



**THE SUPREME COURT OF BANGLADESH  
(APPELLATE DIVISION) RULES, 1988**

*[As amended up to 22 April, 2008]*

**Supreme Court of Bangladesh  
Dhaka.**

## Preface

The Supreme Court of Bangladesh (Appellate Division) Rules, 1988 is meant for regulating practice and procedure of the Appellate Division of the Supreme Court. The entire Rules of 1973 was updated as well as amended and modified by way of insertion, omission and substitution in 1988. With the passage of time, many changes have taken place in the socio-economic conditions of the country and that has laid the basis for rationalizing the Table of Court fees as appended to the Second Schedule of the Supreme Court (Appellate Division) Rules, 1988.

The enrolment fees for being enrolled as an advocate of the Appellate Division of the Supreme Court has also been rationalized after taking into consideration the costs and fees charged by an Advocate in relation to hearing of any matter before the Appellate Division vis-à-vis the amount of enrolment fee.

In respect of Review Petition earlier the party could withdraw the security money irrespective of the final fate of his petition, but now the above provision has been amended for forfeiture of the money in case a Review Petition is dismissed.

All the aforesaid decisions for rationalizing different fees of the Appellate Division have been taken in a meeting dated 18.9.2007 held in the chamber of the Hon'ble Chief Justice of Bangladesh Mr. Justice Md. Ruhul Amin attended by all the Judges of the Appellate Division namely, Mr. Justice Mohammad Fazlul Karim, Mr. Justice M. M. Ruhul Amin, Mr. Justice Md. Tafazzul Islam, Mr. Justice Amirul Kabir Choudhury, Mr. Justice Md. Joynul Abedin and Mr. Justice Md. Hassan Ameen as well as myself, the Registrar of the Supreme Court and the Additional Registrar of the Supreme Court Mr. Farid Ahmed Shibli.

Under the active guidance and instruction of the Hon'ble Chief Justice Md. Ruhul Amin, the Additional Registrar of the Supreme Court, Mr. Farid Ahmed Shibli has worked hard to bring about different amendments in the Bangladesh Supreme Court (Appellate Division) Rules, 1988 and his untiring efforts made it possible to get all those amendments incorporated in the Rules in such a short span of time.

It is hoped and believed that the amendments which have been brought in the Supreme Court (Appellate Division) Rules, 1988 would not only enhance the revenue of the Government but in turn that would also attribute a positive impact to the overall economy of the country.

It is further believed that the amendments brought in would have a far reaching effect on smooth and effective functioning of the Appellate Division of the Supreme Court of Bangladesh.

**Ikteder Ahmed**  
Registrar  
Supreme Court of Bangladesh

অতি জরুরী  
বিশেষ দূত মারফত

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার  
আইন, বিচার ও সংসদ বিষয়ক মন্ত্রণালয়  
বিচার শাখা-৪।

নং বিচার-৪/১ আর-৪/২০০৭-৫৮২

তারিখ : ৯-৪-২০০৮ ইং।

বিষয় : The Supreme Court of Bangladesh (Appellate Division) Rules, 1988-এর  
অধিকতর সংশোধনী প্রসঙ্গে।

সূত্র : মহামান্য সুপ্রীম কোর্টের ২৪-৯-০৭ তারিখের ১৩৫৮/২০০৭ এসসি (এডি) নং স্মারকযুক্ত পত্র।

উপর্যুক্ত বিষয় ও স্মারকসূত্রের প্রেক্ষিতে The Supreme Court of Bangladesh (Appellate Division) Rules, 1988-এর অধিকতর সংশোধনের নিমিত্ত মহামান্য রাষ্ট্রপতি কর্তৃক সদয় অনুমোদিত খসড়া প্রজ্ঞাপন পরবর্তী কার্যক্রম গ্রহণার্থে নির্দেশক্রমে এতদসঙ্গে প্রেরণ করা হইল।

মহামান্য রাষ্ট্রপতি কর্তৃক অনুমোদিত সার-সংক্ষেপ এবং অর্থ মন্ত্রণালয়ের অর্থ বিভাগের ১৪-২-২০০৮ তারিখের পত্রের ছায়ািলিপি এতদসঙ্গে সদয় অবগতির জন্য প্রেরণ করা হইল।

আজিজ আহমদ ভূঞা  
সিনিয়র সহকারী সচিব  
ফোন-৭১৬২৯২০ (অঃ)।

রেজিস্ট্রার,  
বাংলাদেশ সুপ্রীম কোর্ট, ঢাকা।

[বাংলাদেশ গেজেটের অতিরিক্ত সংখ্যায় ২৮শে বৈশাখ, ১৩৯৫ বাৎ/১১ই মে, ১৯৮৯ ইং তারিখে প্রকাশিত]

বাংলাদেশ সুপ্রীম কোর্ট  
আপীল বিভাগ, ঢাকা

বিজ্ঞপ্তি

ঢাকা, ২৮শে বৈশাখ, ১৩৯৫/১১ই মে, ১৯৮৮

বাংলাদেশ সুপ্রীম কোর্ট, গণপ্রজাতন্ত্রী বাংলাদেশের সংবিধানের ১০৭(১) অনুচ্ছেদ মোতাবেক রাষ্ট্রপতির অনুমোদনক্রমে বাংলাদেশ সুপ্রীম কোর্ট, আপীল বিভাগের রীতি ও পদ্ধতি নিয়ন্ত্রণের জন্য নিম্নলিখিত বিধিসমূহ প্রণয়ন করে :-

- ১। এই বিধিসমূহ The Supreme Court of Bangladesh (Appellate Division) Rules, 1988 নামে অভিহিত হইবে।
- ২। এই বিধিসমূহ ২১শে মে, ১৯৮৮ ইং/৭ই জ্যৈষ্ঠ, ১৩৯৫ বাংলা তারিখ হইতে কার্যকর হইবে।

প্রধান বিচারপতির আদেশক্রমে—

মোঃ হামিদুল হক  
রেজিস্ট্রার।

**THE SUPREME COURT OF BANGLADESH  
APPELLATE DIVISION  
1989.**

Mr. Justice Fazle Kaderi Muhammad Abdul Munim, Chief Justice,

**Judges**

Mr. Justice Badrul Haider Chowdhury  
Mr. Justice Shahabuddin Ahmed  
Mr. Justice M. H. Rahman  
Mr. Justice A. T. M. Afzal

**Officers**

Mr. Md. Hamidul Haque, Registrar  
Mr. Nurul Islam Bhuiya, Deputy Registrar  
Mr. Abdul Karim Mahmood, Assistant Registrar  
Mr. Azizul Haque, Research & Reference Officer  
Mr. Md. Zahiruddin Khan, Librarian  
Mr. Md. Solaiman Khan, P. S. to the Chief Justice  
Mr. Md. Quamruzzaman, Superintendent  
Mr. Sheikh Ilias, Superintendent.



**THE SUPREME COURT OF BANGLADESH**  
**APPELLATE DIVISION**  
**(At the time of amendments)**  
**2008**

Mr. Justice Md. Ruhul Amin, Chief Justice

**Judges**

Mr. Justice Mohammad Fazlul Karim  
Mr. Justice M. M. Ruhul Amin  
Mr. Justice Md. Tafazzul Islam  
Mr. Justice Md. Joynul Abedin  
Mr. Justice Md. Hassan Ameen  
Mr. Justice Md. Abdul Matin

**Officers**

Mr. Ikteder Ahmed, Registrar  
Mr. Farid Ahmed Shibli, Additional Registrar  
Mr. Md. Mafizul Islam, Deputy Registrar  
Mr. Mohammad Siddikur Rahman, Programmer  
Mr. Md. Ishaque Miah, Assistant Registrar -1  
Mr. James Richard Cruze, Assistant Registrar -2  
Mr. F. A. Aminul Hoque, Assistant Registrar -3  
Mr. Md. Fazley Elahee Bhuiyan, Research & Reference Officer  
Mr. Md. Serajul Islam, Librarian  
Mr. Mohammad Mehdi Hasan, P. S. to Chief Justice  
Mr. Md. Abu Taher Bhuiyan, Superintendent-1  
Mr. Md. Zahirul Alam Bhuiyan, Superintendent-2  
Mr. Md. Istiaque Uddin Ahmad, Superintendent-3

THE  
SUPREME COURT OF BANGLADESH  
(APPELLATE DIVISION) RULES, 1988

**TABLE OF CONTENTS**

PART - I

Order	General	Rules	Pages
I	Interpretation, etc.	1-6	1-2
II	Offices of the Court: Sitting & Vacation etc.	1-5	2-3
III	Officers of the Court, etc.	1-10	3-4
IV	Advocates and Advocates-on-Record	1-39	5-9
V	Business in Chamber	1-4	10-12
VI	Notices of Motion	1-7	12
VII	Documents	1-9	13
VIII	Affidavits	1-13	14-15
IX	Inspection, Search, etc.	1-5	15
X	Judgment, Decrees and Orders	1-11	15-16
XI	Constitution of Benches	1-3	16-17

PART-II

APPELLATE JURISDICTION

XII	Civil Appeals	1-8	17-18
XIII	Petitions for Leave to Appeal in Civil Proceedings	1-15	18-20
XIV	Preparation of Record, etc.	1-17	20-22
XV	Withdrawal of Appeal	1	22
XVI	Non-Prosecution of Appeal Change of Parties	1-8	22-24
XVII	Appearance by Respondent	1-10	24-25
XVIII	Petitions Generally	1-12	25-27
XIX	Lodging of Concise Statement and Supplemental Proceedings	1-9	27-28
XX	Hearing of Appeals	1-7	29
XXI	Miscellaneous	1-3	29-30
XXII	Pauper Appeals, Petitions, etc.	1-9	30-31
XXIII	Criminal Appeals	1-13	31-32
XXIV	Petitions for Leave to Appeal and Appeal arising therefrom in Criminal Proceedings	1-12	32-34

PART-III

XXV	Application for Transfer for Criminal Proceeding under Section 525A of the Code of Criminal Procedure (V of 1898)	1-4	34-35
-----	---	-----	-------

PART-IV

XXVI	Review	1-9	35-36
------	--------	-----	-------

Order	General	Rules	Pages
PART-V			
XXVII	Proceeding in Relation to the Contempt of Court	1-14	36-38
PART-VI			
XXVIII	Special References under Article 106 of the Constitution	1-5	38
PART-VII			
XXIX	Cost	1-2	39
XXX	Taxation	1-53	39-44
PART-VIII			
MISCELLANEOUS			
XXXI	Notice of Proceedings to the Attorney General for Bangladesh	1-4	45
XXXII	Forms to be used	1-2	45
XXXIII	Services of Documents	1-7	45-46
XXXIV	Power to Dispense and Inherent Powers	1-9	46-47
XXXV	Commissions	1-8	47-48
XXXVI	Destruction of Records	1-10	48-50
FIRST SCHEDULE			
	Senior and other Advocates	1-7	50
SECOND SCHEDULE			
	Fees to Advocates		51-52
THIRD SCHEDULE			
	Table of Court Fees		52
	Part-I Cases under Sec. 525A of the Criminal Procedure Code (V of 1898)		52
	Part-II Appellate Jurisdiction		52-53
	Part-III Miscellaneous		53-55
FOURTH SCHEDULE			
	Fees to Advocates-on-Record	1-43	56-60
	Fees to Officers of Court	1-5	60-61



Order	General	Rules	Pages
-------	---------	-------	-------

## FIFTH SCHEDULE

Rules as to Printing of Records	1-12	61-63
---------------------------------	------	-------

## SIXTH SCHEDULE

Forms		64-88
-------	--	-------

## ANNEXURE

Bangladesh Gazette, Extra-Ordinary Notification No.821/2008 SC(AD) dated 17 April, 2008 Published on 22 April, 2008 [Amendment of "The Supreme Court of Bangladesh (Appellate Division) Rules"]		89-98
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**PART - I**  
**GENERAL**  
**ORDER I**  
**INTERPRETATION**

1. These Rules shall be called "**The Supreme Court of Bangladesh (Appellate Division) Rules, 1988**".

2. They shall come into force on such date as the Chief Justice of Bangladesh may, by notification in the Official Gazette, appoint.

3. The Supreme Court (Appellate Division) Rules, 1973 are hereby revoked; Provided that this revocation shall not affect any action taken, any order made or anything done under the said Rules prior to this revocation.

3. (1) In these Rules, unless the context otherwise requires :-

- (a) "**Advocate**" means a person entitled to appear and plead in the Appellate Division of the Supreme Court of Bangladesh and includes such Advocates whose names were borne on the roll of the Advocates of the Court immediately before the commencement of these Rules ;
- (b) "**Advocate-on-Record**" means an Advocate, who is entitled, under these Rules, to act as well as to plead for a party in the Appellate Division of the Supreme Court of Bangladesh and includes such Advocates whose names were borne on the roll of Advocate-on-Record of the Court immediately before the commencement of these Rules ;
- (c) "**Chief Justice**" means the Chief Justice of Bangladesh ;
- (d) "**Code**" means the Code of Civil Procedure, 1908 ;
- (e) "**Constitution**" means the Constitution of the People's Republic of Bangladesh ;
- (f) "**Court**" and "**this Court**" mean the Appellate Division of the Supreme Court of Bangladesh ;
- (g) "**Court Appealed From**" includes a tribunal and any other judicial body from which an appeal is preferred to the Court ;
- (h) "**Judge**" means a Judge of the Appellate Division of the Supreme Court of Bangladesh ;
- (i) "**Judgment**" includes decree, order, sentence or determination of any Court, Tribunal, Judge or Judicial Officers;
- (j) "**High Court Division**" means High Court Division of the Supreme Court of Bangladesh and includes a Bench or session as the case may be of the High Court Division ;
- (k) "**Official Gazette**" means the Bangladesh Gazette ;
- (l) "**Party**" and all words descriptive of parties to proceedings before the Court (as "petitioner, appellant, respondent," and the like) include, in respect of all acts proper to be done by an Advocate-on-Record, the Advocate-on-Record of the party in question, when he is represented by an Advocate-on-Record ;

- (m) "**Prescribed**" means prescribed by or under these Rules ;
- (n) "**Record**" in Part-II of these Rules means the aggregate of papers relating to an appeal (including the pleadings, proceedings, evidence, and judgment) proper to be laid before the Court at the hearing of the appeal ;
- (o) "**Registrar**" and "**Registry**" mean respectively the Registrar and Registry of the Appellate Division of the Supreme Court of Bangladesh ;
- (p) "**Respondent**" includes an intervener ;
- (q) "**Rules**" means the Supreme Court of Bangladesh (Appellate Division) Rules, 1988 and include the forms appended to these Rules ;
- (r) "**Senior Advocate**" means an Advocate enrolled as such by the Court under these rules and includes all such Advocate whose names were borne on the roll of the Senior Advocates of the Court immediately before the commencement of these Rules ;
- (s) "**Signed**" save in the case of a judgment and decree, includes stamped ;
- (t) "**Taxing Officer**" means the officer of the Court whose duty is to tax costs of proceedings in the Court.

(2) Unless the context otherwise requires, the General Clauses Act, 1897 (X of 1897), shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Legislature.

4. Where by these Rules or by any order of the Court any step is required to be taken in connection with any cause, appeal, or matter before the Court, that step shall, unless the context otherwise requires, be taken in the Registry.

5. Where any particular number of days is prescribed by these Rules, or is fixed by an order of the Court, in computing the same, the day from which the said period is to be reckoned shall be excluded and, if the last day expires on a day when the office of the Court is closed, that day and any succeeding days on which the office of the Court remains closed shall also be excluded.

6. Save as otherwise expressly provided by these Rules, the provisions of the Code shall not apply to any proceedings in the Court.

## ORDER II

### OFFICES OF THE COURT: SITTINGS AND VACATION, ETC.

1. Except during the vacation and on holidays and subject to any order of the Chief Justice, the offices of the Court shall remain open daily from 8.00 a.m. to 2.00 p.m. on week days :

Provided that no matter, unless of an urgent nature, shall be received within one hour of the closing time.

2. The Offices of the Court shall remain open during vacation, except on Fridays and holidays, at such times as the Chief Justice may direct.

3. The long vacation of the Court shall commence on such date as may be fixed in each year by the Chief Justice notified in the Official Gazette.

4. The Court shall not ordinarily sit on Fridays and Saturdays and on any other days notified as Court holidays in the Official Gazette.

5. A Judge shall be nominated by the Chief Justice before the commencement of vacation for the hearing of all matters which may require to be immediately or promptly dealt with and whenever necessary a Bench of the Court of two or more Judges may likewise, be constituted by the Chief Justice for the disposal of cases during the vacation.

### ORDER III

#### OFFICERS OF THE COURT, ETC.

1. The Registrar shall be the executive head of the Office. He shall have the custody of the records of the Court and shall exercise such other powers and functions as are assigned to him by these Rules.

2. The Registrar shall not be absent from the Court without the leave of the Chief Justice, nor any other Officer of the Court without the leave of the Registrar.

3. In the absence of the Registrar, <sup>1</sup>[the Additional Registrar or] the Deputy Registrar or in the absence of the Deputy Registrar, the Assistant Registrar or any other officer of the Court may exercise all the functions of the Registrar.

4. The Chief Justice may assign, and the Registrar may, with the approval of the Chief Justice delegate to <sup>2</sup>[the Additional Registrar or the] Deputy Registrar or Assistant Registrar or any other Officer of the Court, any functions required by these Rules to be exercised by the Registrar.

5. The official Seal to be used in the Court shall be such as the Chief Justice may from time to time direct, and shall be kept in the custody of the Registrar.

6. Subject to any general or special directions given by the Chief Justice the seal of the Court shall not be affixed to any writ, rule, summons or other process save under the authority in writing of the Registrar or <sup>3</sup>[the Additional Registrar or] Deputy Registrar.

