-	Single
20	-do- Ceiling (Urban)	-do-	-do-
21	-do- Education matter	-do-	-do-
22	-do- Panchayat Raj Act	-do-	-do-
23	-do- Arms Act	-do-	-do-
24	-do- Ceiling (rural)	-do-	-do-
25	-do- Societies Registration Act	-do-	-do-
26	-do- Public premises Act	-do-	-do-
27	-do- Industrial & Labour Laws (Central & State)	-do-	-do-
28	-do- Agriculture loan	-do-	-do-
29	Writ Petition Class III & IV	-do-	Division
30	(Service) Class I & II	-do-	-do-
31	-do- C.A.T.	-do-	-do-
32	-do- S.A.T.	-do-	-do-
33	-do- Teachers of Degree College & University upto	-do-	Single
34	-do- Teachers	-do-	Single

35	Written Petition	Intermediate Toll Tax	-do-	Before C.J. or nominated Judge
36	-do-	Collection of lease money	-do-	-do-
37	Arbitration Petition (U/S 11)	Arbitration Act	Rs. 200/- for application	-do-
38	Company Petition	Companies Act	-do-	Single

**Maintainability**

Appeals, revisions, petitions are scrutinized as to whether they have been filed under the correct provisions of the Act / Rules or not.

**Affidavit**

affidavits are checked whether it has been sworn, signed and attested by the oath commissioner as per the relevant rules or not. Affidavits they are checked for proper heading, signature of the deponent, seal and signature of oath commissioner etc.

**Vakalatnamas [Rule 4 of Order III of C.P.C.]**

they are checked for parties name, name and full addresses of the counsel with mobile number, stamp of Rs. 5/- with stamp of Rs. 10/- for each counsel.

**Caveat**

Caveats are filed against any order under section 148 (A) of C.P.C. and under Rule 5 of Chapter XXII of High Court Rules, 1952. Court Fees Rs. 12.50 validity 90 days from the date of filing

**Caveat in writ petition**

Proof of service is necessary - receipt if sent by registered AD or affidavit of service.

**Review**

Limitation - 30 days  
Court Fees (in appeal and revision) (in appeal and revision) One half of the fee leviable on the plaints or memorandum of appeal if presented before the nineteenth day from the date of the decree.

**Cross objection**

Limitation : 90 days

**Court Fees - same as in appeal**

No.	Work Details / Points (in Short)	Provisions of High Court Rule
1	How to prepare heading of Petition / Appeal / Revision	Ch IX Rule 1 (1) (a)
2	Heading of cause Application in pendente cases	Ch IX Rule 1 (2)
3	Full description of parties	Ch IX Rule 4
4	Statement of facts etc should be divided in paragraphs	Ch IX Rule 5
5	Numbering of annexures, of petition, counter etc.	Ch I Rule 7 (iii)
6	Each page of petition/application to be signed and dated	Ch I Rule 7 (b)
7	Each page of affidavit to be signed and dated	Ch I Rule 7 (b)
8	Details of deponent to be furnished (full particulars)	Ch IV Rule 5
9	Every petition to accompany date event wise synopsis	Ch IX Rule 7 (1) Civil Criminal
10	Office report by Stamp Reporter Civil side matters	Ch XI Rule 5
11	Office report by Stamp Reporter Criminal side matters	Ch XVIII Rule 7
12	Urgent fresh matter for tomorrow	Ch XXII Rule 1 (4)
13	Affidavit stating details facts / narrative in certain applications	Ch IX Rule 12
14	Review on the ground of discovery of new facts.	
15	Application for stay.	
16	Stay of execution proceedings stay vacation	
17	Application for security including application under Section XII Rule 6 or 10 C.P.C.	
18	Application for attachment before Judgment or injunction or any other application w/c XXXVIII or XXXIX C.P.C.	
19	Application for appointment or discharge or receiver	
20	Application for readmission restoration of appeal, dismissed for default or appearance or for want of prosecution or for setting aside ex parte decree.	
21	Application for substitution including application of order XXII Rule 3 (1) or 4 (1).	
22	Application for appointment or renewal of guardian ad litem or next friend.	
23	Application under order XXIII Rule 12, 13, 14 or 15 C.P.C. (1) minor to sue	

3



HIGH COURT,  
ALLAHABAD.