7. The Seal of the Court shall not be affixed to any certified copy issued by the Court save under the authority in writing of Registrar <sup>4</sup>[or Additional Registrar] or of Deputy Registrar or Assistant Registrar if authorised in that behalf in writing by the Registrar.

<sup>1</sup> The words "the Additional Registrar or" were inserted *vide* Notification No.821/2008 SC(AD) dated 17.04.2008 w.e.f. 22.04.2008.

<sup>2</sup> The word "a" was omitted and the words "the Additional Registrar or the" were inserted, *ibid*.

<sup>3</sup> The words "the Additional Registrar or" were inserted, *ibid*.

<sup>4</sup> The words "or Additional Registrar" were inserted, *ibid*.

8. The Registrar shall, subject to any general or special directions given by the Chief Justice allocate the duties of the Registry among the officers of the Court, and shall, subject to these Rules and to any such directions as aforesaid, supervise and control the officers and servants of the Court.

9.(1) The Registrar shall keep a list of all cases pending before the Court, and shall, at the commencement of each term, prepare and publish on the notice board of the Court a list of all cases ready for hearing in each class separately, to be called the "ready list". The cases in the "ready list" shall be arranged year wise in each class separately in the order of their registration, and the list shall be added to from time to time as and when fresh cases become ready for hearing.

(2) Out of the "ready list" the Registrar shall publish on the notice board of the Court at the end of each month a list of cases to be heard during the following month. Subject to any general or special directions that may be given by the Chief Justice and subject to the orders of the Court and the other provisions of these Rules, the cases listed for hearing in the monthly list in each class shall be in the order in which the cases have been registered. From out of the monthly list, the Registrar shall publish at the end of each week a list of cases to be heard in the following week, as far as possible, in the order in which they appear in the monthly list, subject to the directions of the Chief Justice and of the Court, if any, and out of the weekly list shall publish at the end of each day a daily list of cases to be heard by the Court on the following day.

10. In addition to the other powers conferred by these Rules and any other Rules the Registrar shall have the following powers and duties subject to any general or special order of the Chief Justice :-

- (a) to require any petition of appeal, petition or other matters presented to the Court to be amended in accordance with the practice and procedure of the Court or to be represented after such requisition as the Registrar thinks proper in relation thereto, has been complied with;
- (b) to fix the dates of hearing of appeals, petitions or other matters and issue notices thereof ;
- (c) to settle the index in cases where the record is to be prepared under the supervision of the Registry ;
- (d) to direct any formal amendment of record ;
- (e) to make an order for change of Advocate-on-Record with the consent of the Advocate-on-Record ;
- (f) to grant leave to inspect and search the records of the Court and order the grant of copies of documents to parties to proceedings; and without interfering or dispensing with any mandatory requirement of these Rules-
- (g) to allow from time to time on a written request any period or periods not exceeding twenty-eight days in aggregate for furnishing information or for doing any other act necessary to bring the plaint, appeal, petition or other proceedings in conformity with the rules and practice of the Court.

## ORDER IV

## ADVOCATES AND ADVOCATES-ON-RECORD

1. Advocates and Senior Advocates shall be entitled to appear and plead before the Court, on enrollment as provided hereinafter.

2. A Senior Advocate shall have precedence over other Advocates who are not Senior Advocates and the provisions of the First Schedule to these Rules shall apply with respect to Senior and other Advocates.

3. A person shall not be qualified for being enrolled as an Advocate unless he-

- (a) has been for not less than five years enrolled as an Advocate in the High Court Division ;
- (b) has been certified in a duly authenticated form by the Bangladesh Bar Council that he is an enrolled Advocate of the High Court Division ;
- (c) has been certified by the Judges of the High Court Division that he is a fit and proper person to appear and plead as an Advocate before the Appellate Division :

Provided that the Chief Justice and Judges may grant enrolment of a person not qualified as aforementioned, if in their opinion, he is qualified by knowledge, ability and experience to be enrolled as an Advocate. This power may, however, be delegated to the Enrolment Committee.

4. An application for enrolment as an Advocate shall be made in such form as may be prescribed by the Court from time to time and shall be accompanied by-

- (i) a certificate of the Bangladesh Bar Council as mentioned in rule 3(b) *ibid*;
- (ii) a copy of the bio-data of the applicant giving full particulars of his qualifications and any previous employment or engagement for gain ;
- (iii) a list of cases in which he appeared before the High Court Division ;
- (iv) an affidavit by the applicant that he is eligible and not disqualified to be enrolled as an Advocate in the Appellate Division of the Supreme Court; and
- (v) six recent passport size photographs of the applicant.

5. An application for enrolment shall be considered by an Enrolment Committee consisting of at least two Judges to be nominated by the Chief Justice and the Committee may call the applicant for interview and call for any record.

6. If the Enrolment Committee grants the application, the applicant shall be allowed to sign the Roll of Advocates on payment of fee of <sup>5</sup>[Taka Five Thousand only].

7. A Senior Advocate, an Advocate and an Advocate-on-Record shall be entitled to appear and plead before the Court on signing his respective Roll.

<sup>5</sup> The words "Taka One Thousand only" were substituted by the words "Taka Five Thousand only", *ibid*.

8. There shall be kept, by the Registrar separately a Roll of Senior Advocates, of Advocates and of Advocates-on-Record which shall contain such particulars as the Court may from time to time require.

9. The Registrar shall issue a certificate of enrolment to the Advocates, who shall mention the enrolment number below their signature on all petitions, appeals, applications filed in the Court.

10. The Enrolment Committee may refuse enrolment of a person after affording him an opportunity of oral hearing if he is considered not fit to be enrolled as an Advocate.

11. The Chief Justice and the Judges may, on application or otherwise select, from time to time, from among those whose names are on the Roll of the Advocates, persons who are judged, by their knowledge, ability and experience, to be worthy of being granted the status of Senior Advocate and on signing the Roll of Senior Advocates shall assume the said status :

Provided that, the Chief Justice and the Judges may, before selecting an Advocate as Senior Advocate, consider whether he could show sufficient appearance before the Court so as to be entitled to be granted the status of Senior Advocate.

12. A fee of <sup>6</sup>[Taka Ten Thousand only] shall be paid by a Senior Advocate before he signs the Roll.

13. A practicing Advocate of the Appellate Division shall be qualified to be registered as an Advocate-on-record, on making an application in this behalf and the provisions hereinbefore contained relating to enrolment of Advocates shall *mutatis mutandis* apply to the registration of Advocate-on-Record.

14. No Advocate other than an Advocate-on-Record shall be entitled to act for a party in any proceedings in the Court.

15. No Advocate other than an Advocate-on-Record shall appear or plead in any matter unless he is instructed by an Advocate-on-Record.

16. No Senior Advocate shall be registered as Advocate-on-Record.

17. No person shall be qualified for being enrolled as an Advocate-on-Record unless, he-

- (a) has been for not less than seven years enrolled as an Advocate of the Courts subordinate to the Appellate Division of the Supreme Court including at least three years standing as an Advocate of the High Court Division;
- (b) has an office at the seat of the Registry of the Court ;
- (c) has telephone installation at his office at the seat of the Registry of the Court;
- (d) signs the Roll of Advocate-on-Record maintained for the purpose;

<sup>6</sup> The words "Taka Two Thousand only" were substituted by the words "Taka Ten Thousand only", *ibid*.

Provided that the Chief Justice and the Judges may grant enrolment of a person not qualified as aforementioned, if in their opinion, he is qualified by knowledge, ability and experience to be enrolled as an Advocate-on-Record. This power may, however, be delegated to the Enrolment Committee.

18. An application for enrolment as an Advocate-on-Record shall be made in such form as may be prescribed by the Court from time to time and shall be accompanied by-

- (i) an authenticated copy of the applicant's first enrolment as an Advocate on the roll of Bangladesh Bar Council ;
- (ii) a certificate from the Bar Association where the applicant first joined to practice the profession of law mentioning the date of commencement of his membership of the Bar Association ;
- (iii) an authenticated photostat copy of his certificate of enrolment as an Advocate of the High Court Division of the Supreme Court;
- (iv) a certificate in a duly authenticated form by the Supreme Court Bar Association that he is still an Advocate of the High Court Division of the Supreme Court;
- (v) a copy of the bio-data of the applicant giving full particulars of his qualification and any previous employment for gain ;
- (vi) a list of cases in which he appeared before the High Court Division;
- (vii) an affidavit by the applicant that he is eligible and not disqualified to be enrolled as an Advocate in the Appellate Division of the Supreme Court ; and
- (viii) six recent Passport-size photographs of the applicant.

19. An application for enrolment as an Advocate-on-Record shall be considered by an Enrolment Committee consisting of at least two Judges to be nominated by the Chief Justice and the Committee may call the applicant for interview and call or ask for any record.

- 20.(i) If the Enrolment Committee grants the application, the applicant shall be allowed to sign the Roll of Advocate-on-Record on payment of fee of <sup>7</sup>[Tk.2,000.00].
- (ii) The Enrolment Committee may refuse enrolment of a person after affording him an opportunity of oral hearing if he is considered not fit to be enrolled as an Advocate-on-Record.

21. Every Advocate-on-Record shall:-

- (i) subscribe before the Registrar a declaration in Form 2 or Form 3 of the Forms in the Sixth Schedule to the Rules, as may be appropriate to his case, undertaking to observe the Rules, regulations, orders and practice of the Court, and to pay all fees or charges due and payable in any case, matter or appeal in the Court;
- (ii) subscribe similarly an indemnity bond in Form 4 of the Forms in the said Schedule.

<sup>7</sup> The word and figure "Tk. 1000" were substituted by the word and figure "Tk. 2,000.00", *ibid*.



22. Every Advocate-on-Record shall notify the Registrar of any change of address, and any notice, writ, summons or other documents delivered or sent through post to the Advocate-on-Record at the address so notified by him shall be deemed to have been properly served.

23. Two or more Advocates-on-Record may enter into partnership with one another, and anyone of them may act in the name of the partnership, provided that the firm has an office at the seat of the Registry and is registered with the Registrar. The undertaking prescribed in rule 21 hereinbefore contained in this Order, shall be subscribed separately by all the partners on behalf of the firm. Any change in the composition of the firm shall be intimated to the Registrar. Any firm of Advocate-on-Record may, in addition to a principal office at the seat of the Court, also maintain a Branch Office at any district headquarters or other centre of litigation, provided that such Branch Office is under the management and control of a member of the firm who has received training at the principal office of the firm for a period of not less than one year.

24. An Advocate-on-Record who wishes to have his name removed from the Roll of Advocate-on-Record shall apply by petition verified by Affidavit, entitled "In the matter of ..... an Advocate-on-Record in this Court", and stating the date of his enrolment as an Advocate-on-Record, the reasons why he wishes his name to be removed, that no application or other proceeding in any Court is pending, or is likely to be instituted against him, and that no fees are owing to the Court for which he is personally liable.

25. Every Advocate-on-Record shall, before acting on behalf of any person or party, file in the Registry a power of attorney in the prescribed form authorising him to act.

26. No person having an Advocate-on-Record shall file a power of attorney authorising another Advocate-on-Record to act for him in the same case save with the consent of the former Advocate-on-Record or by leave of the Court, unless the former Advocate-on-Record is dead, or is unable by reason of infirmity of mind or body to continue to act.

27. No Advocate-on-Record shall without the leave of the Court withdraw the conduct of any case by reason only of non-payment by his client of fees, costs and other charges.

28. Every Advocate-on-Record in the case shall be personally liable to the Court for the payment of all fees and charges payable to the Court.

29. No person having an Advocate-on-Record in the case shall be heard in person save by special leave of the Court.

30. No Advocate-on-Record shall authorise any persons, except another Advocate-on-Record, to do any act in his name in any case. The authorisation shall be in writing.

31. Where a party changes his Advocate-on-Record, the new Advocate-on-Record shall give notice of the change to all parties concerned.

32. A Senior Advocate, or an Advocate or an Advocate-on-Record, who wishes to suspend his practice by reasons of his appointment to any office of profit under the Government, or his being engaged in another profession or for any other reason, shall give written intimation thereof to the Registrar.

33. The Attorney-General for Bangladesh shall have precedence over all Advocates and Senior Advocates in the Court.

34. The Attorney-General for Bangladesh and Additional Attorney-General shall, by virtue of their offices have the status and precedence of a Senior Advocate of the Court notwithstanding that their names are not contained in the Roll of Senior Advocates. The Deputy Attorney-General and Assistant Attorney-General shall, by virtue of their office, have the status of an Advocate of the Court notwithstanding that their names are not contained in the Roll of Advocates of the Court.

35. Subject to the preceding rules of this Order an Advocate appearing before the Court shall have precedence among the Senior or other Advocates, as the case may be, according to the date of his enrolment as a Senior or other Advocate, in the Court.

36. The Chief Justice and the Judges may remove from the Roll the name of any Senior Advocate, Advocate or Advocate-on-Record after affording him an opportunity of oral hearing if he has, at any time, been adjudged guilty of professional misconduct, or of an offence involving moral turpitude, or is otherwise considered unfit to remain on the Roll.

37. Where, on the complaint of any person or otherwise, the Court is of the opinion that a Senior Advocate or an Advocate or an Advocate-on-Record has been guilty of misconduct or of conduct unbecoming of an Advocate, the Court may refer the matter to the Bangladesh Bar Council for enquiry and action under the Legal Practitioner and Bar Council Order (P.O.No.46 of 1972) as amended from time to time.

38. The dress prescribed for Advocates is a short coat or Sherwani of black material, white shirt with turn down collar and white bands: in the summer, white trousers, and in the winter, trousers of materials in deeper shades of grey. The Advocate shall wear a short black gown in Court, unless the Court directs otherwise.

The dress for Senior Advocates shall be similar, with the following additional requirement, viz., they shall wear gown as prescribed for Barristers appearing before the High Court in London.

The dress for Advocates-on-Record shall be as that for Advocates of the Court.

39. The names of all Senior Advocates, Advocates and Advocates-on-Record enrolled as such in the Supreme Court of Pakistan before the Sixteenth day of December, 1971, shall be deemed to be transferred to the respective Rolls of the Appellate Division of the Supreme Court of Bangladesh.

**ORDER V**  
**BUSINESS IN CHAMBERS**

1. The power of the Court in relation to the following matters may be exercised by the Registrar :-

- (1) Applications for discovery and inspection.
- (2) Applications for delivery of interrogatories.
- (3) Applications for substituted service, or for dispensing with service of notice of the appeal on any of the respondents to the appeal.
- (4) Applications for time to plead, for Production of documents, and generally relating to the conduct of cause, appeal or matter save those coming under rule 2 of this Order.
- (5) Applications for leave to take documents out of the custody of the Court.
- (6) Questions arising in connection with the payment of Court fees.
- (7) Applications by third parties for return of documents.
- (8) Applications for grant of copies of records to third parties.
- (9) Applications for the issue of a certificate regarding any excess Court fee paid under a mistake.
- (10) Applications for requisitioning records from the custody of any court or other authority.
- (11) Applications for condoning delay in paying deficit court fees or delay in representation.
- (12) Applications for appointment and for approval of a translator or interpreter.
- (13) Applications for substitution, except where the substitution would involve setting aside an abatement.
- (14) Applications for production of documents outside Court premises.
- (15) Applications for Payment into Court.
- (16) Applications to appoint or discharge a next friend or guardian of a minor or a person of unsound mind and direct amendment of the record thereon.
- (17) Applications for consolidation of appeals and writ Petitions for purposes of hearing, and preparation of re-record.
- (18) Applications for directions regarding preparation of record.

Provided that applications for exemption from filing of certified copies of judgment or orders accompanying a leave petition shall be posted before the Court along with the leave petition.

2. The powers of the Court in relation to the following matters may be exercised by a single Judge sitting in Chamber but subject to reconsideration, at the instance of any aggrieved party by a Bench of not less than three Judges, which may include the Judge who dealt with the matter :-

- (1) Applications for production of documents outside Court premises.
- (2) Applications for leave to compromise or discontinue pauper appeals.
- (3) Applications for striking out or adding party.
- (4) Applications for better statement of claim or defence.
- (5) Applications for particulars.
- (6) Applications to withdraw appeals and petitions.
- (7) Applications for payment of money out of Court or handing over or discharge of security .
- (8) Applications of tax bills returned by Taxing Officer.
- (9) Applications for costs of taxation where one-sixth is taxed off.
- (10) Applications for review of taxation by Court.
- (11) Applications for enlargement or abridgment of time, except those covered by item 7 of rule 1 and applications for condonation of delay in filing petitions for leave to appeal.
- (12) Applications for issue of commissions.
- (13) Applications for security of costs.
- (14) Applications for assignment of Security Bonds.
- (15) Applications for enforcing payment of costs under directions of Registrar.
- (16) Applications for extending returnable dates of warrants.
- (17) Applications for order against clients for payment of costs.
- (18) Applications for production of evidence by affidavit.
- (19) Applications for taxation and delivery of bills of costs, and for the delivery by an Advocate-on-record of documents and papers.
- (20) Applications for stay of execution of a decree or order in Civil Proceedings.
- (21) Applications for stay of execution of sentence or order in Criminal Proceedings.
- (22) Applications for the grant of bail.
- (23) Enrolment of Advocates and of Advocates-on-Record.
- (24) Setting down cause, appeal or matter ex parte.
- (25) Consent petitions.
- (26) Applications for bringing on record the legal representatives of a deceased party.
- (27) Applications for change of Advocate-on-Record.
- (28) Applications by Advocate-on-Record for leave to withdraw.

3. Any person aggrieved by any order made by the Registrar under this Order may, within fifteen days of the making of such order, appeal against it to the judge in chamber.