## ORDER

In exercise of the powers under proviso (a) to Rule 2 of Chapter V of the Allahabad High Court Rules, 1952 and in modification of the earlier orders passed in this regard, all the writ petitions relating to service matters, including those of educational institutions, armed forces and employees of the High Court shall be cognizable by a Judge sitting singly except as provided here-in-below:-

- I. Writ petitions filed against judgment and orders passed by the Services Tribunal constituted under the State Act.
- II. Writ Petitions filed against judgment and orders passed by the Services Tribunal constituted under the Administrative Tribunals Act, 1985.
- III. Writ petitions filed against judgment and orders passed by the Armed Forces Tribunal constituted under the Armed Forces Tribunal Act, 2007.
- IV. Writ petitions challenging the orders of Chancellor relating to service or otherwise.
- V. Writ petitions filed by the Judicial Officers.

The order will be effective from 1<sup>st</sup> October, 2018 at Allahabad and Lucknow.

  
25/9  
CHIEF JUSTICE

Kec  
24/11/18  
1-25-PM

HIGH COURT OF JUDICATURE AT ALLAHABAD  
AMENDMENT (Admin. 'G-I') SECTION  
NOTIFICATION

NO. 218 /VIIIc,

Allahabad, Dated: 20.08.2018

Correction Slip No. 261

In exercise of the powers conferred by Article 225 of the Constitution of India and all other powers enabling it in this behalf, the High Court of Judicature at Allahabad is pleased to make the following amendment in Allahabad High Court Rules, 1952 Volume I.

'Allahabad High Court (Amendment) Rules, 2018.'

1. Title and commencement:- (i) These rules shall be called "Allahabad High Court (Amendment) Rules, 2018."

(ii) These rules shall come into force with effect from June 05<sup>th</sup>, 2018.

2. Definition:-

The rule means "Allahabad High Court Rules, 1952."

3. Repeal:-

Existing Rule 2 of Chapter V of the Rules of the Court, 1952, Vol. I, notified vide Court's Notification no. 194/VIIIc, dated 05.06.2018 (Correction Slip No. 259) shall stand repealed with effect from June 05<sup>th</sup>, 2018.

4. Amendment in Rule 2 of Chapter V:- The existing provisions of Rule 2 of Chapter V of the Rules of the Court, 1952, Vol. I, shall be substituted as follows:-

Amendment

CHAPTER V  
JURISDICTION OF JUDGES SITTING ALONE OR  
IN DIVISION COURTS

2. Jurisdiction of a single Judge.- Except as provided by these Rules or other law, the following cases shall be heard and disposed of by a Judge sitting alone, namely-

(i) a motion for the admission of a memorandum of appeal or cross objection cognizable by a single judge and all applications including for *ex parte* interim order therein;

(ii) (a) a Second Appeal from every decree passed in appeal by any court subordinate to the High Court;

(b) a First Appeal instituted before or after the commencement of the U.P. Civil Laws Amendment Act of 2015 (U.P. Act no. 14 of 2015) from a decree in which the value of the appeal for the purpose of jurisdiction does not exceed fifty lakh rupees;

(c) an appeal under Section 28 of the Hindu Marriage Act, 1955;

(d) any other Civil Appeal in which the value of the appeal does not exceed fifty lakh rupees;

Provided that where all *ad volorem* Court-fee has been paid such value shall be deemed to be the amount on which such Court-fee has been paid.

(iii) a civil revision;

(iv) an application for the withdrawal of an appeal or application, or for a consent decree

or order, which is uncontested or which is made in a case which can be heard under these Rules by a Judge sitting alone;

(v) any other application which is not-

(a) an application under Section 5 of the Limitation Act, 1963 in a case which cannot be heard by a Judge sitting alone;

(b) [Deleted]

(c) an application other than an application for Interim order to which Chapter XXII, Part IV applies;

(d) an application other than an application for interim order which by these Rules or other law is required to be heard by a Bench of two or more Judges;

(e) an application other than an application for interim order under Chapter IX, Rule 10; or

(f) [Deleted]

(vi) a suit or a proceeding in the nature of a suit coming before the Court in the exercise of its ordinary or extraordinary original civil testamentary or matrimonial jurisdiction including a proceeding under the Indian Trusts Act, 1882, the Companies Act, 1956 or the Indian Patents and Designs Act, 1911;

(vii) a criminal appeal, application or reference except-

(a) an appeal or reference in a case in which a sentence of death or imprisonment for life has been passed from the stage of admission including consideration of bail onwards;

(b) an appeal under Section 378 of the Code of Criminal Procedure, 1973 from an order of acquittal in respect of an offence for which the maximum punishment is either life imprisonment or death;