4. The Registrar, may, and, if so directed by the Judge in Chamber, shall, at any time adjourn any matter and lay the same before the Judge in Chamber, and the Judge in Chamber, may at any time adjourn any matter and lay the same before the Court.

## ORDER VI

### NOTICE OF MOTION

1. Except where otherwise provided by statute or prescribed by these Rules, all applications which in accordance with these Rules cannot be made in Chamber shall be made before the Court on motion after notice to the parties affected thereby. Where the delay caused by notice would or might entail prejudice or hardship, an application may be made for an adinterim order ex parte, duly supported by an affidavit and the Court, if satisfied that the delay caused by notice would entail prejudice or hardship, may make order ex parte upon such terms as to costs or otherwise, and subject to such undertaking, if any, as the Court may think just, pending orders on the main application by notice of motion.

2. A notice of motion shall be instituted in the matter in which the application is intended to be made and shall state the time and place of application and the nature of the order asked for and shall be addressed to the party or parties intended to be affected by it and their Advocate-on-record, if any, and shall be signed by the Advocate-on-Record, of the party moving, or by the party himself where he acts in person.

3. Save by leave of the Court the notice of motion along with the affidavit in support thereof, shall be served on the opposite party not less than 8 days before the day appointed for the motion and the affidavit of service together with the acknowledgement receipt of the service of the notice shall be filed in the Registry at least 3 days before the day appointed for the motion. Counter affidavits, if any, shall be filed in the Registry during office hours not later than 1.00 p.m. on the day preceding the day of hearing and copies of these affidavits shall be served on the other parties to the notice of motion and the affidavits shall not be accepted in the Registry unless they contain an endorsement of service signed by the other party or parties.

4. Notice shall be given to the other party or parties of all grounds, intended to be urged in support of, or in opposition to any motion.

5. Save by leave of the Court, no affidavit in support of the application beyond those specified in the notice of motion, nor any affidavit in answer or reply filed later than the time prescribed in these Rules shall be used at the hearing or allowed on taxation.

6. Unless otherwise ordered the costs of a motion in a suit or proceeding shall be treated as costs in that suit or proceedings.

7. Any interlocutory or miscellaneous application, notwithstanding that it is made in an appeal or other proceeding in which a substantial question of law as to the interpretation of the Constitution is raised, may be heard and decided by a Bench of not less than three Judges.

## ORDER VII

### DOCUMENTS

1. The officers of the Court shall not receive any petition, affidavit or other documents, except original exhibits and certified copies of public documents, unless it is fairly and legibly transcribed on one side of standard petition paper demy-foolscap size. Copies of documents, if not forming part of the record of the Court appealed from, filed for the use of this Court, shall be certified to be true copies by the Advocate-on-Record for parties presenting the same.

2. No document in a language other than Bengali or English shall be exhibited or used for the purpose of any proceedings before the Court, unless the same has been translated in accordance with these Rules.

3. Any document in a language other than Bengali or English shall be accompanied by its translation in either of the two languages in accordance with the Rules.

4. Every document required to be translated shall be translated by a translator nominated or approved by the Court on payment of prescribed fees :

Provided that a translation attested by the Advocates-on-Record for both parties, may be accepted.

5. Every translator shall, before acting, make an oath or affirmation that he will translate correctly and accurately all documents given to him for translation, and at the end of the documents he shall certify in writing, signed by him, that the translation is correct.

6. Except as otherwise provided in these Rules all petitions, appeals and other documents shall be presented in person by the party or by an Advocate-on-Record duly appointed by the party.

7. Except as otherwise provided in these Rules or by any law for the time being in force, the Court fees set out in the Third Schedule to these Rules shall be payable on all documents mentioned therein.

8. The Registrar may decline to receive any document which is presented otherwise than in accordance with these Rules. Where the party fails to take any steps for the removal of the defect within the time fixed for the same by the Registrar, the Registrar may, for reasons to be recorded in writing, decline to register the documents.

9. The Registrar may in a proper case on an application made by the party issue a certificate regarding any excess court fee paid under a mistake.

**ORDER VIII**  
**AFFIDAVITS**

1. The Court may at any time, for sufficient reason, order that any particular, fact or facts may be proved by affidavit, or the affidavit of any witness may be read at the hearing, on such conditions as the Court thinks reasonable:

Provided that where it appears to the Court that either party bonafide desires the production of a witness for cross-examination and that such witness can be produced, an order shall not be made authorising the evidence of such witness to be given by affidavit.

2. Upon any application evidence may be given by affidavit; but the Court may, at the instance of either party, order the attendance for cross-examination of the deponent, and such attendance shall be in Court, unless the deponent is exempted from personal appearance in Court or the Court otherwise directs.

3. Every affidavit shall be instituted in the cause, appeal or matter in which it is sworn.

4. Every affidavit shall be drawn up in the first person, and shall be divided into paragraphs to be numbered consecutively, and shall state the description, occupation, if any, and the true place of abode of the deponent.

5. Affidavit shall be confined to such facts as the deponent is able of his own knowledge, to prove, except on interlocutory applications, on which statements of his belief may be admitted, provided that the grounds thereof are stated.

6. An affidavit requiring interpretation to the deponent shall be interpreted by an interpreter nominated or approved by the Court, if made at the seat of the Court, and if made elsewhere, shall be interpreted by a competent person who shall certify that he has correctly interpreted the affidavit to the deponent.

7. Affidavits for the purposes of any cause, appeal or matter before the Court may be sworn before a Notary Public or any authority mentioned in section 139 of the Code or before the Registrar of this Court, or before a Commissioner generally or specially authorised in that behalf by the Chief Justice.

8. Where the deponent is a pardahnashin lady she shall be identified by a person to whom she is known and that person shall prove the identification by a separate affidavit.

9. Every exhibit annexed to an affidavit shall be marked with the title and number of the cause, appeal or matter and shall be initialed and dated by the authority before whom it is sworn.

10. No affidavit having any interlineation, alteration or erasure shall be filed in Court unless the interlineation or alteration is initialed, or unless in the case of an erasure the words or figures written on the erasure are re-written in the margin and initialed by the authority before whom, the affidavit is sworn.

11. The Registrar may refuse to receive an affidavit where in his opinion the interlineations, alterations or erasures are so numerous as to make it expedient that the affidavit should be re-written.

12. Where a special time is limited for filing affidavit no affidavit filed after that time shall be used except by leave of the Court.

13. In this order, 'affidavit' includes a petition or other document required to be shown or verified; and 'sworn' includes affirmed. In the verification of petitions or other proceedings, statements based on personal knowledge shall be distinguished from statements based on information and belief. In the case of statements based on information, the deponent shall disclose the source of his information.

### **ORDER IX**

#### **INSPECTION, SEARCH, ETC.**

1. Subject to the provisions of these Rules, a party to any cause, matter or appeal who has appeared shall be allowed to search, inspect or get copies of all papers and documents or records in the case, on payment of the prescribed fees and charges.

2. The Court, at the request of a person not a party to the cause, matter or appeal, may on good cause shown allow such search or inspection or grant such copies as is or are mentioned in the last preceding rule, on payment of the prescribed fees and charges.

3. A search or inspection under the last two preceding rules during the pendency of a cause, matter or appeal, shall be allowed only in the presence of an officer of the Court and after forty-eight hours' notice in writing to the parties who have appeared, and copies of documents shall not be allowed to be taken, but notice of the search or inspection may be made.

4. Copies required under any of the preceding rules of this order may be certified as correct copies by any officer of the Court authorised in that behalf by the Registrar.

5. No record of document filed in any cause, matter or appeal shall, without the leave of the Court, be taken out of the Custody of the Court.

### **ORDER X**

#### **JUDGMENT, DECREES AND ORDERS**

1. The Court, after the case has been heard, shall pronounce judgment in open court either at once or on some future day, of which due notice shall be given to the parties or their Advocate-on-Record and the decree or order shall be drawn up in accordance therewith.

2. Subject to the provisions contained in Order XXVI, a judgment pronounced by the Court or by a majority of the Court or by a dissenting Judge in open Court shall not



afterwards be altered or added to, save for the purpose of correcting a clerical or arithmetical mistake or an error arising from any accidental slip or omission.

3. Certified copies of the judgment, decree or order shall be furnished to the parties on application made for the purpose and at their expense.

4. Every decree or order made by the Court shall be drawn up in the Registry and be signed by the Registrar or Deputy Registrar or Assistant Registrar and sealed with the Seal of the Court and shall bear the same date as the Judgment.

5. Every order made by the Registrar or other officer shall be drawn up in the Registry and signed by the Registrar or other officer as the case may be.

6. In cases of doubt or difficulty with regard to a decree or order made by the Court, the Registrar shall, before issuing the draft, submit the same to the Judge in Chamber.

7. Where a draft of any decree or order is required to be settled in the presence of the parties, the Registrar shall by notice in writing appoint a time for settling the same and the parties shall attend accordingly and produce their briefs and such other documents as may be necessary to enable the draft to be settled.

8. Where any party is dissatisfied with any decree or order as settled by the Registrar, the Registrar shall not proceed to complete the decree or order without allowing that party sufficient time to apply by motion to the Court.

9. The decree passed or order made in every appeal and a direction or writ issued in any matter by the Court shall be transmitted by the Registrar to the Court concerned from whose judgment, decree or order the appeal or matter was brought, and any such decree, order or direction shall be executed and enforced as if it had been made and issued by the High Court Division of the Supreme Court of Bangladesh.

10. Any order as to the costs of proceedings in the Court, as soon as the amount of the costs to be paid is ascertained, shall be transmitted by the Registrar to the Court appealed from or to any other authority concerned, and shall be given effect to by that Court or authority as if it were an order made by the High Court Division.

11. If any question arises as to which of the permanent Benches of the High Court Division shall give effect to the decree, order, direction or writ of this Court shall be decided by the Court.

## ORDER XI

### CONSTITUTION OF BENCHES

1. Save as provided by law or by these Rules, every cause, appeal or matter shall be heard and disposed of by a Bench, consisting of not less than three Judges to be nominated by the Chief Justice:

Provided that petitions for leave to appeal, and appeals from appellate or revisional judgments and orders made by a single Judge in the High Court Division may be heard and disposed of by a Bench of two Judges, but the Chief Justice may, in a fit case, refer any petition or any such appeal as aforesaid to a larger Bench :

Provided further that if the Judges hearing the petition or appeal are equally divided in opinion, the petition or appeal, as the case may be, shall in the discretion of the Chief Justice, be placed for hearing and disposal either before another Judge or before a larger Bench to be nominated by the Chief Justice.

2. Where in the course of the hearing of any cause, appeal or other proceedings, the Bench considers that the matter should be dealt with by a larger Bench, it shall refer the matter to the Chief Justice, who shall thereupon constitute such a Bench for the hearing of it.

3. The Chief Justice may from time to time appoint a Judge to hear and dispose of all applications which may be heard by a judge in Chamber under these Rules.

## PART II

### APPELLATE JURISDICTION

#### ORDER XII

#### CIVIL APPEALS UNDER ARTICLE 103(2) (a) OF THE CONSTITUTION

1. No notice of motion in relation to a Civil appeal under this order shall be entertained unless it is accompanied by a certified copy of the certificate granted by the High Court Division.

2. Where a certificate has been granted under Article 103(2)(a) of the Constitution, any party who desires to appeal shall file a petition of appeal in the Court.

3. The petition of appeal shall be presented within thirty days from the date of the grant of the certificate by the High Court Division or the date of impugned judgment, decree or final order of the High Court Division :

Provided that in computing the said period, the time requisite for obtaining a copy of the certificate and the order granting the said certificate, shall also be excluded.

4. The petition shall set forth the appellant's objections to the decision of the High Court Division, and where the appellant desires to raise other grounds in the appeal, the petition of appeal shall be accompanied by a separate petition indicating the grounds so proposed to be raised and praying for leave to appeal on those grounds and the petition for leave, shall, unless the Court otherwise directs, be heard at the same time as the appeal. Copies of the petition of the appeal shall be saved on the respondent.

5. The petition of appeal shall be accompanied by :

- (i) Certified copies of the judgment and decree or final order appealed against, and of Courts below ;
- (ii) a certified copy of the certificate granted under Article 103(2)(a) where that certificate is not embodied in the judgment ; and
- (iii) an affidavit of service of copy of the petition of appeal on the respondent.

6. Within thirty days of the service on him of the petition of appeal, a respondent may, if he so desires, file in this Court his objections, if any, to the grounds taken by the Appellant in his petition of appeal, and to the appellant's right to raise in the appeal any question other than those bearing on the question of law to which the certificate relates.

7. The liability of the parties to pay court-fee in this Court, unless otherwise ordered by this Court, shall not be affected by any order for consolidation of appeals made by the High Court Division or by this Court.

8. The provisions contained in the succeeding Orders in this Part of the Rules shall, apply *mutatis mutandis* to appeals under this Order.

### ORDER XIII

#### PETITIONS FOR LEAVE TO APPEAL IN CIVIL PROCEEDINGS

1. A petition for leave shall be lodged in this Court within sixty days of the judgment or order sought to be appealed from or as the case may be within thirty days from the date of the refusal of grant of certificate under Article 103(2)(a) of the Constitution, by the High Court Division:

Provided that the Court may for sufficient cause extend the time.

2. A petition for leave to appeal shall state succinctly all points of law which arise for determination and all such facts as it may be necessary to state in order to enable the Court to determine whether such leave ought to be granted and shall be signed by the counsel and/or Advocate-on-Record for the petitioner or by the party himself if he appears in person. The petition shall deal with the merits of the case only so far as is necessary for the purpose of explaining and supporting the particular grounds upon which leave to appeal is sought and where petition is moved through an Advocate-on-Record, it shall cite all previous decisions of the Court, which to the best of his knowledge, bear on the question sought to be raised in the petition.

3. The petitioner shall lodge <sup>8</sup>[at least ten] copies, unless required otherwise by the Court, of :

- (i) his petition for leave to appeal ;
- (ii) the judgment, decree, order sought to be appealed from one copy of which shall be certified as correct, together with grounds of appeal or application before the High Court Division ;

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<sup>8</sup> The words "at least six" were substituted by the words "at least ten", *ibid.*

- (iii) Paper book of the High Court Division, if any, and the other record duly attested by the Advocate-on-Record of the petitioner ;
- (iv) the order of the High Court Division refusing grant of certificate, if any, under Article 103(2)(a) ;
- (v) an affidavit in support of allegation of fact prescribed by Rule 4 of Order XVIII hereinafter ; and
- (vi) unless a caveat, as prescribed by Order XVIII, Rule 2, has been lodged by the other party, who had appeared in the courts below; an affidavit of service of notice of the intended petition upon such party.

The petitioner shall, on demand, furnish to other parties, at their expense, on the prescribed charges, copies of all or any of the documents filed by him in the Court.

4. In an appropriate case the Registrar may require the petitioner to supply, in advance of the hearing of the petition, copies of the orders made in the case by all Courts subordinate to the High Court Division as well as grounds of the petition of any earlier appeal in case these documents are not already included in the paper book or record of the appeal as mentioned in Rule 3 of this Order.

5. Save in cases where caveat as prescribed by Rule 2 of Order XVIII has been lodged by other party who appeared in the Court appealed from, petitions for leave to appeal shall be heard ex-parte, but the Court may direct the petitioner to issue notice to the other party as it may deem fit, and adjourn the hearing of the petition which shall be posted for hearing after service of notice on the party concerned and upon affidavit of service by the petitioner. Where the other party has appeared in the Court appealed from, has lodged a caveat as aforesaid, notice of the hearing of the petition shall be given to the caveator, but a caveator shall not be entitled to costs of the petition unless the Court otherwise orders.

6. Where the Court grants leave to appeal, it shall, in its order, give such directions, as it may deem fit, the provision of security by the petitioner for the costs of the respondents as may be awarded by the Court on the disposal of the appeal as well as for printing charges. These directions, as far as they relate to security for costs, shall be subject to modifications at the instance of any party, at any time prior to the hearing of the appeal.

7. Subject to the provisions of these Rules, no appeal by leave of this Court shall be fixed for hearing unless the amount of security has first been deposited and subject to any directions of the Court in this behalf, the deposit shall be made within a period of one month from the date of grant of leave to appeal, failing which the leave shall stand rescinded unless otherwise ordered by the Court.

8. Except where otherwise ordered by the Court, the security shall be deposited in cash in the Bangladesh Bank, under a challan to be issued by the Registrar.

9. Where the appellant has lodged security for the costs of the respondent as well as for printing charges of the paper book, the Registrar shall deal with such security in accordance with the directions contained in order of the Court determining the appeal.

10. After the grant of leave to appeal by this Court, the case shall be registered as an appeal and the Registrar shall transmit a certified copy of the order of the Court to the Court appealed from.

11. Where a petitioner, who has obtained leave to appeal desires, prior to the receipt of the original record of the appeal in this Court, to withdraw his petition, he shall make an application to that effect to the Court and the Court may thereupon make an order dismissing the petition. The security, if entered into by the appellant, shall be dealt with in such manner as the Court may deem fit to direct.

12. Save as otherwise provided by the preceding rules of this order, the provisions of Order XVIII hereinafter contained shall apply *mutatis mutandis* to petitions for leave to appeal.

13. The provisions contained in Order XXII shall apply as far as applicable in the case of any person seeking leave to appeal to the Court as a pauper.

14. The provisional petitions for leave to appeal will not be entertained unless all relevant documents except copy of the impugned judgment are filed.

15. No petition for leave to appeal will be received without requisite number of paper books except on properly stamped application filed before the Court for granting time. If a petitioner unduly delays in bringing a petition to a hearing, action shall be taken by the office under rule 10, Order XVIII of these Rules.

#### ORDER XIV

##### PREPARATION OF RECORD, ETC.

1. As soon as a petition of appeal has been lodged in the Registry under Order XII, or the Court has made an order granting leave to appeal, the appellant shall without delay, take all necessary steps to have a printed/cyclostyled record prepared in the Registry.

2. Where leave to appeal is granted in a Civil proceedings, the petitioner must file a certified copy of the impugned decree of the High Court Division to the Registry of the Court within 15 days from the date of the Order granting leave to appeal.

3. Where an appeal has been admitted by an order of this Court, the Registrar shall notify the respondent of the order of this Court granting leave to appeal, and shall also transmit a certified copy of the order to the Court concerned.

4. The Registrar shall then send for the original record from the High Court Division and the High Court Division shall with all convenient speed, arrange for the transmission of such record to the Registry of this Court. If printed paper books had been

prepared for use in the High Court Division, at least twelve copies thereof shall also be transmitted along with the original record.

5. The original records shall not be called for specially in the cases where preparation of the paper books has been dispensed with, unless the Court orders otherwise.

6. As soon as the original record has been received the Registrar of this Court shall notify all parties of the date of such receipt and require them within two weeks of the date of service of the notice upon them, to file their lists of documents to be included in the paper books.

7. (i) Where the appellant fails to have record prepared with due diligence, the Registrar shall call upon him to explain his default, and, if no explanation is offered, or if the explanation offered is, in the opinion of the Registrar, unsatisfactory, the Registrar may issue a summons to the appellant calling upon him to show cause before the Court at a time to be specified in the said summons why the leave to appeal should not be rescinded. The respondent shall be entitled to be heard before the Court in the matter of the said summons and to ask for his cost and such other relief as he may be advised. The Court may, after considering the matter of the said summons, rescind the grant of leave to appeal, or give such other directions as the justice of the case may require.

(ii) The respondent shall show due diligence in the matter, so far as is required of him, but negligence on his part will not excuse delay in completion of the record for which the appellant is primarily responsible.

8. In the preparation of the record the printed paper books prepared for the use of the High Court Division may be included, if sufficient number of such paper books is available.

9. Where the decision of the appeal is likely to turn exclusively on a question of law, the appellant may after notice to the respondent and with the sanction of the Court, include such parts only of the record as may be necessary for the discussion of the same.

10. Save as otherwise provided in the last preceding rule, the Registrar of this Court, as well as the parties, shall endeavour to exclude from the record all documents (more particularly such as are merely formal) that are not relevant for the decision of the appeal, and, generally to reduce the bulk of the record as far as practicable ; but the documents so omitted from the record, shall be enumerated in a list separately.

11. The record shall be arranged, prepared and typed in the Registry of this Court in accordance with the rules embodied in the Fifth Schedule to these Rules, and the parties may submit any disputed question arising in connection herewith to the Registrar of this Court who shall give such directions thereon as may be necessary in the case. The number of copies of the record to be prepared shall be determined by the Registrar.

12. As soon as the record has been made ready, the Registrar shall by a notice require the parties to enter appearance for the purpose of certifying the record to be correct and complete. The parties shall thereafter under the directions of the Registry with due diligence take further steps as required by these Rules, preliminary to the hearing of the appeal.

13. Within thirty days from the date of grant of leave to appeal, the appellant shall pay Court Fee in respect of the appeal according to the scale laid down in item No.2 of Part II of the Third Schedule to these Rules.

14. Where preparation of the paper-book is dispensed with the appeal shall be registered and notice shall be issued to the parties concerned as required under rule 12 of this Order within 7 days of the receipt of the Court's Order granting leave to appeal.

15. The notice mentioned in Rule 12 of this Order shall be issued to the parties under registered post with acknowledgement due receipts as provided in rule 2, Order XXXIII of the Rules. In case the A/D receipt is not received within a fortnight from the date of issue of the notice steps should be taken to serve notice through the District Judge concerned, specially in the cases where none of the respondents has entered appearance.

16. Every appellant and each respondent who has entered an appearance, shall, be entitled to receive for his use, a number of copies of the record, not exceeding three.

17. The parties shall be severally responsibly for placing on the paper book to be used at the hearing, all documents that may be necessary for the due appreciation of the case. In case of objection by any party to the inclusion or non-inclusion of any document which is desired by any other party, such document shall be included but at the cost of the party desiring such inclusion, provided that if the Court when deciding the appeal, considers that any document so included was either inadmissible in evidence, or wholly irrelevant or unnecessary for the purpose of the appeal, the costs incurred in respect of such document shall be borne exclusively by the party at whose instance such document was included.

#### **ORDER XV**

#### **WITHDRAWAL OF APPEAL**

1. Where at any stage prior to the hearing of the appeal, an appellant desires to withdraw his appeal he shall make an application to that effect to the Court. The costs of the appeal and the security, entered into by the appellant, if any, shall then be dealt with in such manner as the Court, may deem fit.

#### **ORDER XVI**

#### **NON-PROSECUTION OF APPEALS-CHANGE OF PARTIES**

1. If an appellant fails to take any steps in the appeal within the time fixed for the same under these rules, or if no time is specified, it appears to the Registrar of the Court that he is not prosecuting the appeal with due diligence, the Registrar shall call upon him to explain his default, and, if no explanation is offered, or if the explanation offered appears to the Registrar to be insufficient, the Registrar may issue a summons calling upon him to show cause before the Court why the appeal should not be dismissed for non-prosecution.

2. The Registrar shall send a copy of the summons mentioned in the last preceding rule to every respondent who has entered an appearance and every such respondent shall be entitled to be heard before the Court and to ask for his costs and other relief.

3. The Court may, after hearing the parties, dismiss the appeal for non-prosecution or give such other directions thereon as the justice of the case may require.

4. An appellant whose appeal has been dismissed for non-prosecution may within thirty days of the order, present a petition praying that the appeal may be restored and the Court may, after giving notice of such application to the respondent, who had entered appearance in the appeal, restore the appeal if sufficient cause is shown on such terms as costs or otherwise as it deems fit:

Provided that the Court may for sufficient cause extend the time for making such an application.

5. Where at any time between the filing of the petition of appeal and the hearing of the appeal the record becomes defective by reason of the death or change of status of a party to the appeal, or for any other reason, an application shall be made to the Court, stating who is the proper person to be substituted or entered on the record in place of, or in addition to the party on record.

6. Upon the filing of such an application the Registrar of the Court shall, after notice to the parties concerned, determine who in his opinion is the proper person to be substituted or entered on the record in place of, or in addition to the party on record, and the name of such person shall thereupon be substituted or entered on the record :

Provided that no such order of substitution or revivor shall be made by the Registrar :

- (i) where a question arises as to whether any person is or is not the legal representative of the deceased party or ;
- (ii) where a question of setting aside the abatement of the cause is involved ;

and in such a case he shall place the matter before the Court for orders :

Provided further that where during the course of the proceedings it appears to the Registrar that it would be convenient for the enquiry that investigation in regard to the person who is to be substituted on record, be made by the Court appealed from or a Court subordinate thereto, the Registrar may place the matter before the Judge in Chamber and the Judge in Chamber may there-upon make an order directing the Court appealed from to investigate into the matter either itself or cause an enquiry to be made by a Court subordinate to it, after notice to the parties, and submit its report thereon to this Court within such time as may be fixed by the order. On receipt of the report from the Court below the matter shall be posted before the Judge in Chamber again for appropriate orders.



7. Save as aforesaid the provision of Order XXII of the Code relating to abatement shall apply *Mutatis Mutandis* to appeals and proceedings before the Court.

8. An application to bring on record the legal representatives of an appellant or a respondent, who has died or suffered a change of status, shall be made within 90 days of such occurrence :

Provided that the Court may, for sufficient cause, extend the time.

## ORDER XVII

### APPEARANCE BY RESPONDENT

1. As soon as the petition of appeal has been registered, the Registrar of the Court shall :-

- (i) require the appellant to furnish as many copies of the petition of appeal as may be necessary for record and for service on the respondent ; and
- (ii) send to the Court appealed from a copy of the petition of appeal for record in that Court and a copy for service upon the respondent or each respondent :

Provided that the Registrar may on an application made for the purposes, dispense with service of the petition of appeal on any respondent who did not appear in the proceedings in the Court appealed from or on his legal representative :

Provided, however, that an order dispensing with service of notice shall be made in respect of a respondent who is a minor or a lunatic :

Provided further that an order dispensing with service of notice shall not preclude any respondent or his legal representative from appearing to contest the appeal.

2. On receipt from the Court of the copy of the petition of appeal, the Registrar of the Court appealed from shall :

- (i) cause notice of the lodgment of the petition of appeal to be served on the respondent personally or in such manner as the court appealed from may by rules prescribe ;
- (ii) unless otherwise ordered by the Court transmit to the Court at the expense of the appellant the original record of the case, including the record of Courts below;
- (iii) as soon as notice as aforesaid is served, to send a certificate as to the date or dates on which the said notice was served.

3. The respondent shall enter appearance within 30 days of the service on him of the notice under rule 1.

4. Notwithstanding anything contained in rules 1 and 2 the Court may, by order in writing, direct service of notice of the lodgment of appeal on the respondents or any respondent in any other manner and may fix such time for appearance of the respondents or any respondent, as it may think necessary.

5. The respondent shall forthwith after entering an appearance give notice thereof to the appellant and endorse a copy of such notice to the Registry.

6. Where there are two or more respondents, and only one, or some, of them enter an appearance, the Appearance Form shall set out the names of the appearing respondent.

7. Two or more respondents may, at their own risk as to costs, enter separate appearances in same appeal.

8. A respondent who has not entered an appearance shall not be entitled to receive any notices relating to the appeal from the Registrar of this Court, nor be allowed to lodge a concise statement in the appeal.

9. Where a respondent fails to enter an appearance in an appeal within thirty days of the lodging of the concise statement by the appellant, and on proof of service of notice of the same having been served on him, the appeal may be set down *ex parte* against the said non-appearing respondent. The Registrar shall give notice of the appeal having been set down *ex parte* to the non-appearing respondent :

Provided that the Court may condone the delay and grant such further time to the non-appearing respondent as it may deem fit.

10. The respondent may within the time limited for his appearance deliver to the Registrar and to the appellant a notice in writing consenting to the appeal, and the Court may thereupon make such order on the appeal as the justice of the case may require without requiring the attendance of the person on consenting.

## ORDER XVIII

### PETITIONS GENERALLY

1. All petitions shall consist of paragraphs numbered consecutively and shall be fairly and legibly written, typewritten or lithographed on one side of standard petition paper demy foolscap size or on paper ordinarily used in High Court Division for transcribing petitions, with quarter margin and endorsed with the name of the Court appealed from, the full title and Appellate Division number of the appeal to which the petition relates, or the full title of the petition as the case may be and the name and address of the Advocate-on-record, if any, of the petitioner or of the petitioner where the petitioner intends to appear in person. Unless the petition is a Consent petition within the meaning of the rule 8 of this Order at least six copies thereof shall be filed.

2. Where a petition is expected to be filed, or has been filed, which does not relate to any pending appeal of which the record has been registered in the Registry of this Court, any person claiming a right to appear before this Court on the hearing of such petition may file a caveat in the matter thereof, and shall thereupon be entitled to receive from the Registrar notice of the lodging of the petition, if at the time of the lodging of the caveat such petition has not yet been lodged, and, if and when the petition has been lodged, to require the petitioner to serve him with a copy of the petition and to furnish him, at his own expense, with copies of any papers lodged by the petitioner in support of his petition. The caveator shall forthwith, after lodging his caveat, give notice thereof to the petitioner, if the petition has been filed.

3. Where a petition is lodged in the matter of any pending appeal of which the record has been registered in the Registry of this Court, the petitioner shall serve any party who has entered an appearance in the appeal, with a copy of such petition and the party so served shall thereupon be entitled to require the petitioner to furnish him, at the expense of the said party, with copies of any papers lodged by the petitioner in support of his petition.

4. A petition not relating to any appeal of which the record has been registered in the Registry of this Court, and any other petition containing allegations of fact which cannot be verified by reference to the registered record or any certificate or duly authenticated statement of the Court appealed from, shall be supported by affidavit. Where the petitioner prosecutes his petition in person, the said affidavit shall be sworn by the petitioner himself and shall state that, to the best of the deponent's knowledge, information and belief, the allegations contained in the petition are true. Where the petitioner is represented by an Advocate-on-record the said affidavit may be sworn by such Advocate-on-record and shall, besides stating that, to the best of the deponent's knowledge, information and belief, the allegations contained in the petition are true, show how the deponent obtained his instruction and the information enabling him to present the petition.

5. The Registrar may refuse to receive a petition on the grounds that it discloses no reasonable cause of appeal or is frivolous or contains scandalous matter, but the petitioner may appeal, by way of motion, from such refusal to the Court, within fourteen days.

6. As soon as a petition and all necessary documents are lodged the petition shall thereupon be deemed to be admitted.

7. Subject to the provisions of rule 5 of Order XIII and the next following rule, the Registrar shall, as soon as the Court has appointed a day for the hearing of a petition, notify all parties concerned of the day so appointed.

8. Where the prayer of a petition is consented to in writing by the opposite party, or where a petition is of a formal and non-contentious character, the Court may, if it thinks fit, make an order thereon, without requiring the attendance of the opposite party, and the Registrar shall not in any such case issue notice as provided by the last preceding rule, but shall, with all convenient speed, after the Court has made its order, notify the parties concerned that the order has been made and of the date and nature of such order.

9. A petitioner who desires to withdraw his petition shall give notice in writing to that effect to the Registrar. Where the petition is opposed, the opponent shall, subject to any agreement between the parties to the contrary, be entitled to apply to the Court for his costs, but where the petition is unopposed, or where, in the case of an opposed petition, the parties have come to an agreement as to the costs of the petition, the petition may, if the Court thinks fit, be disposed of in the same way *mutatis mutandis* as a Consent petition under the provisions of the last preceding rule.

10. Where a petitioner unduly delays bringing a petition to a hearing, the Registrar shall call upon him to explain the delay, and if no explanation is offered, or if the explanation offered is, in the opinion of the Registrar, insufficient, the Registrar may, after notifying all parties interested, place the petition before the Court for such directions as the Court may think fit to give thereon.

11. At the hearing of a petition not more than one counsel shall be admitted to be heard on one side.

12. Except petitions or applications filed through Jail, no petition or application seeking an order of the Court shall be entertained unless the petitioner or applicant furnishes a cash security of <sup>9</sup>[Tk.2,000], which shall be liable to be forfeited <sup>10</sup>[if the petition or application is negated or dismissed].

## ORDER XIX

### LODGING OF CONCISE STATEMENT AND SUPPLEMENTAL PROCEEDINGS

1. The appellant shall lodge in the Registry <sup>11</sup>[fourteen copies] of a concise statement of the facts of the case and of the arguments upon which he proposes to rely within thirty days of the completion of the record intimated by the Registrar under Order XIV.

2. The respondent shall file in the Registry within thirty days of the completion of the record intimated by the Registrar under Order XIV, twelve copies of a concise statement of such facts of the case as he deems material and of the arguments on which he proposes to rely at the hearing.

3. No party to an appeal shall be entitled to be heard by the Court unless he has previously lodged his concise statements:

Provided that where a respondent who has entered an appearance does not desire to lodge his concise statement in the appeal he may give the Registrar notice in writing of his intention not to lodge any concise statement, while reserving his right to address the Court on the question of costs.

<sup>9</sup> The word and figure "Tk. 500" were substituted by the word and figure "Tk. 2,000", *ibid.*

<sup>10</sup> The words "or paid to the opposite party if the petition or application is frivolous or vexatious" were substituted by the words "if the petition or application is negated or dismissed", *ibid.*

<sup>11</sup> The words "twelve copies" were substituted by the words "fourteen copies", *ibid.*

4. Two or more respondents may, at their own risk as to costs, file separate concise statements in the same appeal.

5. Each party shall, after filing his concise statement, forthwith give notice thereof to the other party ; and shall thereafter be entitled to receive two copies of the concise statement filed by the opposite party on his applying therefor.

6. The concise statement shall consist of paragraphs numbered consecutively and shall state, as precisely as possible, in chronological order, the principal steps in the proceedings leading up to the appeal from the commencement thereof down to the admission of the appeal, and thereafter, the contentions to be urged by the party filing the same, and the reasons therefor and shall be printed or neatly typed with quarter margin, on one side of standard petition paper, of the same size as the printed record. References by page and line to the relevant portions of the record as printed shall, as far as practicable, be printed or typed in the margin, and care shall be taken to avoid, as far as possible, the reproducing in the concise statement of long extracts from the record. The counsel preparing the concise statements should also cite all previous decisions of the Appellate Division of the Supreme Court of Bangladesh to the best of their knowledge bearing on the questions proposed to be raised in the appeal. The Taxing Officer in taxing the costs of the appeal shall, either of his own motion, or at the instance of the opposite party, enquire into any unnecessary prolixity in the concise statement, and may disallow the costs occasioned thereby.

7. The concise statement shall not be received without requisite number of copies and affidavit of service of notice thereof upon the respondents.

8. As soon as an appeal is set down, the appellant shall attend at the Registry and obtain seven copies of the record and concise statements to be bound for the use of the Court at the hearing. The copies shall be bound in cloth or in one-fourth leather with paper sides or in loose-leaf form between boards and six leaves of blank paper shall be inserted before the appellant's concise statement. The front cover shall bear a printed label stating the title and number of appeal registered in the office of the Registry of the Appellate Division of the Supreme Court, the contents of the volume, and the names and addresses of the Advocates-on-Record. The several documents, indicated by incuts, shall be arranged in the following order :-

- (i) Appellant's concise statement,
- (ii) Respondent's concise statement,
- (iii) Record,
- (iv) Supplemental record, if any, and the short title and Supreme Court number of the appeal shall also be shown on the back.