(c) [Deleted]

(d) a case in which notice has been issued under Section 401 of the Code of Criminal Procedure, 1973 to an accused person to appear and show cause why his sentence should not be enhanced;

(e) [Deleted]

(f) an application to which Chapter XXI, Part IV applies;

(viii) a case coming before the Court in the exercise of its ordinary or extraordinary original criminal jurisdiction;

(ix) an appeal or revision from an order passed under Sections 340, 341 or 343 of the Code of Criminal Procedure, 1973;

Provided that:

(a) the Chief Justice may direct that any case or class of cases which may be heard by a Judge sitting alone shall be heard by a Bench of two or more Judges or that any case or class of cases which may be heard by a Bench of two or more Judges, by a Judge sitting alone;

(b) a Judge may, if he thinks fit, refer a case which may be heard by a Judge sitting alone or any question of law arising therein for decision to a Larger Bench; and

(c) a Judge before whom any proceeding under the Indian Trusts Act, 1882, the Companies Act, 1956 or the Patents and Designs Act, 1911, is pending may with the sanction of the Chief Justice, obtain the assistance of one or more other Judges for the hearing and determination of such proceeding or of any question or questions arising therein.

By Order of the Court  
 Registrar General

NO. 11914

Allahabad, Dated: 20-08-2018.

Copy forwarded for information & necessary action to:

1. All the Private Secretaries attached to the Hon'ble Judges of the High Court, Allahabad as well as Lucknow Bench, Lucknow for information of their Lordships.
2. All the Personal Secretaries / Personal Assistants attached to the Officers of the Court for incorporating amendment in the books of the Officers.
3. The Senior Registrar, High Court, Lucknow Bench, Lucknow.
4. The Director, Institute of Judicial Training and Research, Vineet Khand, Gomati Nagar, Lucknow.
5. The Director, Printing & Stationery, U. P. Allahabad with the remark that he will get the notification published in the next issue of the Official Gazette of the Uttar Pradesh and 10 copies of the so published Gazette notification be provided to the Hon'ble Court.
6. I/C Computer Centre for updating the Allahabad High Court Rules on official web site of the Court
7. The Secretary, Bar Association, High Court, Allahabad.
8. The Secretary, Advocates Association, High Court of Judicature at Allahabad.
9. The Secretary, Oudh Bar Association, High Court, Lucknow Bench, Lucknow.
10. All the Deputy Registrars of the Court at Allahabad.
11. The Stamp Reporter, High Court of Judicature at Allahabad.
12. The Head Bench Secretary, High Court of Judicature at Allahabad.
13. The Chief Documentation Officer cum Chief Librarian, High Court of Judicature at Allahabad.
14. Section Officer, Admin 'H' Section (Administrative Record Room).

CHIEF JUSTICE  
 28.08.18  
 By Order of the Court  
 Registrar General  
 18/8/18

JR (C)  
 DR (Stamp)  
 In addition, all other  
 concerned be also  
 provided copy for reference

AR (S.C.)  
 for information  
 & necessary action  
 24/8/18

30.8.18  
 dl 30/08/18  
 23.8.18  
 30/8/18  
 30/8/18  
 30/8/18

ED m ncc

FROM : JR LISTING

FAX NO. : 05322622640

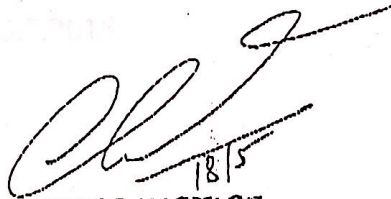
18 May 2017 9:30AM P2



HIGH COURT,  
ALLAHABAD.

**ORDER**

Henceforth, all matters arising out of investigation by the Enforcement Directorate shall be cognizable by the Division Bench.

  
18/5  
CHIEF JUSTICE  
18.05.2017

Court No. - 1

Case :- INCOME TAX APPEAL No. - 75 of 2016

Appellant :- Commissioner Of Income Tax (Exemption)

Respondent :- M/S Sumanglam Sewa Awam Edu. Samiti Pan  
No. Aaets1949q

Counsel for Appellant :- Alok Mathur

Hon'ble Amreshwar Pratap Sahi, J.

Hon'ble Dr. Vijay Laxmi, J.

Connect with Income Tax Appeal No.74 of 2016.

Admit on the same substantial question of law.

Issue notice.

Learned counsel for the appellant shall also take steps for service in terms of Rule 5(2) of Chapter 27 of the Allahabad High Court Rules, 1952.

The Stamp Reporter is directed that while reporting such appeals in future, the Reporting Section shall take notice of the fact as to whether compliance of the aforesaid provision has been incorporated while presenting the appeal or not.

Order Date :- 5.7.2016

Pks

IT & A B  
Allahabad Service

Court No. - 23

Case :- CIVIL REVISION No. - 43 of 2015

Revisionist :- Asad Eman (W Fariz Alam)  
Opposite Party :- Rabat Naqvi (W Khushboo)  
Counsel for Revisionist :- H.C. Rastogi

Hon'ble. Sudhir Kumar Saxena, J.

Learned counsel fairly concedes that this revision is not maintainable. In fact, Criminal Revision should have been filed.

It is clarified that against the order passed under Section 125 Cr.P.C., revision under Section 19(4) of the Family Court Act will be maintainable and it will be registered as Criminal Revision.

Senior Registrar will ensure the compliance of this order.

Revisionist is permitted to convert this revision into Criminal Revision, then it will be placed before Stamp Reporter for reporting.

Order Date :- 28.8.2015  
kkv/

125 CrPc 39  
Crl Rev. v/s -  
19(4) FC Act  
28/8/15

Registrar (Civ) / Stamp Reporter

Please ensure compliance as per order  
and submit report immediately.

Sr. Registrar  
01/09/2015

Noted  
A.S.  
01/09/15

All Assets (S.R.)

Ensure Compliance

Prising

01-9-15

S.O

Number  
01/9/15

Surge  
1-9-15

1-9-15

01-9-15

Shyamki Shrivastava

Prising

Court No. - 26

Case :- U/S 482/378/407 No. - 3573 of 2014

Applicant :- Sataya Narayan  
Opposite Party :- The State Of U.P And Anr.  
Counsel for Applicant :- Girdhari Lal Shukla  
Counsel for Opposite Party :- Govt. Advocate

2/24/14  
Sataya Narayan  
Girdhari Lal Shukla  
Govt. Advocate

Hon'ble A.Jai Lumba, J.

Order dated 23.9.2011 (Annexure-1) is not clearly readable. Typed copy of the same has not been filed.

Let all the documents that are not readable or are not typed, be typed and filed.

List after four weeks.

Registrar is directed to take note that such petitions are being cleared for being placed on the judicial side.

Order Date :- 11.9.2014  
A.Nigam

CHIEF JUSTICE



HIGH COURT,  
ALLAHABAD.

ORDER

In modification of earlier orders in this regard, passed in exercise of the powers under proviso (a) to Rule 2 Chapter-V of the Rules of the Court, Volume-I and all other provisions enabling in this behalf, I hereby order and direct that with immediate effect:

(A) Writ petitions relating to services of the following categories shall also be heard and disposed of by an Hon'ble Judge sitting singly:-

- (i) Teachers upto intermediate Colleges;
- (ii) Employees of Class-III and IV, including those of educational institutions, armed forces, and employees of the High

Provided that if the relief claimed in the writ petition relates to a service which matter is cognizable by Division Bench, then that writ petition shall also be heard and disposed of by a Bench of two Hon'ble Judges.

and all other writ petitions relating to services shall be heard and disposed of by a Bench of two Hon'ble Judges;

(B) Writ Petitions challenging the orders of the Chancellor relating to service or otherwise shall be heard and disposed of by a Bench of two Hon'ble Judges.

(e..)

(Justice Amitava Lala)

ACTING CHIEF JUSTICE

30.03.2010

wheth. Any State Appeal has been passed  
State shall also indicate in the application under Section  
378 (3) Cr.P.C. as to whether the complainant has preferred



HIGH COURT,  
ALLAHABAD.

ORDER

In modification of earlier orders in this regard, passed in exercise of the powers under proviso (a) to Rule 2 Chapter-V of the Rules of the Court, and all other provisions enabling in this behalf, I hereby order and direct that with immediate effect,

(A) Writ petitions relating to services of the following categories shall also be heard and disposed of by an Hon'ble Judge sitting singly:-

- (i) Teachers upto intermediate Colleges.
- (ii) Employees of Class-III and IV, including those of educational institutions, armed forces, and employees of the High

Provided that if the relief claimed in the writ petition relates to a service which matter is cognizable by Division Bench, then that writ petition shall also be heard and disposed of by a Bench of two Hon'ble Judges.

and all other writ petitions relating to services shall be heard and disposed of by a Bench of two Hon'ble Judges;

(B) Writ Petitions challenging the orders of the Chancellor relating to service or otherwise shall be heard and disposed of by a Bench of two Hon'ble Judges.