9. The appellant shall lodge the bound copies not less than seven clear days before the date fixed for the hearing of the appeal.

**ORDER XX**  
**HEARING OF APPEALS**

1. All appeals filed in the Registry shall, as far as possible, be heard in the order in which they are set down.

2. Adjournment of cases of all kinds for hearing shall only be granted on proper application filed by an Advocate-on-Record except where it is sought by a party conducting his case in person.

3. The Registrar shall, subject to the provisions of Order XVII, notify the parties to the appeal of the date fixed for the hearing.

4. Subject to the directions of the Court, at the hearing of an appeal not more than two Advocates shall be heard on one side.

5. The appellant shall not, without the leave of the Court, rely at the hearing on any grounds not specified in his petition of appeal and the concise statement.

6. Where the Court, after hearing an appeal, decide to reserve its judgment therein, the Registrar shall notify the parties concerned of the day appointed by the Court for the announcement of the Judgment.

7.(a) An appellant whose appeal has been dismissed for default of appearance may, within thirty days of the order, present a petition praying that the appeal may be restored and the Court may, after giving notice of such application to the respondent who has entered appearance in the appeal, restore the appeal if good and sufficient cause is shown putting the appellant on terms as to costs or otherwise as it thinks fit, or pass such other order as the circumstances of the case and the ends of justice may require.

(b) Where an appeal is heard ex-parte and judgment is pronounced against the respondent, he may apply to the Court to rehear the appeal, and if he satisfies the Court that the appeal was set down ex-parte against him without notice to him or that he was prevented by sufficient cause from appearing when the appeal was called on for hearing the Court may re-hear the appeal on such terms as to costs or otherwise as it thinks fit to impose upon him.

**ORDER XXI**  
**MISCELLANEOUS**

1. The filing of an appeal shall not prevent execution of the decree or order appealed against, but the Court may, subject to such terms and conditions as it may think fit to impose, order stay of execution of the decree or order, or order a stay of proceedings, in any case under appeal to this Court.

2. A respondent may apply for the summary determination of an appeal on the ground that it is frivolous or vexatious or has been brought for the purpose of delay, and the Court shall make such order thereon as it thinks fit.

3. A party to an appeal who appears in person shall furnish the Registrar with an address for service and all documents left at that address, or sent by registered post to that address, shall be deemed to have been duly served.

## ORDER XXII

### PAUPER APPEALS, PETITIONS, ETC.

1. The provisions of Order XLIV in the First Schedule to the Code, with necessary modifications and adaptations, apply in the case of any person seeking to appeal to the Court as a pauper.

2. An application for permission to proceed as a pauper shall be made on petition, setting out concisely in separate paragraphs, the facts of the case and the relief prayed, and shall be accompanied by a certificate of counsel that the petitioner has reasonable grounds of appeal. It shall be also accompanied by an affidavit from the petitioner disclosing all the property to which he is entitled and the value thereof, other than his necessary wearing apparel and his interest in the subject-matter of the intended appeal, and stating that he is unable to provide sureties, and pay court-fees. The Registrar on satisfying himself that the petition is in order, may himself enquire into the pauperism of the petitioner after notice to the other parties in the case and to the Attorney-General, or refer the matter to the High Court Division, and the High Court Division either itself or by a Court subordinate to the High Court Division investigate into the pauperism after notice to the parties interested and make a report thereon within thirty days after the receipt of the reference from this Court :

Provided that no reference as aforesaid shall be necessary where the petitioner had been permitted to prosecute his appeal in forma pauperis in the Court appealed from.

3. The Court may allow an appeal to be continued in forma pauperis after it has begun in the ordinary form.

4. Where the petitioner obtains leave of the Court to appeal as a pauper he shall not be required to pay court-fees or to lodge security for the costs of the respondent.

5. Where the appellant succeeds in the appeal, the Registrar shall calculate the amount of court-fees which have been paid by the appellant if he had not been permitted to appeal as a pauper and incorporate it in the decree or order of the Court ; such amount shall be recoverable by the Government from any party ordered by the Court to pay the same, and shall be the first charge on the subject-matter of the appeal.

6. Where the appellant fails in the appeal or is dispaupered, the Court may order the appellant to pay the court-fees which would have been paid by him if he had not been permitted to appeal as a pauper.

7. The Government shall have the right at any time to apply to the Court to make an order for the payment of proper court-fees under the last two preceding rules.

8. In every pauper appeal the Registrar shall, after the disposal thereof, send to the Government a memorandum of the court-fees due and payable by the pauper.

9. No person shall take, agree to take, or seek to obtain from a person proceeding as a pauper, any fee, profit or reward for the conduct of the pauper's business in the Court, but the Court may nevertheless award costs against the other party and in that case may direct payment thereof to the Advocate of the pauper and the Advocate-on-Record acting for him.

### ORDER XXIII

#### CRIMINAL APPEALS UNDER ARTICLE 103(2) OF THE CONSTITUTION

1. Criminal Appeals under Article 103(2)(a) of the Constitution shall be lodged within thirty days from the date of the certificate granted by the High Court Division, and appeals under Article 103(2) (b) and (c) within thirty days from the date of the judgment, final Order or sentence appealed from :

Provided that the Court may for sufficient cause extend the time.

2. The Memorandum of appeal shall be in the form of a petition in writing which shall be accompanied by a certified copy of the judgment or order appealed against and in the case of appeals under Article 103(2)(a) of the Constitution also by a certified copy of the certificate granted by the High Court Division. The appellant shall file at least six copies of his petition and the accompanying documents.

3. The appellant, if he is in Jail, may present his petition of appeal and the accompanying documents to the Officer-in-charge of the Jail, who shall forward them forthwith to the Registrar of this Court.

4. On receipt of the petition of appeal, the Registrar shall cause notice of appeal to be given to the concerned Office of the Attorney-General for Bangladesh, as the case may require, and in cases where the appeal is by the Government to the accused and shall also furnish the concerned Office of the Attorney-General for Bangladesh or the accused as the case may be, with a copy of the petition of appeal and the accompanying documents.

5. In the case of an appeal arising out of proceedings under the Foreign Exchange Regulation Act, 1947, the Registrar shall cause notice of the appeal to be given also to the Governor of the Bangladesh Bank, where the said Bank is not impleaded as a party.

6. The Registrar shall thereafter send a copy of the petition of appeal to the High Court Division for its record, and require the High Court Division to transmit to the Appellate Division of the Supreme Court the Original record of the appeal along with the records of the courts below with all convenient speed. In cases where paper books of the appeal were printed/typed for use in the High Court Division, 12 copies thereof, or such lesser number as the Registry of the Appellate Division of the Supreme Court may specify shall be transmitted along with the original record. The record shall be prepared at the expense of the appellant unless otherwise ordered by the Court but in appeal involving sentence of death, or transportation for life the record shall be prepared at the expense of the Government.



7. In proper cases the Court may in its discretion direct the engagement of an Advocate for an accused person at the cost of the Government. In such a case the engagement of an Advocate-on-Record to instruct the Advocate shall not be necessary. The fees of the Advocate so engaged shall be Taka 500 for preparation of the case and Taka 100 per hour or part thereof of actual hearing in the Court, subject to a minimum of Taka 200.

8. Due notice shall be given to the parties concerned of the date fixed for the hearing of the appeal. The accused may, where he so desires, present his case by submitting his arguments in writing and the Court shall consider the same at the hearing of the appeal.

9. The Court may, where it thinks fit so to do, in the interests of justice, direct the production of an accused person at the hearing of the appeal.

10. After the disposal of the appeal the Registrar shall, with the utmost expedition, send a copy of the Court's Judgment or order to the High Court Division.

11. Pending the disposal of any appeal under this Order the Court may order that the execution of the sentence or order appealed against be stayed on such terms as the Court may think fit.

12. In Criminal Proceedings, no security for costs shall be required to be deposited and no court fee, process fee, search fee shall be charged except copying charges and in case of appeals filed through the jail authorities, the copying fee shall also not be charged.

13. Save as aforesaid the provisions contained in the preceding Orders in this Part of the Rules shall, with necessary modifications and adaptations apply so far as may be, to criminal appeals under this order.

#### **ORDER XXIV**

#### **PETITIONS FOR LEAVE TO APPEAL AND APPEALS ARISING THEREFROM IN CRIMINAL PROCEEDINGS**

1. Save as hereinafter provided the provisions with respect to petitions for leave to appeal in civil proceedings contained in Order XIII of this Part of the Rules, shall, with necessary modifications and adaptations, apply to applications for leave to appeal in Criminal matters :

Provided that no court fee, process fee or search fee shall be charged except copying charges and in case of appeals filed through the jail authorities, the copying fee shall also not be charged.

2. All petitions and applications for leave to appeal in criminal matters shall be lodged in the Court within thirty days from the date of the judgment or order sought to be appealed from, or from the date of the refusal of certificate under Article 103(2) (a) of the Constitution by the High Court Division :

Provided that the Court may for sufficient cause shown extend the time.

Exception : The period of limitation for a petition for leave to appeal instituted by the Attorney-General for Bangladesh or any other law officer of the Government of Bangladesh against an order of acquittal shall be sixty days from the date of such judgment or order :

Provided further that the Court may, for sufficient cause shown extend the time.

3. The petitioner, if he is in jail, may present his petition for leave to appeal in respect of his own conviction along with the accompanying documents, including any written arguments which he may desire to advance, to the Officer-in-Charge of the Jail who shall forthwith forward them to the Registrar of this Court.

4. Except in cases involving the sentence of death, the Registrar shall place the petition and the accompanying documents so received before the Court, and the Court may, upon perusal of the papers, reject the petition summarily without hearing the petitioner in person, if it considers that there is no sufficient ground for granting leave to appeal.

5. In the case of a petition for leave to appeal involving a sentence of death the Registrar shall as soon as the petition is filed or received from the Officer-in-Charge of a Jail, intimate the fact of the petition having been filed/received in the Court to the Government of Bangladesh and thereupon the execution of the sentence of death shall be stayed pending the disposal of the petition, without any express order of the Court in this behalf :

Provided that unless otherwise ordered by the Court this rule shall not apply to the petitions filed on behalf of a condemned prisoner, who has exhausted all his legal remedies by way of petition for leave to appeal, appeal or review in the Court and whose mercy petition has been rejected by the concerned authorities.

6. As soon as necessary documents are available, the Registrar shall, if the petitioner has been sentenced to death, assign an Advocate from the roll of Advocates of the Appellate Division of the Supreme Court and place the petition before the Court for hearing. The fee of the Advocate so assigned shall be <sup>12</sup>[Tk.2,500] or such amount as may be fixed by the Court hearing the petition.

7. In the case of a petition for leave to appeal in respect of a proceeding under the Foreign Exchange Regulation Act, 1947, the Registrar shall cause notice of the petition also to be given to the Governor of the Bangladesh Bank, where the said Bank is not impleaded as a party.

8. Pending the disposal of a petition under this Order, the Court may direct that execution of any order for imprisonment or fine, against which leave to appeal is sought, be stayed, on such terms as the Court may think fit :

<sup>12</sup> The word and figure "Tk. 200" were substituted by the word and figure "Tk. 2,500"; *ibid.*

Provided that unless surrender is first made to an order for imprisonment, above, the petition shall not be entertained.

9. In case the Court grants leave to appeal in a petition against acquittal, the Court may direct that the respondent shall be arrested forthwith and detained in judicial custody pending final disposal of the appeal. During such detention, the respondent shall be treated as an under trial prisoner.

10. After the grant of petition or application for leave to appeal by the Court the Registrar shall transmit a certified copy of the order to the Courts appealed from. The Court appealed from shall then arrange for the transmission of the original record of the appeal including the records of the Court below with all convenient speed. In cases where paper books of the appeal were printed/typed for use in the High Court Division, 12 copies thereof or such lesser number as the Registrar of this Court may specify, shall also be transmitted along with original record.

11. The paper books for use in the Appellate Division of the Supreme Court of Bangladesh shall be prepared at the expense of the appellant unless otherwise ordered by the Court, but in cases involving sentence of death or transportation for life, these shall be prepared at the expense of the Government of Bangladesh.

12. The provisions contained in Order XXIII shall, so far as practicable apply to criminal appeals arising under this order except that the record shall be prepared at the expense of the appellant.

### PART III

#### ORDER XXV

#### APPLICATIONS FOR TRANSFER OF CRIMINAL PROCEEDING UNDER SECTION 525A OF THE CODE OF CRIMINAL PROCEDURE, 1898 (V OF 1898).

1. Every petition for transfer under section 525A of the Code of Criminal Procedure shall be in writing. It shall set out concisely in separate paragraphs the facts and particulars of the case, the relief sought and the grounds therefore and shall be supported by an affidavit or affirmation.

2. The petition shall be posted before the Court for preliminary hearing and orders as to issue of notice. Upon the hearing the Court, if satisfied that no prima facie case for transfer has been made out or that the petition is otherwise not tenable, shall dismiss the petition; and if upon such hearing the Court is satisfied that a prima facie case for granting the petition is made out, it shall direct that notice be issued to the respondent to show cause why the order sought for should not be made; such notice shall be given to the accused person where he is not the applicant, to the respondent Government and to such other parties interested as the Court may think fit to direct.

3. The notice shall be served not less than twenty-one days before the date fixed for the final hearing of the petition. Affidavits in opposition shall be filed in the Registry not later than four days before the date appointed for hearing and the affidavit in reply shall be filed not later than 1 P.M. preceding the day of the hearing of the petition. Copies of affidavits in opposition and in reply shall be served on the opposite party or parties and the affidavits shall not be accepted in the Registry unless they contain an endorsement of service signed by such party or parties.

4. Where the petition is dismissed the Court, if it is of opinion that the application was frivolous or vexatious, may order the applicant to pay by way of compensation to any person who has opposed the application such sum not exceeding five hundred taka as it may consider proper in the circumstances of the case.

#### PART IV

#### ORDER XXVI

#### REVIEW

1. Subject to the law and the practice of the Court, the Court may, either of its own motion or on the application of a party to a proceeding, review its judgment or order in a Civil proceeding on grounds similar to those mentioned in Order XLVII, rule 1 of the Code of Civil Procedure and in a Criminal proceeding on the ground of an error apparent on the face of the record.

2. Applications for review shall be filed in the Registry within thirty days after pronouncement of the judgment, or, as the case may be, the making of the order, which is sought to be reviewed. The applicant shall, after filing the application for review, forthwith give notice thereof to the other party and endorse a copy of such notice to the Registry.

3. Every application for review shall be accompanied by a certified copy of the judgment or order complained of and when the application proceeds on the ground of a discovery of fresh evidence certified copies of the documents, if any relied upon, shall be annexed to the application, together with an affidavit setting forth the circumstances under which such discovery has been made.

4. No such application shall be entertained unless it is signed by a Senior Advocate who, in this behalf, shall not be governed by the restrictions contained in clause 2 of the First Schedule to these rules.

5. The Senior Advocate signing the application shall specify in brief the points upon which the prayer for review is based, and shall add a certificate to the effect, that consistently with the law and practice of the Court, a review would be justifiable in the case. The certificate shall be in the form of a reasoned opinion.

6. Except with the special leave of the Court, no application for review shall be drawn by any Advocate other than the Advocate who appeared at the hearing of the case in which the judgment or order, sought to be reviewed, was made. Such Advocate shall, unless his presence has been dispensed with by the Court, be present at the hearing of the application for review.

7. As far as practicable the application for review shall be posted before the same Bench that delivered the judgment or order sought to be reviewed.

8. After the final disposal of the first application for review no subsequent application for review shall lie to the Court and consequently shall not be entertained by the Registry.

9. No application for review shall be entertained unless party seeking review furnishes a cash security of <sup>13</sup>[Tk.10,000], which shall be liable to be forfeited <sup>14</sup>[if the review petition] is dismissed.

## PART V

### ORDER XXVII

#### PROCEEDING IN RELATION TO THE CONTEMPT OF COURT

1. The Court may take cognizance of its contempt suo motu or on a petition by any person :

Provided that where the alleged contempt consists of willful disobedience of any Judgment, decree, direction, order, writ or other process of the Court or a breach of an undertaking given to the Court or a Judge in Chamber, the Court may take cognizance suo motu or on a petition by the aggrieved person.

2. (1) A petition for proceedings under this Order shall be registered as original petition and the provisions of Order VI Part I shall apply as nearly as may be.

(2) No Court fee shall be payable on the petition and on any document filed in the proceeding.

3. The petition shall state succinctly and clearly all relevant facts constituting the contempt of the Court and shall be supported by affidavit of the petitioner, if any.

4. (1) Notice of the petition along with the statement of allegations and affidavit, if any, shall be served on the person complained against or charged.

(2) Notice to the person charged or complained against shall be in Form shown in the Sixth Schedule. The person charged or complained against shall, unless otherwise ordered, appear in person before the Court as directed on the date fixed for hearing of the proceeding, and shall continue to remain present during hearing till the proceeding is finally disposed of by order of the Court.

(3) When action is instituted on petition, a copy of the petition along with the annexures and affidavits shall be served upon the person charged or complained against.

<sup>13</sup> The word and figure "Tk. 2000" were substituted by the word and figure "Tk. 10,000", *ibid*.

<sup>14</sup> The words "or paid to the opposite party if the review petition is contested and" were substituted by the words "if the review petition", *ibid*.

5. Where the alleged contempt consists of willful disobedience of a judgment, decree, direction, order, writ or other process of the Court or a breach of an undertaking given to the Court or a Judge in Chamber by a Company registered under the Companies Act, 1913 or a statutory corporation or a partnership firm, the notice shall be served upon each director or partner as the case may be, and such other persons who at the time of the alleged contempt were in-charge of or responsible for the conduct of the company, corporation or firm as the case may be.