(Sd/-)  
(Justice Amitava Lala)  
ACTING CHIEF JUSTICE

10.03.2010

wheth. Many State Appeal has been passed  
State shall also indicate in the application under Section  
378 (3) Cr.P.C. as to whether the complainant has preferred



HIGH COURT,  
ALLAHABAD.

42

ORDER

In modification of earlier orders in this regard, passed in exercise of the powers under proviso (a) to Rule 2 Chapter-V of the Rules of the Court, Volume-1 and all other provisions enabling in this behalf, I hereby order and direct that with effect from 1.8.1999:-

(A) Writ petitions relating to services of the following categories shall also be heard and disposed of by an Hon'ble Judge sitting singly:-

- (i) Teachers upto Intermediate Colleges;
- (ii) Employees of Class-III and IV, including those of educational institutions, armed forces, and employees of the High Court;

and all other writ petitions relating to services shall be heard and disposed of by a Bench of two hon'ble Judges;

(B) Writ Petitions challenging the orders of the Chancellor relating to service or otherwise shall be heard and disposed of by a Bench of two Hon'ble Judges.

*(Signature)*  
(N.K.MITRA)  
CHIEF JUSTICE  
26.7.1999

*50 (11/14) / 50 (11)*  
*23/7/99*  
*15/8/99*



HIGH COURT,  
ALLAHABAD.

42

ORDER

In modification of earlier orders in this regard, passed in exercise of the powers under proviso (a) to Rule 2 Chapter-V of the Rules of the Court, Volume-1 and all other provisions enabling in this behalf, I hereby order and direct that with effect from 1.8.1999:-

(A) Writ petitions relating to services of the following categories shall also be heard and disposed of by an Hon'ble Judge sitting singly:-

(i) Teachers upto Intermediate Colleges;

(ii) Employees of Class-III and IV, including those of educational institutions, armed forces, and employees of the High Court;

and all other writ petitions relating to services shall be heard and disposed of by a Bench of two hon'ble Judges;

(B) Writ Petitions challenging the orders of the Chancellor relating to service or otherwise shall be heard and disposed of by a Bench of two Hon'ble Judges.

(N.K.MITRA)  
CHIEF JUSTICE  
26.7.1999

*J. Singh (12/7) / (S.O.N.)*  
*15/8/99*

Consequent upon the U.P. High Court (Abolition of Letters Patent Appeals) (Amendment) Act, 1981 the following guidelines are prescribed to regulate the fresh institutions and listing of writ petitions in the various Division and Single Judge Benches constituted by me with effect from 1.5.82.

1. Consolidation Writs, Board of Revenue Writs, Writs filed in cases where Civil Revisions are barred will continue to be entertained and disposed of by an Hon'ble Judge sitting singly as hitherto.

2. All ceiling writs are to be entertained and disposed of by an Hon'ble Judge sitting singly.

3. All Rent Control writs are similarly to be entertained and disposed of by an Hon'ble Judge sitting singly.

4. Writs against judgments, orders or awards passed or given by Tribunals, courts or statutory arbitrators such as-

- I. (a) Tribunal under the Industrial Disputes Act,
- (b) Labour Court,
- (c) Special Officer of the Electricity Board,
- (d) Order of Regional Conciliation Officer,
- (e) Service Tribunal,
- (f) Similar other statutory Tribunal, court or arbitrator, and

II. Against appellate or revisional orders of the Government or any officer or authority such as the appellate order passed by the District Judge in appeal against order of the Competent Authority under the Urban Ceiling Act and similar appellate or revisional orders in all matters including service matters,

will be entertained and disposed of by an Hon'ble Judge sitting singly.

5. The types of cases which are to be entertained and disposed of by Division Benches are, inter alia, as follows-

- (i) Orders of the Land Acquisition Officer under the Land Acquisition Act, 1994.
- X (ii) Orders of District Magistrates cancelling arms licence or other licences. *Supersede 24/5/90*
- (iii) Orders of State or Central Government under Essential Commodities Act.
- (iv) General or special orders issued by the State or Central Government such as orders stopping appointment of Principals of aided schools and Colleges, etc.

( 2 )

(3)

- (v) Tax and Excise including customs except provisional orders.
- (vi) Orders passed by Registrar, etc. under the Cooperative Societies Act (other than those concerning termination, etc. of employees).
- (vii) Mines and minerals.
- (viii) Educational Institutions (matters other than service of teachers and employees) Supersede dt. 15/3/90
- (ix) Citizenship
- (x) Lotteries
- (xi) Export and Imports etc. etc.