6. (1) Where the Court is satisfied by an affidavit or otherwise that the person charged is absconding or is otherwise evading service of notice or if he fails to appear in person or to continue to remain present in person in pursuance of the notice, direct a warrant bailable or non-bailable for his arrest, addressed to one or more police officers or may order attachment of property. The warrant shall be issued under the signature of the Registrar. The warrant shall be in Form shown in the Sixth Schedule and shall be executed, as far as may be in the manner provided for execution of warrants under the Code of Criminal Procedure.

(2) The warrant shall be executed by the officer or officers to whom it is directed, and may also be executed by any other police officer whose name is endorsed upon the warrant by the officer to whom it is directed or endorsed.

(3) Where a warrant is to be executed outside the metropolitan area of Dhaka, the Court may instead of directing such warrant to police officer, forward it to the Deputy Commissioner or the Superintendent of Police or Commissioner of Police of the district within which the person charged is believed to be residing. The Magistrate or the police officer to whom the warrant is forwarded shall endorse his name thereon, and cause it to be executed.

7. (1) Where the contempt consists of words or acts or visible signs which tend to prejudice a party to a proceeding before the Court or tend to scandalise the Court or any Judge or otherwise tend to bring the Court or a Judge in relation to his office into hatred, ridicule or contempt, the matter shall, in the first instance, be placed before the Chief Justice and such Judges as the Chief Justice may nominate, to consider the expediency or propriety of taking action in the matter.

(2) If the Chief Justice and the Judges referred to in sub-rule (1) decide that action should be taken in the matter, a notice of the proceeding shall issue to the Attorney-General who shall in that event be under a duty to conduct the proceedings.

8. (1) The person complained against or charged shall, on the first hearing, file a written statement in answer to the allegations against him and shall be afforded reasonable opportunity to adduce evidence in his defence.

(2) No oath shall be administered to the respondent unless he chooses to appear as his own witness.

9. The Court may, either suo motu, or on motion made for that purpose, order the attendance for cross examination, of a person whose affidavit has been filed in the matter.

10. The Court may make orders for the purpose of securing the attendance of any person to be examined as a witness and for discovery or production of any documents.

11. Notwithstanding anything contained in this Order, where the contempt is committed in the face of the Court or a Judge in Chamber, the Court or the Judge, as the case may be, may proceed forthwith to determine the guilt of the person concerned and award him punishment under the law.

12. If at any time during the pendency of the proceeding under this Order or thereafter but before the execution of the sentence, the person charged or complained against tenders unqualified apology, the Court may consider such apology and make such order as it considers fit.

13. Where a person charged with contempt is adjudged guilty and is sentenced to suffer imprisonment, a warrant of commitment and detention shall be made out under the signature of the Registrar. Every such warrant shall remain in force until it is cancelled by order of the Court or until it is executed. The Superintendent of the Jail shall in pursuance of the order receive the person so adjudged and detain him in custody for the period specified therein, or until further orders.

14. The Court may award such costs as it deems fit in the circumstances of the case. The costs, if any, shall be recovered as fine under the Code of Criminal Procedure, 1898.

## PART VI

### ORDER XXVIII

#### SPECIAL REFERENCES UNDER ART. 106 OF THE CONSTITUTION

1. On receipt by the Registrar of the order of the President referring a question of law to the Court, the Registrar shall give notice to the Attorney-General of Bangladesh to appear before the Court on a day specified in the notice to take the directions of the Court as to the parties who shall be served with notice of the Special Reference and the Court may, if it considers it desirable, order that notice of the Special Reference shall be served upon such parties as may be named in the order.

2. The notice shall require all such parties served therewith as desired to be heard at the hearing of the Special Reference to attend before the Registrar on the day fixed by the order to take the directions of the Court with respect to statements of facts and arguments and with respect to the date of the hearing.

3. The procedure to be followed in Special Reference shall depend upon the direction of the Court.

4. After the hearing of the Special Reference, the Registrar shall transmit to the President the Report of the Court thereon.

5. The Court may make such order as it thinks fit as to the costs of all parties served with notice under these Rules who appear at the hearing of the Special Reference.

PART VII  
ORDER XXIX  
COSTS

1. Subject to any provisions of any Statute or of these Rules, the costs of and incidental to all proceedings shall be in the discretion of the Court. Unless the Court otherwise orders an intervener shall not be entitled to costs.

2. Where it appears that the hearing of any suit or matter cannot conveniently proceed by reason of the neglect of the Advocate-on-Record of any party to attend personally, or by some proper person on his behalf, or because of his omission to deliver any paper necessary for the use of the Court which ought to have been delivered, the Advocate-on-Record shall personally pay to all or any of the parties such costs as the Court may think fit to award.

ORDER XXX  
TAXATION

1. The Registrar, <sup>15</sup>[the Additional Registrar,] a Deputy Registrar and an Assistant Registrar shall be the Taxing Officer, the Deputy Taxing Officer and the Assistant Taxing Officer, of the Court, respectively.

The Chief Justice may assign, and the Taxing Officer may with the approval of the Chief Justice delegate to a Deputy Taxing Officer or an Assistant Taxing Officer any functions required by or under this Order to be exercised by the Taxing Officer.

2. The Taxing Officer shall allow all such costs, charges and expenses as appear to him to have been necessary or proper for the attainment of justice or for defending the rights of any party, and shall not allow any costs, charges and expenses which appear to him to have been incurred or increased unnecessarily or through negligence or mistake.

3. The Court may, in any proceedings where costs are awarded to any party, direct payment of a sum in gross in lieu of taxed costs, and may direct by and to whom that sum shall be paid.

4. Where in the opinion of the Taxing Officer the maximum fee allowed by these Rules is insufficient or a fee ought to be allowed for any matter not provided for in these Rules, he may refer the matter to the presiding Judge of the Bench hearing the appeal, cause or matter and the Judge may make such order thereon as to the allowance of the whole or any part of the amount proposed by the Taxing Officer as he thinks fit.

5. Where the Taxing Officer is of opinion that any costs have been injuriously or unnecessarily occasioned by the negligence or improper conduct of any Advocate-on-Record he shall not allow any charge for the same.

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<sup>15</sup> The words and coma "the Additional Registrar," were inserted, *ibid.*



6. In all cases of taxation as between party and party, the bill shall be lodged for taxation as between party and party and, unless the client expresses his desire to the contrary in writing, also as between Advocate-on-Record and client.

7. Every bill of costs lodged for taxation shall specify the exact number of folios contained in the bill lodged.

8. Every bill of costs shall be properly dated throughout and shall show in a column for the purpose the money paid out of pocket.

9. Every bill of costs shall be certified by the signature of the Advocate-on-Record from whose office it is issued.

10. The fees for taxation and registration of every bill of costs shall be paid in court fee stamps when the bill is lodged for taxation.

11. Every bill of costs shall, wherever possible, be accompanied by vouchers, and every item of disbursement and the cause thereof shall be distinctly specified, and no payment out of pocket, shall be allowed except on production of the necessary voucher, or in the case of Advocate's fees, without the receipt of the Advocate that the fee has been paid :

Provided that a Taxing Officer may dispense with the production of a receipt of fee paid to the Attorney-General for Bangladesh or any other law Officer of the Government.

12. Within one month from the date of the signing of the judgment or order awarding costs, or within such further time as the Taxing Officer may for good cause allow, the party to whom the costs have been awarded shall lodge in the Registry the bill of costs and vouchers accompanied by a certified copy of the decree or formal order drawn up in the case. Where in the opinion of the Taxing Officer the filing of a bill of costs has been unduly delayed, the Taxing Officer may return the bill and shall not receive or tax the same except by order of the Court.

13. The party having the charge of the bill shall, within fourteen days or within such further period as the Taxing Officer may for good cause allow, serve on the opposite party a copy of the bill of costs and file in the Registry an affidavit of service. In default of the filing of such affidavit within the time aforesaid or within the further period allowed by the Taxing Officer, the Taxing Officer may return the bill and vouchers and shall not thereafter receive or tax the bill except by order of the Court :

Provided that, where the Taxing Officer is satisfied that the party having the charge of the bill has made all reasonable efforts to have the copy of the bill served and has failed, the Taxing Officer may dispense with such affidavit, and may receive and tax the bill.

14. As soon as the affidavit of service referred to in the last preceding rule has been filed, the Taxing Officer shall fix a date for taxation of the bill and shall notify the parties of the date fixed.

15. The Taxing Officer shall allow such costs of procuring the advice on evidence of an Advocate, and of employing an Advocate to settle pleadings and affidavits, as the Taxing Officer in his discretion thinks just and reasonable.

16. In cases of taxation as between Advocate-on-record and Client where the fees are payable by the client personally or out of a fund belonging entirely to him, the Taxing Officer shall allow, as fees to Advocates, all sums actually paid, but not exceeding those set out in the Second Schedule to these Rules, unless the written consent of the client is produced.

17. Where an Advocate-on-record acts for different parties to the same suit, appeal or matter, only one set of attendances shall be allowed, unless the Court otherwise orders.

18. Where two or more appeals arising out of a single proceeding are heard together and costs are awarded in both or all of them only one set of counsel's fee shall be allowed for the hearing unless the presiding Judge of the Bench hearing the appeals otherwise directs.

19. Where on the taxation of a bill of costs payable out of a fund or out of the assets of a company in liquidation, the amount of the professional charges and disbursements contained in the bill is reduced by a sixth part or more, no costs shall be allowed to the Advocate-on-record lodging the bill for taxation for drawing or copying it, nor for attending the taxation.

20. Where on taxation of an Advocate-on-Record's bill of costs as between Advocate-on-Record and client, the amount of the bill is reduced by a sixth part or more the Advocate-on-Record shall pay the costs of taxation including the costs of the Advocate-on-record if any employed in contesting the bill and the same shall be deducted by the Taxing Officer; but the Taxing Officer may certify any special circumstances relating to the bill or taxation and the Court may upon application by the Advocate-on-Record whose bill has been taxed make any such order as the Court may think just and equitable with respect to the costs of the taxation.

21. No Court fees shall be payable by an applicant to proceed in forma pauperis except the fee for the petition to proceed.

22. In the taxation of costs as between party and party, the costs of and incidental to the attendance of an Advocate on summons or other matters in Chambers shall not be allowed unless the court certifies that it was a fit case for the employment of an Advocate.

23. Unless specially allowed by the Taxing Officer, no allowance shall be made in party and party taxation for work done before the commencement of proceedings in the Court, except for necessary letter of demand and the reply thereto, if any, for receiving instructions to sue to defend, or to appeal, and searches necessary for the purpose of instituting or defending proceedings.

24. In every case of taxation as between Advocate-on-Record and client, the client shall be duly summoned by the Taxing Officer to attend the taxation, unless the Taxing Officer shall see fit to dispense with his attendance.

25. No retaining fee to an Advocate shall be allowed on taxation as between party and party.

26. Any party who is dissatisfied with the allowance or disallowance by the Taxing Officer of the whole or any part of the items in a bill of costs may apply to the Taxing Officer to review the taxation in respect thereof.

27. An application to review shall be made within a week from the date of the passing of the bill by the Taxing Officer.

The application shall contain objection in writing specifying concisely therein items or parts of the bill allowed or disallowed and the grounds for the objections.

28. The Taxing Officer shall serve fourteen days' notice of the application on the opposite party. A copy of the application shall accompany the notice.

29. Objections which were not taken in at the time of the taxation shall not be taken in at the stage of review unless allowed by the Taxing Officer.

30. The Taxing Officer may, where he thinks fit, issue pending the consideration of any objections, a preliminary allocation for or on account of the remainder of the bill of costs.

31. Upon application to review the Taxing Officer shall reconsider his taxation upon the objections carried in and may, where he thinks fit, receive further evidence in respect thereof and shall state in a certificate the ground of his decision thereon and any special facts or circumstances relating thereto.

32. Any party dissatisfied with the decision of the Taxing Officer on review may, not later than seven days from the date of the decision or within such further time as the Taxing Officer or the court may allow, apply to the Court for an order to review the decision of the Taxing Officer and the Court may thereupon make such order as may seem just; but the taxation of the Taxing Officer shall be final and conclusive as to all matters which shall not have been objected to in the manner aforesaid.

33. No evidence shall be received by the Court upon the review of the Taxing Officer's decision which was not before the Taxing Officer when he taxed the bill or reviewed his taxation unless the Court otherwise directs.

34. The certificate of the Taxing Officer by whom any appeal has been taxed shall, unless it is set aside or altered by the Court, be final as to the amount of costs covered thereby.

35. Except as otherwise specially provided in these Rules the fees set out in the Second and Fourth Schedules to these Rules may be allowed to Advocates, Advocates-on-Record and officers of the Court.

36. In defended appeals, special reference and other proceedings the first day's hearing fee shall be allowed in full as fixed under the Second Schedule, for the first four and a half hours of the hearing or part thereof, subject to the provisions contained in rules 38 and 39.

37. No refresher shall be allowed unless the hearing has lasted for three hours and the Taxing Officer shall have discretion to reduce the refresher or to allow an additional refresher having regard to the duration of the hearing after the first three hours. The refresher shall not be reduced by more than one half.

38. Where the hearing of a part-heard case is held up on account of the Court being occupied with any other matter, the time taken in the hearing of such matter shall be taken into consideration by the Taxing Officer for purposes of a refresher.

39. In cases involving less than fifteen thousand Taka in value, the Taxing Officer shall have discretion to reduce the fees, including the first day's hearing fee and the fee of the Advocate-on-Record suitably according to the nature of the case.

40. Save as otherwise provided in these Rules, the fees provided in the Second Schedule, other than items 1 and 2 of Part I, shall be subject to reduction in the discretion of the Taxing Officer according to the nature of the case.

41. The allowances to be made to witnesses per diem shall be such as the Taxing Officer may think reasonable having regard to the profession or status of the witness, but shall not exceed Tk.50.00 per diem unless the Court otherwise directs.

42. Witnesses residing more than five miles away from the place where the Court sits shall be allowed traveling expenses according to the sums reasonably and actually paid by them and shall also be allowed such a sum for subsistence money and carriage hire as the Taxing Officer, having regard to the daily allowances fixed under rule 41, considers reasonable.

43. Every person summoned to give evidence shall have tendered to him with the summons a reasonable sum for his traveling expenses, if any, and for the first day's attendance and shall, if obliged to attend for more than one day, be entitled before giving his evidence, to claim from the party by whom he has been summoned the appropriate allowance and expenses for each additional day that he may be required to attend.

44. Witnesses who have not been paid such reasonable sums for their expenses as the Court allows by its Rules may apply to the Court at any time in person to enforce the payment of such sum as may be awarded to them.

45. For the purposes of this Order a folio shall consist of one hundred words; seven figures shall be counted as one word; and part of a folio exceeding fifty words shall be reckoned as a folio. A document consisting of less than one hundred words shall count as one folio.

46. Where the party having the charge of the bill does not appear on the date fixed for taxation, the Taxing Officer may make an order that the bill be rejected. An application for the restoration of the bill shall be made within fourteen days from the date of the rejection of the bill, and the Taxing Officer may for sufficient cause shown receive and tax the bill.

47. A party dissatisfied with the order of the Taxing Officer under the last preceding rule may, not later than seven days from the date of the order, or within such further time as the Taxing Officer or the Court may allow, apply to the Court for an order that the bill be restored.

48. Subject to any agreement in writing to the contrary the rules regulating the taxation of costs between party and party shall be applicable as far as may be to taxation between Advocate-on-Record and client.

49. If an Advocate-on-Record makes an agreement in writing with his client as to his remuneration in respect of any business done or to be done by him in any proceedings in this Court, the amount payable under the agreement shall not be received by the Advocate-on-Record until the agreement has been examined and allowed by the Taxing Officer and if the Taxing Officer is of opinion that the amount is unfair or unreasonable, he may seek the direction of the presiding Judge of the bench hearing the appeal, cause or matter and the Judge may reduce the amount payable thereunder, or order the agreement to be cancelled and the costs covered thereby to be taxed as if the agreement had never been made.

50. Where a dispute arises between the Advocate-on-Record and his client as to fees and charges payable to the Advocate-on-Record in any proceeding before the Court, either party may apply to the Taxing Officer for an order to have the bill taxed in accordance with the provisions of this Order. The application, when made by the Advocate-on-Record, shall be accompanied by a copy of the bill sought to be taxed.

51. The Advocate-on-Record whose bill against his client has been taxed may apply to the Court for an order against his client or his legal representatives for payment of the sum allowed on taxation or such sum thereof as may remain due to him. The order so made may be transmitted for execution to such Court or tribunal as the Court may direct.

52. Where it is necessary to enforce payment of costs under a direction of the Registrar, an order for that purpose shall be obtained from a Judge. Application for such orders may be made, without notice, by petition, supported by a certificate of the Registrar.

53. The Court may on the application of a client or his representative in interest direct an Advocate-on-Record to deliver up any documents or papers to the possession of which the applicant may be entitled, and pass such other orders in this behalf as the circumstances of the case may require, including orders as to the costs of the application.

**PART VIII**  
**MISCELLANEOUS**  
**ORDER XXXI**

**NOTICE OF PROCEEDINGS TO THE ATTORNEY-GENERAL FOR  
BANGLADESH, ETC.**

1. The Court may direct notice of any proceeding to be given, to the Attorney-General for Bangladesh for appearance in any proceeding and the Attorney-General to whom such notice is given shall appear if required by the Court and it shall make no difference whether the case or proceeding relates to the Government or not.
2. The Attorney-General for Bangladesh may apply to be heard in any proceedings before the Court, and the Court, may if in its opinion the justice of the case so requires, permit the Attorney General so applying to appear and be heard, subject to such terms as to costs or otherwise as the Court may think fit.
3. Wherever the Attorney-General for Bangladesh is directed to appear before the Court as Amicus Curiae, the Government shall appoint an Advocate-on-Record to appear with the Attorney-General.
4. For, the purpose of this order, the expression "Attorney-General for Bangladesh" shall include an "Additional Attorney-General" or a "Deputy Attorney-General" or an "Assistant Attorney-General".