These directions are, however, not exhaustive. Each and every case may be examined carefully in the light of the aforesaid Act by the Stamp Reporter while reporting the cognizance of a writ petition.

Sd. Satish Chandra  
CHIEF JUSTICE.

Sept. 18, 1981.

Copy forwarded for information and necessary action to-

1. To All Hon'ble Judges
2. Joint Registrar, High Court, Lucknow Bench, Lucknow.
3. Stamp Reporter, High Court, Allahabad.
4. All Bench Secretaries, High Court, Allahabad.
5. All Section Officers in Judicial Department, High Court, Allahabad.
6. All Officers of the Court at Allahabad.

BY ORDER OF THE HON'BLE THE  
CHIEF JUSTICE

Sd. L. S. Srivastava  
(L. S. Srivastava)  
DEPUTY REGISTRAR (JUDICIAL)

THE U. P. AGRICULTURAL CREDIT ACT, 1973

[S. 2

2. **Definitions.**—In this Act, unless the context otherwise requires—

<sup>18</sup>[(a) "agriculture" and "agricultural purpose" includes making land fit for cultivation, cultivation of land, improvement of land (including development of sources of irrigation), raising and harvesting of crops, horticulture, forestry, cattle breeding, animal husbandry, dairy farming, piggery, poultry farming, seed farming, pisciculture, apiculture, sericulture and such other activities as are generally carried on by persons engaged in any of the aforementioned activities, and also includes—

- (i) marketing of agricultural products, their storage and transport;
- (ii) the acquisition of implements and machinery in connection with any such activity;
- (iii) the acquisition of go-bar-gas plants; and
- (iv) the establishment and maintenance of agro-service centres;

*Explanation.*—For the purposes of this clause, the expression 'agro service centre' means a place or shop where the entrepreneurs trained by the U.P. State Agro Industrial Corporation Limited carry on the sale of seeds, fertilizers, insecticides, pesticides or other goods of agricultural operations in respect of land held by others by tractors or other mechanised process on hire or repair of the agricultural implements;]

(b) "agriculturist" means a person who is engaged in agriculture;

(c) "bank" means—

- (i) a banking company, as defined in the Banking Regulation Act, 1949;
- (ii) the State Bank of India constituted under the State Bank of India Act, 1955;
- (iii) a subsidiary Bank, as defined in the State Bank of India (Subsidiary Banks) Act, 1959;
- (iv) a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970;

1. Clause (a) was subs. by U.P. Act 25 of 1979 (w.e.f. 3-7-1979).

- [(u), a financing bank or central bank (as defined in the Uttar Pradesh Co-operative Societies Act, 1965) not being a land development bank;]<sup>19</sup>
- (vi) the Agricultural Refinance Corporation constituted under the Agricultural Refinance Corporation Act, 1963;
- (vii) the U. P. State Agro-Industrial Corporation Limited, a company incorporated under the Companies Act, 1956;
- [(vii-a) a regional rural bank established under subsection (1) of Section 3 of the Regional Rural Banks Act, 1976;]<sup>20</sup>
- (viii) the Agricultural Finance Corporation Limited, a company incorporated under the Companies Act, 1956; and
- (ix) any other financial institution notified by the State Government in the Gazette as a bank for the purpose of this Act.
- (d) "Co-operative Society" means a co-operative society registered or deemed to be registered under the Uttar Pradesh Co-operative Societies Act, 1965, the object of which is to provide financial assistance to its members; and includes a co-operative land development bank;
- (e) "financial assistance" means assistance granted [whether before or after the commencement of this Act]<sup>21</sup> by way of loan, advance, guarantee or otherwise (i) either to an agriculturist for agricultural purposes or (ii) to a Co-operative Society for enabling it to grant loans and advances to its members for agricultural purposes;
- (f) "law relating to land tenures" means the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, the Uttar Pradesh Urban Areas [Zamindari Abolition]<sup>22</sup> and Land Reforms Act, 1956, the Jaunsar-Bawar Zamindari Abolition and Land Reforms Act, 1956, the Kumaun and Uttarakhand

19. This sub-clause was substituted by Section 2(ii) of the U.P. Agricultural Credit (Amendment) Ordinance, 1975 (w.e.f. 25-1-1975).