**ORDER XXXII**  
**FORMS TO BE USED**

1. Every writ, summons, order, warrant or other mandatory process shall be signed by the Registrar with the day and the year of signing, and shall be sealed with the Seal of the Court.

Explanation: For the purpose of this order the expression 'Registrar' includes a 'Deputy Registrar' and an 'Assistant Registrar'.

2. The forms set out in the Sixth Schedule to these Rules, or forms substantially to the like effect with such variations as the circumstances of each case may require, shall be used in all cases where those forms are appropriate.

**ORDER XXXIII**  
**SERVICE OF DOCUMENTS**

1. Except where otherwise provided by Statute or prescribed by these Rules, all notices, orders or other documents required to be given to, or served on, any person shall be served in the manner provided by the Code for the service of summons.

2. Service of any notice, order or other documents on the Advocate-on-Record of any party may be effected by delivering it to the Advocate-on-Record or by leaving it at his place of business, or by sending it to his address by registered post.

3. Service of any notice, order or other document upon a person, other than an Advocate-on-record, residing at a place within the territories of Bangladesh between which place and the seat of the Court there is communication by registered post, may be effected by posting a copy of the document required to be served in a prepaid envelop registered for acknowledgement, addressed to the party or person at the place where he ordinarily resides :

Provided that the Registrar may direct in a particular case or class of cases, that the service shall be effected in the manner provided by the Code for the service of summons.

4. A document served by post shall be deemed to be served at the time at which it could have been delivered in the ordinary course of post.

5. Except where the notice or process has been served through the Registry, the party required to effect the service shall file an affidavit of service, along with such proof thereof as may be available, stating the manner in which the service has been effected.

6. Where the notice, order or other document has been served through another Court, the service may be proved by the deposition or affidavit of the serving officer made before the Court through which the service was effected.

7. Service effected after Court hours shall for the purpose of computing any period of time subsequent to that service be deemed to have been effected on the following day.

#### ORDER XXXIV

#### POWER TO DISPENSE AND INHERENT POWERS

1. The Court or any Judge or Judges thereof may, for sufficient cause shown, excuse the parties from compliance with any of the requirements of these Rules, and may give such directions in matters of practice and procedure as it shall consider just and expedient.

2. An application to be excused from compliance with the requirements of any of the Rules shall be addressed in the first instance to the Registrar, who shall take the directions of the Court or of any Judge or Judges thereof and communicate the same to the party or parties as the case may be.

3. The Court may enlarge or abridge any time appointed by these Rules, or fixed by any order enlarging time, for doing any act or taking any proceeding, upon such terms (if any) as the justice of the case may require, and any enlargement may be ordered, although the application therefor is not made until after the expiration of the time appointed or allowed.

4. The Court may at any time, either of its own motion or on the application of any party, make such orders as may be necessary or reasonable in respect of any of the matters mentioned in these Rules. The Court may issue summons to persons whose attendance is required either to give evidence or to produce documents, or order any fact to be proved by affidavit.

5. The Court shall have power to pass any decree and make any order which ought to have been passed or made and to pass or make such further or other decree or order as the case may require, and this power may be exercised by the Court notwithstanding that the appeal is as to part only of the decree and may be exercised in favour of all or any of the respondents or parties, although such respondents or parties may not have filed any appeal or objection.

6. Where there are two or more appeals arising out of the same matter the Court may at any time either on its own motion or on the application of any party order that the appeals be consolidated.

7. At any time before or as soon after the commencement of arguments at the final hearing of a case as may be feasible, the Court will ascertain from the counsel of each party to be heard the time which the counsel's arguments on the matter are likely to take. The Court may then fix the time for the arguments of each party or each counsel. The counsel may be permitted to supplement the oral arguments by written submission, but will not be allowed to exceed the time so fixed unless the Court itself considers it necessary, or desires that he should do so on any matter requiring further elucidation by oral arguments.

8. Nothing in these Rules shall be deemed to limit or otherwise affect the inherent powers of the Court to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Court.

9. Where at any stage of the proceedings in the Court, there has been a failure to comply with these Rules, the failure shall be treated as an irregularity and shall not nullify the proceedings or the judgment. The Court may on such terms as to costs or otherwise, as it thinks just, set aside either wholly or in part the proceedings in which failure has occurred.

#### **OREDR XXXV**

#### **COMMISSIONS**

1. Order XXVI in the First Schedule to the Code with respect to commissions shall apply except rules 13, 14, 19, 20, 21 and 22.

2. An application for the issue of a commission may be made by summons in Chambers after notice to all parties who have appeared, or ex parte where there has been no appearance.

3. The Court may, when the commission is not one for examination on interrogatories, order that the commissioner shall have all the powers of a Court under Chapter X of the Evidence Act, 1872, to decide questions 31 to the admissibility of evidence and to disallow any question put to a witness.



4. The commissioner shall record a question disallowed by him and the answer thereto, but the same shall not be admitted in evidence until the Court so directs.

5. Unless otherwise ordered the party, at whose instance the commission is ordered to issue, shall lodge in the Court copies of the pleadings and issues in the case within twenty-four hours of the making of the order and those copies shall be annexed to the commission when issued.

6. Any party aggrieved by the decision of the Commissioner refusing to submit documentary evidence may apply to the Court within a period of fourteen days of the date of the submission of the report to set aside the decision and for direction to the commissioner to admit the evidence.

7. After the deposition of any witness has been taken down and before it is signed by him, it shall be read over and, where necessary translated to the witness. Every page of the deposition shall be signed by him and left with the commissioner who shall subscribe his name and the date of the examination.

8. Commissions shall be made returnable within such time as the Court may direct.

### ORDER XXXVI DESTRUCTION OF RECORDS

1. There shall be an index of the records in every case in the form prescribed below :-

Index of Papers  
in  
Civil Appeal No.                      of

(or Criminal Appeal No.  
or Case No.                      ) or Petition No.

Cause Title

Serial No.	Date of filing the paper in the record.	Description of paper	No. of the part to which it belongs.	Remarks
------------	---	----------------------	--------------------------------------	---------

2. The record in each case shall be divided into two parts. Part I to be preserved permanently and Part II to be preserved for a period of three years.

3. Each paper as and when it is filed in the record, shall be numbered and entered in the Index and classified under the appropriate part to which it belongs.

4. The period for which any particular record is to be preserved shall be reckoned from the date of the final decree or order in the proceeding to which the record belongs, and in case a Review is filed against the decree or order from the date of final Decree or order made on Review. In the case of registers, the period shall be reckoned from the date of the last entry in the Register.

5. The Registrar may direct that any paper assigned to Part II be transferred to Part I for being preserved permanently.

6. Records which do not fall under Part I or Part II as classified below, shall be referred to the Registrar who shall decide the part under which they should be included.

7. When any record is ripe for destruction, it shall either be burnt or sold as waste-paper, as the Registrar may in his discretion direct.

8. Where the record is sold as waste-paper, the sale-proceeds shall be credited to Government.

9. As soon as a record is destroyed, a note shall be made in the Index against the record showing that it has been destroyed and the date of destruction.

#### 10. PART I

The following papers shall be included under Part I (to be preserved permanently) :-

1. Index.
2. Judgment.
3. Decree or Order.
4. Order for costs.
5. Pleadings (plaint, written statement, set-off and counter-claim).
6. Authenticated copy of the printed record.
7. Petition of appeal.
8. Concise Statement.
9. Original Petitions including leave petitions.
10. Interlocutory applications other than applications for condonation of delay and other formal applications.
11. Orders on petitions.
12. References received under Art. 106 of the Constitution.
13. Memorandum of compromise.
14. Title deeds, if any, remaining unreturned to any party.
15. Any other records or papers which the Registrar may direct to be included in this part.

#### Registers

1. Minutes Books.
2. Registers of Suits, Civil and Criminal appeals, leave petitions, special references and miscellaneous petitions and matters.
3. Rolls of Senior Advocates, Advocates and Advocates-on-Record and enrolment files.

#### PART II

The following papers shall be included in Part II and shall be destroyed after a period of three years as indicated below :-

1. Power of Attorney and memo of appearance.
2. Affidavits.

3. Applications for condonation of delay and such other formal applications
4. Correspondence in cases.
5. Unclaimed documents filed by parties other than title deeds.
6. Office notices in the case files.

#### Registers, files and miscellaneous

7. Taxation files including bills of costs.
8. Register of bills of costs.
9. Dispatch Registers.
10. Surplus copies of printed records, and of pleading and petitions.
11. Copies of summons and notices.
12. Copying Register.

### FIRST SCHEDULE

#### SENIOR AND OTHER ADVOCATES

1. A Senior Advocate shall not appear or plead without a junior, except in a case in which he is instructed by an Advocate-on-Record.

2. A Senior Advocate shall not accept instructions to draw pleadings, affidavits, advice on evidence or to do any drafting work of an analogous kind, but this prohibition shall not extend to settling any such matters as aforesaid in consultation with a junior.

3. An enrolled Advocate may, if otherwise qualified, apply to be enrolled in the list of Senior Advocates and any fee payable by him on enrolment shall be reduced by the amount of the fee paid by him on his original enrolment.

4. A Senior Advocate appearing with another Senior Advocate Senior to himself shall be entitled to, and shall be paid a fee not less than two-thirds of the fee marked on the brief of that other Advocate, and a junior appearing with a Senior Advocate or with any other Advocate Senior to himself shall be entitled to, and shall be paid, a fee not less than one-third and not more than two-thirds of the fee marked on the brief of the Senior or other Advocate, but this rule shall not apply in the case of a second junior.

5. A Senior Advocate may inform the Court that he will not accept any brief, or any brief of a specified class, without a special fee of a named amount in addition to the ordinary fee marked on the brief and shall not so long as he does not inform the Court to the contrary accept a brief or a brief of the specified class without that special fee.

6. An Advocate appearing with a Senior Advocate whose brief is marked with a special fee in accordance with the last preceding rule shall only be entitled to his proper proportion of the ordinary fee marked on the Senior Advocate's brief and not to any proportion of the special fee.

7. Any disputes arising under this Schedule shall be referred to and determined by the Chief Justice.

**SECOND SCHEDULE  
FEES TO ADVOCATE**

**PART I**

	Fees on brief	Refresher	
		Not exceeding	Not exceeding
1. Defended Appeals and reference under the constitution.	Senior	Tk. 1000·00	Tk. 500·00
	Junior when himself pleading without a Senior. Junior when appearing along with a Senior (and not pleading himself).	Tk. 500·00	Tk. 250·00
		Tk. 300·00	Tk. 150·00
2. Undefended Appeals	Leading Senior Advocate	Tk. 500·00	No
	Leading Junior Advocate	Tk. 300·00	Refresher.
3. Leave Petitions.	Senior	Tk. 500·00	No
	Junior when himself pleading without a Senior.	Tk. 300·00	Refresher.
	Junior when appearing along with a Senior (and not pleading himself).	Tk. 150·00	
4. Miscellaneous Petitions when Opposed.	Senior (if allowed)	Tk. 300·00	No
	Junior.	Tk. 150·00	Refresher.
5. Miscellaneous	Senior (if allowed)	Tk. 300·00	No
	Junior	Tk. 100·00	Refresher.
6. Chamber Applications when Opposed.	One fee only	Tk. 300·00	No
	Senior (if allowed) Junior.	Tk. 150·00	Refresher.
7. Chamber Applications when unopposed or ex parte.	One fee only	Tk. 300·00	No
	Senior (if allowed) Junior	Tk. 100·00	Refresher.
8. Review Petitions	Senior	Tk. 300·00	No
	Junior	Tk. 150·00	Refresher.
9. Attending Taxation (Advocate one fee only).	.....	Tk. 50·00	No Refresher.

## PART II

- |   |                      |
|---|----------------------|
| 1. To Junior Advocate for drawing Leave Petitions inclusive of affidavits in support thereof.   | Tk. 150.00           |
| To the Senior for settling the above  | Tk. 200.00           |
| 2. To Junior Advocate for drawing other petitions or affidavits (except petitions of formal nature e.g. condonation of delay; etc. and affidavits connected therewith). | Tk. 50.00            |
| 3. To Junior Advocate for drawing concise statement in Appeal or a Special Case.  |                      |
| (a) When settled by Senior  | Tk. 100.00           |
| (b) When not settled by Senior  | Tk. 100.00 to 150.00 |
| To Senior Advocate for settling in above  | Tk. 150.00           |
| 4. Conference with (Advocate-on-Record) if allowed  | Tk. 75.00            |
| 5. Senior Advocate (for certifying that a case is fit for review).  | Tk. 150.00           |

## PART III

Fees set out in Parts I and II of this Schedule for Junior Advocates shall be allowed to Advocates-on-Record where admissible under the Rules.

## THIRD SCHEDULE

## TABLE OF COURT FEES

## PART I

- |   |                            |
|---|----------------------------|
| 1. Filing and registering petition to transfer cases or appeals under Section 525A of the Code of Criminal Procedure (Act V of 1898). | <sup>16</sup> [Tk. 750.00] |
|---|----------------------------|

## PART II

## APPELLATE JURISDICTION

- |   |   |
|---|---|
| 1. Filing and lodging petition for Leave to Appeal  | <sup>17</sup> [Tk. 700.00]  |
| 2. On the appeal as provided by order XIV Rule 13 where the amount or value of the subject matter in dispute on appeal is | <sup>18</sup> [Tk. 700.00]  |
| For every Tk. 1,000 <sup>20</sup> [in excess of Tk. 20,000]   | <sup>19</sup> [Tk. 20,000] or below that sum,<br><sup>21</sup> [Tk. 30.00]<br>for every thousand taka or part to. |

<sup>16</sup> The word and figure "Tk. 250.00" were substituted by the word and figure "Tk. 750.00", *ibid.*

<sup>17</sup> The word and figure "Tk. 350.00" were substituted by the word and figure "Tk. 700.00", *ibid.*

<sup>18</sup> The word and figure "Tk. 350.00" were substituted by the word and figure "Tk. 700.00", *ibid.*

<sup>19</sup> The word and figure "Tk. 15,000" were substituted by the word and figure "Tk. 20,000", *ibid.*

<sup>20</sup> The words and figure "in excess of Tk. 15,000" were substituted by the words and figure "in excess of Tk. 20,000", *ibid.*

<sup>21</sup> The word and figure "Tk. 10.00" were substituted by the word and figure "Tk. 30.00", *ibid.*

In cases where it is not possible to estimate at a money value the subject matter in dispute.

<sup>22</sup>[Tk. 500.00]

Provided :

- (i) that the maximum fee payable in any case shall not exceed <sup>23</sup>[Tk. 1,00,000.00].
  - (ii) that where an appeal is brought by leave granted by this Court credit shall be given to the appellant for the amount of Court-fee paid by him on the petition for leave to appeal.
3. Filing and lodging concise statement or caveat <sup>24</sup>[Tk. 75.00]
  4. Applications for Review of Judgment including the filing. Half the fee paid on original proceedings.
  5. Petition to proceed in forma pauperis <sup>25</sup>[Tk. 10.00]

### PART III

#### MISCELLANEOUS

1. Entering in register of petitions, appeals or matters, name of representatives of a deceased party or of a substituted or added party. <sup>26</sup>[Tk. 15.00]
2. Summons or notice to a respondent to a petition or to a memorandum of appeal for not more than five persons (with an additional fee of <sup>28</sup>[Tk. 10.00] for every person in excess of five.)  
Additional fee for every person in excess of five <sup>29</sup>[Tk. 10.00]
3. Entering appearance <sup>30</sup>[Tk. 25.00]
  - (a) Amending appearance <sup>31</sup>[Tk. 25.00]
4. Power of Attorney <sup>32</sup>[Tk. 25.00]
5. Filing fee for every document for which a fee is not specially provided, including documents annexed as exhibits, if any or produced with plaint or used in evidence each document. <sup>33</sup>[Tk. 25.00]

<sup>22</sup> The word and figure "Tk. 350.00" were substituted by the word and figure "Tk. 500.00", *ibid.*

<sup>23</sup> The word and figure "Tk. 4,000.00" were substituted by the word and figure "Tk. 1,00,000", *ibid.*

<sup>24</sup> The word and figure "Tk. 25.00" were substituted by the word and figure "Tk. 75.00", *ibid.*

<sup>25</sup> The word and figure "Tk. 5.00" were substituted by the word and figure "Tk. 10.00", *ibid.*

<sup>26</sup> The word and figure "Tk. 5.00" were substituted by the word and figure "Tk. 15.00", *ibid.*

<sup>27</sup> The word and figure "Tk. 20.00" were substituted by the word and figure "Tk. 50.00", *ibid.*

<sup>28</sup> The word and figure "Tk. 1.00" were substituted by the word and figure "Tk. 10.00", *ibid.*

<sup>29</sup> The word and figure "Tk. 2.00" were substituted by the word and figure "Tk. 10.00", *ibid.*

<sup>30</sup> The word and figure "Tk. 5.00" were substituted by the word and figure "Tk. 25.00", *ibid.*

<sup>31</sup> The word and figure "Tk. 5.00" were substituted by the word and figure "Tk. 25.00", *ibid.*

<sup>32</sup> The word and figure "Tk. 10.00" were substituted by the word and figure "Tk. 25.00", *ibid.*

<sup>33</sup> The word and figure "Tk. 5.00" were substituted by the word and figure "Tk. 25.00", *ibid.*