20. Ins. by U.P. Act 25 of 1979 (w.e.f. 3-7-1979).

21. Ins. by Section 2(iii) of the U.P. Agricultural Credit (Amendment) Ordinance, 1975 with retrospective effect from January 1, 1974.

22. Due to printing mistake, these words were omitted from the original Gazette. But the mistake was rectified by Notification dated January 13, 1974.

relation to such witness or on its own motion, if the Special Court is satisfied that the life of such witness is in danger, it may, for reasons to be recorded in writing, take such measures as it deems fit for keeping the identity and address of such witness secret.

(3) In particular, and without prejudice to the generality of the provisions of subsection (2), the measures which a Special Court may take under that sub-section may include—

- (a) the holding of the proceedings at a place to be decided by the Special Court;
- (b) the avoiding of the mention of the names and addresses of the witnesses in its orders or judgments or in any records of the case accessible to public;
- (c) the issuing of any directions for securing that the identity and address of the witnesses are not disclosed; and
- (d) a decision that it is in the public interest to order that all or any of the proceedings pending before such a Court shall not be published in any manner.

(4) Any person who contravenes any decision or direction issued under sub-section (3) shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to one thousand rupees

#### Section for prosecution.

18. No prosecution, suit or other legal proceedings shall be instituted in any court of law, except with the previous sanction of the Central Government, against any member of the Agency or any person acting on his behalf in respect of anything done or purported to be done in exercise of the powers conferred by this Act.

#### Trial by Special Court to have precedence.

19. The trial under this Act of any offence by a Special Court shall be held on day-to-day basis on all working days and have precedence over the trial of any other case against the accused in any other court (not being a Special Court) and shall be concluded in preference to the trial of such other case and accordingly the trial of such other case shall, if necessary, remain in abeyance.

#### Power to transfer cases to regular courts.

20. Where, after taking cognizance of any offence, a Special Court is of the opinion that the offence is not triable by it, it shall, notwithstanding that it has no jurisdiction to try such offence, transfer the case for the trial of such offence to any court having jurisdiction under the Code and the Court to which the case is transferred may proceed with the trial of the offence as if it had taken cognizance of the offence

#### Appeals.

21. (1) Notwithstanding anything contained in the Code, an appeal shall lie from any judgment, sentence or order, not being an interlocutory order, of a Special Court to the High Court both on facts and on law

(2) Every appeal under sub-section (1) shall be heard by a bench of two Judges of the High Court shall, as far as possible, be disposed of within a period of three months from the date of admission of appeal.

(3) Except as aforesaid, no appeal or revision shall lie to any court from any judgment, sentence or order including an interlocutory order of a Special Court.

(4) Notwithstanding anything contained in sub-section (3) of section 378 of the Code, an appeal shall lie to the High Court against an order of the Special Court granting or refusing bail.

(5) Every appeal under this section shall be preferred within a period of thirty days from the date of judgment, sentence or order appealed from:

Communication letter by Court Master, Hon'ble Apex Court, on 20.12.2011, under the Supreme Court in ~~Court~~ Pet (C) No 214 of 2013 in C.A. No 2679 of 2011. here observed that "Be it added. the Hsgh Court shall not entertain any kind of Petition with regard to the controversy that is covered in the decision Undered in Ullar Pradesh Power Corp Ltd. (Supra) or even limited with it."

In the light of aforesaid order May the Hon'ble Court kindly see whether the present WP is maintainable "

In Compliance ~~Hon'ble~~ with Court's order date 12/11/2016. A fresh Report on the point of Limitation in view of Order date 7/8/2012. is submitted heres under.

here as under

### Compliance

In compliance of Hon'ble Court's order dated 9.2.16 I have again thoroughly perused the file. The matter is for education matter which relates to ~~is to be~~ heard by Hon'ble single Judge.

Inconvenience caused to Hon'ble Court is deeply regretted  
Submitted

vide Communication Letter by Court Master, Hon'ble Apex Court, dt 20/12/2011, Hon'ble the Supreme Court in ~~Case~~ Pet (C) No 214 of 2013 in C.A. No 2679 of 2011. here observed that "Be it added, the HsgH Court shall not entertain any kind of Petition with regard to the controversy that is covered in the decision Undered in Ullas Pradesh Power Corp Ltd. (Supra) or even linked with it."

In the light of aforesaid order May the Hon'ble Court kindly see whether the present WP is maintainable "

In Compliance ~~with~~ with Court's order date 12/1/2016. A fresh Report on the point of Limitation in view of Order date 7/8/2012. is submitted heres under.

here as under

### Compliance

In compliance of Hon'ble court's order dated 9.2.16 I have again thoroughly perused the file. The work is for education matter which relates to ~~is~~ <sup>heard</sup> by Hon'ble single Judge.

Inconvenience caused to Hon'ble court is deeply regretted

submitted

PIL mt  
VST

Such affidavit (or affidavits) shall be restricted to facts which are within deponent's own knowledge [and such affidavit shall further state whether the applicant has filed in any capacity whatsoever, any previous applications or applications on the same facts and, if so, the orders passed thereon].

<sup>2</sup>[(3)(i) The petitioner(s) shall categorically state in the opening paragraph of their application, affidavit, petition etc. that no writ petition, application, including review application etc. or any other proceedings arising from or related to the impugned order or the relief sought before this court has been filed or is pending to the best of his knowledge before this Court, at Allahabad or Lucknow or any other Court/Authority Tribunal, etc.

(ii) If there is any related proceeding pending elsewhere, the full details thereof shall be mentioned.

(iii) In continuation, in a subsequent paragraph a categorical statement shall be made by the petitioner(s), applicant(s) etc. to indicate whether petitioner(s), applicant(s) etc. 'have received or not received' notice, information or copy of any caveat application by Registered Post or otherwise from any of the opposite parties or from any other source.

(iv) Any substantial omission or misstatement in the above regard shall render the application liable to be dismissed summarily.]

✓ [(3A) In addition to satisfying the requirements of the other rules in this Chapter, the petitioner seeking to file a Public Interest Litigation, should precisely and specifically state, in the affidavit to be sworn by him giving his credentials, the public cause he is seeking to espouse; that he has no personal or private interest in the matter; that there is no authoritative pronouncement by the Supreme Court or High Court on the question raised; and that the result of the Litigation will not lead to any undue gain to himself or anyone associated with him, or any undue loss, to any person, body of persons or the State.]

*Explanatory Note.*—The Hon'ble Supreme Court of India in its Judgment in C.A. Nos. 1134-1135/02, *State of Uttaranchal v. Balwant Singh Chauhal and others* reported in 2010 AIR SCW 1029, has observed that the process of Court is frequently abused in the name of Public Interest Litigation and has directed all the High Courts to frame rules to prevent the same. The aforesaid amendment is intended to achieve the said objective.]

1. Ins. by Noti. No. 276/VIII-C-2, dt. 04.07.1989, published in U.P. Gazette, Part II, dt. 26.08.1989.
2. Subs. by Noti. No. 279/VIII-C-2 (C.S. No. 233), dt. 26.05.2005, published in the U.P. Gazette Part I (Ka), dt. 11.06.2005.
3. Ins. by Noti. No. 105/VIII-C-2 (correction slip no. 241) dt. 01.05.2010.

✓ Perused the record and report of the  
office dated 11.8.2014

Before commencement of Family Courts Act, 1985, an application for maintenance under Section 125 Cr.P.C. was filed before Magistrate. After enactment of the above Act, Section 7(2) conferred power upon the Family Court to exercise jurisdiction exercisable by Magistrate of the first class under Chapter IX (relating to order for maintenance of wife, children and parents) of the Code of Criminal Procedure, 1973.

2. Section 10(2) of the Act provides that provisions of the Code of Criminal Procedure shall apply to the proceedings under Chapter IX of that Code before a Family Court.
3. Section 19 of the Act provides for appeals and revisions. Section 19(1) provides that an appeal shall lie from every judgement or order of a Family Court, to the High Court except from the order passed under the provisions of Cr.P.C.
4. Section 19(2) has specifically provided that no appeal shall lie from a decree or order passed by the Family Court from an order passed under Chapter IX of the Code of Civil Procedure.
5. Section 19(4) confers power of revision upon High Court against the order passed under Chapter IX of the Code of Civil Procedure.
6. Section 19(5) provides that except as aforesaid, no appeal or revision shall lie to any court from any judgement, order or decree of a Family Court.
7. Chapter IX of Cr.P.C. consists of Sections 125, 126, 127 and 128.

From the above, it is apparent that order passed under Section 125/126 Cr.P.C. is not appealable. Above order is revisable under Section 19(4) of the Family Courts Act.

Consequently, report submitted by Stamp Reporter is approved.

*[Handwritten Signature]*  
13/8/2014

S. O. (Stamp Reporting)

*[Handwritten Signature]*  
Sr. Registrar.  
13/8/2014