6. Every application to the Court not specially provided for. <sup>34</sup>[Tk. 20·00]
7. Every applications to a Judge in Chamber, the Registrar or Taxing Officer, not specially provided for. <sup>35</sup>[Tk. 20·00]
8. Every requisition to draw up an order, including fee for filling the Order. <sup>36</sup>[Tk. 20·00]
9. Warrant, Writ, Summons or other process not specially provided for, for not more than five persons. <sup>37</sup>[Tk. 50·00]
- Additional fee for every person in excess of five <sup>38</sup>[Tk. 10·00]
10. Every certificate or report of a Judge in Chamber or of Registrar on an investigation. <sup>39</sup>[Tk. 50·00]
11. Every other certificate for which a fee is not specially provided. <sup>40</sup>[Tk. 20·00]
12. Commission to examine witnesses or other Commission. <sup>41</sup>[Tk.100·00]
13. Production by an Officer of the Court in any other court or before a Commissioner of records of any suit, matter or appeal exclusive of travelling expenses, and halting charges. <sup>42</sup>[Tk. 75·00]
14. For production of records by post, exclusive or postage, registration and insurance fees. <sup>43</sup>[Tk.100·00]
15. For enquiry into sufficiency of security <sup>44</sup>[Tk. 35·00]
16. For every search or examination of records. <sup>45</sup>[Tk. 15·00]

<sup>34</sup> The word and figure "Tk. 10.00" were substituted by the word and figure "Tk. 20.00", *ibid.*

<sup>35</sup> The word and figure "Tk. 10.00" were substituted by the word and figure "Tk. 20.00", *ibid.*

<sup>36</sup> The word and figure "Tk. 10.00" were substituted by the word and figure "Tk. 20.00", *ibid.*

<sup>37</sup> The word and figure "Tk. 20.00" were substituted by the word and figure "Tk. 50.00", *ibid.*

<sup>38</sup> The word and figure "Tk. 2.00" were substituted by the word and figure "Tk. 10.00", *ibid.*

<sup>39</sup> The word and figure "Tk. 20.00" were substituted by the word and figure "Tk. 50.00", *ibid.*

<sup>40</sup> The word and figure "Tk. 10.00" were substituted by the word and figure "Tk. 20.00", *ibid.*

<sup>41</sup> The word and figure "Tk. 25.00" were substituted by the word and figure "Tk. 100.00", *ibid.*

<sup>42</sup> The word and figure "Tk. 25.00" were substituted by the word and figure "Tk. 75.00", *ibid.*

<sup>43</sup> The word and figure "Tk. 10.00" were substituted by the word and figure "Tk. 100.00", *ibid.*

<sup>44</sup> The word and figure "Tk. 15.00" were substituted by the word and figure "Tk. 35.00", *ibid.*

<sup>45</sup> The word and figure "Tk. 5.00" were substituted by the word and figure "Tk. 15.00", *ibid.*

17. Every affidavit affirmed or sworn <sup>46</sup>[Tk. 15·00]
18. For every oath or affirmation administered to witness. <sup>47</sup>[Tk. 15·00]
19. For every certified copy of decree. Judgment or other document in addition to the folio or other charges. <sup>48</sup>[Tk. 30·00]
20. Every requisition for duplicate or other copy of any document. <sup>49</sup>[Tk. 15·00]
21. For copies of any document, per folio less requisition fee paid. <sup>50</sup>[Tk. 10·00]
22. For amending pleadings or other proceedings order of the Court per folio. <sup>51</sup>[Tk. 15·00]
23. Upon all money or securities paid to the Registrar or deposited with him.  
A Commission of 1 per cent and 2½ per cent interest drawn on invested money. <sup>52</sup>[Tk. 15·00]
24. Every requisition for translation <sup>53</sup>[Tk. 10·00]
25. Summons by Taxing Officer <sup>54</sup>[Tk. 10·00]
26. Certificate by Taxing Officer <sup>55</sup>[Tk. 10·00]
27. Taxing each bill, not exceeding 10 folios <sup>56</sup>[Tk. 35·00]
28. For every other folios <sup>57</sup>[Tk. 5·00]
29. Registering every bill of costs <sup>58</sup>[Tk. 10·00]
30. Certificate on review of taxation <sup>59</sup>[Tk. 50·00]

<sup>46</sup> The word and figure "Tk. 5.00" were substituted by the word and figure "Tk. 15.00", *ibid.*

<sup>47</sup> The word and figure "Tk. 5.00" were substituted by the word and figure "Tk. 15.00", *ibid.*

<sup>48</sup> The word and figure "Tk. 10.00" were substituted by the word and figure "Tk. 30.00", *ibid.*

<sup>49</sup> The word and figure "Tk. 5.00" were substituted by the word and figure "Tk. 15.00", *ibid.*

<sup>50</sup> The word and figure "Tk. 2.00" were substituted by the word and figure "Tk. 10.00", *ibid.*

<sup>51</sup> The word and figure "Tk. 5.00" were substituted by the word and figure "Tk. 15.00", *ibid.*

<sup>52</sup> The word and figure "Tk. 5.00" were substituted by the word and figure "Tk. 15.00", *ibid.*

<sup>53</sup> The word and figure "Tk. 5.00" were substituted by the word and figure "Tk. 10.00", *ibid.*

<sup>54</sup> The word and figure "Tk. 5.00" were substituted by the word and figure "Tk. 10.00", *ibid.*

<sup>55</sup> The word and figure "Tk. 5.00" were substituted by the word and figure "Tk. 10.00", *ibid.*

<sup>56</sup> The word and figure "Tk. 20.00" were substituted by the word and figure "Tk. 35.00", *ibid.*

<sup>57</sup> The word and figure "Tk. 2.00" were substituted by the word and figure "Tk. 5.00", *ibid.*

<sup>58</sup> The word and figure "Tk. 5.00" were substituted by the word and figure "Tk. 10.00", *ibid.*

<sup>59</sup> The word and figure "Tk. 20.00" were substituted by the word and figure "Tk. 50.00", *ibid.*



**FOURTH SCHEDULE**  
**FEEES TO ADVOCATE-ON-RECORD**

- |    |   |                                     |
|----|---|-------------------------------------|
| 1. | Receiving instructions for special affidavits or petitions.   | <sup>60</sup> [Tk. 50.00 to 100.00] |
| 2. | Drawing affidavits, petitions and all other necessary documents not specially provided for exclusive of copies inserted therein up to ten folios. | <sup>61</sup> [Tk. 30.00 to 100.00] |
|    | Thereafter per folio  | <sup>62</sup> [Tk. 5.00]            |
| 3. | Drawing security bond   | <sup>63</sup> [Tk. 60.00]           |
| 4. | Drawing notice of motion and other necessary notices except notice to witnesses.  | <sup>64</sup> [Tk. 20.00]           |
| 5. | Drawing notice on opposite parties of entering appearance or lodging petition of appeal or concise statement.                                     | <sup>65</sup> [Tk. 15.00]           |
| 6. | Drawing observations or instructions for Advocate to accompany brief to be shown at taxation.   | <sup>66</sup> [Tk. 50.00 to 100.00] |
| 7. | Drawing particulars of claim or counter claim where required.   | <sup>67</sup> [Tk. 25.00 to 30.00]  |
| 8. | (a) Preparing copies of documents other than tabulated statements and accounts whether written or typed, first copy per folio.                    | <sup>68</sup> [Tk. 7.00]            |
|    | (b) Preparing carbon copies of above, if legible, per folio.  | <sup>69</sup> [Tk. 2.00]            |
|    | (c) Preparing copies of tabulated statements and accounts, per folio.   | <sup>70</sup> [Tk. 7.00]            |

<sup>60</sup> The words and figures "Tk. 10.00 to 30.00" were substituted by the words and figures "Tk. 50.00 to 100.00", *ibid.*

<sup>61</sup> The words and figures "Tk. 10.00 to 30.00" were substituted by the words and figures "Tk. 30.00 to 100.00", *ibid.*

<sup>62</sup> The word and figure "Tk. 2.00" were substituted by the word and figure "Tk. 5.00", *ibid.*

<sup>63</sup> The word and figure "Tk. 25.00" were substituted by the word and figure "Tk. 60.00", *ibid.*

<sup>64</sup> The word and figure "Tk. 10.00" were substituted by the word and figure "Tk. 20.00", *ibid.*

<sup>65</sup> The word and figure "Tk. 5.00" were substituted by the word and figure "Tk. 15.00", *ibid.*

<sup>66</sup> The words and figures "Tk. 30.00 to 60.00" were substituted by the words and figures "Tk. 50.00 to 100.00", *ibid.*

<sup>67</sup> The words and figures "Tk. 5.00 to 15.00" were substituted by the words and figures "Tk. 25.00 to 30.00", *ibid.*

<sup>68</sup> The word and figure "Tk. 1.00" were substituted by the word and figure "Tk. 7.00", *ibid.*

<sup>69</sup> The word and figure "Tk. 0.50" were substituted by the word and figure "Tk. 2.00", *ibid.*

<sup>70</sup> The word and figure "Tk. 2.00" were substituted by the word and figure "Tk. 7.00", *ibid.*

- (d) Preparing carbon copies of above, per folio <sup>71</sup>[Tk. 2·00]
- (e) Preparing printed copies per folio for each copy. <sup>72</sup>[Tk. 5·00]
- (f) Preparing photographed copies Actual charges.
9. Serving every necessary notice, summons to a witness or other judicial process which may be served by Advocate-on-Record or his clerk or by post. <sup>73</sup>[Tk. 10·00]
- When required to serve outside the Municipal limits of the seat of the Court-besides traveling expenses actually incurred per day. <sup>74</sup>[Tk. 40·00]
10. Receiving, filing or depositing any papers from or in the Registry <sup>75</sup>[Tk. 10·00]
11. Attendance before the Court or Judge or an officer of the Court not otherwise provided for, if allowed. <sup>76</sup>[Tk. 40·00 to 75·00]
12. Attending every application to Registrar when contested, if allowed. <sup>77</sup>[Tk. 30·00]
- Attending every application to Registrar when uncontested, if allowed. <sup>78</sup>[Tk. 20·00]
13. Attendance on client or opposite party at the office of the Advocate-on-Record of either party where a letter would not suffice. <sup>79</sup>[Tk. 25·00 to 75·00]
- Where a letter would suffice <sup>80</sup>[Tk. 10·00]
14. Receiving and perusing necessary letters <sup>81</sup>[Tk. 10·00]
15. Perusing documents received from opposite party or obtained from the Court, where necessary, in the discretion of the Taxing Officer upto <sup>82</sup>[Tk. 30·00]

<sup>71</sup> The word and figure "Tk. 0.50" were substituted by the word and figure "Tk. 2.00", *ibid.*

<sup>72</sup> The word and figure "Tk. 1.00" were substituted by the word and figure "Tk. 5.00", *ibid.*

<sup>73</sup> The word and figure "Tk. 5.00" were substituted by the word and figure "Tk. 10.00", *ibid.*

<sup>74</sup> The word and figure "Tk. 15.00" were substituted by the word and figure "Tk. 40.00", *ibid.*

<sup>75</sup> The word and figure "Tk. 4.00" were substituted by the word and figure "Tk. 10.00", *ibid.*

<sup>76</sup> The words and figures "Tk. 20.00 to 25.00" were substituted by the words and figures "Tk. 40.00 to 75.00", *ibid.*

<sup>77</sup> The word and figure "Tk. 15.00" were substituted by the word and figure "Tk. 30.00", *ibid.*

<sup>78</sup> The word and figure "Tk. 10.00" were substituted by the word and figure "Tk. 20.00", *ibid.*

<sup>79</sup> The words and figures "Tk. 20.00 to 25.00" were substituted by the words and figures "Tk. 25.00 to 75.00", *ibid.*

<sup>80</sup> The word and figure "Tk. 5.00" were substituted by the word and figure "Tk. 10.00", *ibid.*

<sup>81</sup> The word and figure "Tk. 5.00" were substituted by the word and figure "Tk. 10.00", *ibid.*

<sup>82</sup> The word and figure "Tk. 15.00" were substituted by the word and figure "Tk. 30.00", *ibid.*

16. Perusal and approval of draft orders or decrees <sup>83</sup>[Tk. 10.00 to Tk. 20.00]
17. Attending execution of Security Bond at the Advocate-on-Record's house or office or at the Court House. <sup>84</sup>[Tk. 15.00]
18. Attending Court upon the swearing of every necessary affidavit (including attendance upon the Interpreter to have same explained). <sup>85</sup>[Tk. 10.00]
19. Attendances in the Registry, if necessary inspecting documents, books and accounts by Advocate-on-Record per hour. <sup>86</sup>[Tk. 35.00]
20. Attending searches in Registry, if allowed <sup>87</sup>[Tk. 20.00]
21. Attending, obtaining and filing copies of decrees or orders in the Registry. <sup>88</sup>[Tk. 10.00]
22. Attending Advocate delivering brief with instructions. <sup>89</sup>[Tk. 35.00]
- Attending Advocate, delivering additional briefs <sup>90</sup>[Tk. 20.00]
23. Attending Advocate, paying fee <sup>91</sup>[Tk. 10.00]
24. Attending Advocate, fixing time for consultation or conference. <sup>92</sup>[Tk. 10.00]
24. (a) Attendance of appeals or matters each day, if contested. <sup>93</sup>[Tk. 150 per hour maximum Tk. 600]
- (b) Attendance of appeals or matters each day, if uncontested. Half of the above rates
25. Attendance in Court when appeal or matter is on day's list for hearing, if not called on per day. <sup>94</sup>[Tk. 75.00]

<sup>83</sup> The words and figures "Tk. 5.00 to 10.00" were substituted by the words and figures "Tk. 10.00 to 20.00", *ibid.*

<sup>84</sup> The word and figure "Tk. 10.00" were substituted by the word and figure "Tk. 15.00", *ibid.*

<sup>85</sup> The word and figure "Tk. 5.00" were substituted by the word and figure "Tk. 10.00", *ibid.*

<sup>86</sup> The word and figure "Tk. 20.00" were substituted by the word and figure "Tk. 35.00", *ibid.*

<sup>87</sup> The word and figure "Tk. 15.00" were substituted by the word and figure "Tk. 20.00", *ibid.*

<sup>88</sup> The word and figure "Tk. 5.00" were substituted by the word and figure "Tk. 10.00", *ibid.*

<sup>89</sup> The word and figure "Tk. 25.00" were substituted by the word and figure "Tk. 35.00", *ibid.*

<sup>90</sup> The word and figure "Tk. 10.00" were substituted by the word and figure "Tk. 20.00", *ibid.*

<sup>91</sup> The word and figure "Tk. 5.00" were substituted by the word and figure "Tk. 10.00", *ibid.*

<sup>92</sup> The word and figure "Tk. 5.00" were substituted by the word and figure "Tk. 10.00", *ibid.*

<sup>93</sup> The words and figures "Tk. 100.00 per hour maximum 300" were substituted by the words and figures "Tk. 150.00 per hour maximum 600", *ibid.*

<sup>94</sup> The word and figure "Tk. 50.00" were substituted by the word and figure "Tk. 75.00", *ibid.*

26. Attending Court to hear judgment where judgment is reserved,  
 if Advocate is not briefed <sup>95</sup>[Tk. 35'00]  
 if Advotcate is briefed <sup>96</sup>[Tk. 25'00]
27. Attending taxation per hour <sup>97</sup>[Tk. 35'00]
28. Attending Judge in Chamber or Registrar at hearing or enquiry on review of taxation before Taxing Officer, if Advocate is not briefed, per hour <sup>98</sup>[Tk. 35'00]  
 Where Advocate is briefed <sup>99</sup>[Tk. 20'00]
29. Attending on local enquiry or Commission to examine witnesses within the municipal limits of the seat of the Court, where personal attendance of Advocate-on-Record is required per hour. <sup>100</sup>[Tk. 35'00]
30. Writing or answering necessary letters <sup>101</sup>[Tk. 10'00 to 15'00]
31. Writings letters to witnesses, if any for each witness. <sup>102</sup>[Tk. 15'00]
32. Writing letter of instructions to legal practitioner attending examination of witness on commission when Advocate on Record cannot attend personally. <sup>103</sup>[Tk. 10'00 to 20'00]
33. Necessary translations made by translators approved by Court per folio. <sup>104</sup>[Tk. 20'00]
34. Receiving instructions to appeal, including petitions. <sup>105</sup>[Tk. 75'00 to 150'00]
35. Receiving instructions to sue, or defend and/or to counter claim. <sup>106</sup>[Tk. 75'00]

<sup>95</sup> The word and figure "Tk. 25.00" were substituted by the word and figure "Tk. 35.00", *ibid.*

<sup>96</sup> The word and figure "Tk. 15.00" were substituted by the word and figure "Tk. 25.00", *ibid.*

<sup>97</sup> The word and figure "Tk. 25.00" were substituted by the word and figure "Tk. 35.00", *ibid.*

<sup>98</sup> The word and figure "Tk. 25.00" were substituted by the word and figure "Tk. 35.00", *ibid.*

<sup>99</sup> The word and figure "Tk. 10.00" were substituted by the word and figure "Tk. 20.00", *ibid.*

<sup>100</sup> The word and figure "Tk. 15.00" were substituted by the word and figure "Tk. 35.00", *ibid.*

<sup>101</sup> The words and figures "Tk. 5.00 to 10.00" were substituted by the words and figures "Tk. 10.00 to 15.00", *ibid.*

<sup>102</sup> The word and figure "Tk. 5.00" were substituted by the word and figure "Tk. 15.00", *ibid.*

<sup>103</sup> The words and figures "Tk. 5.00 to 10.00" were substituted by the words and figures "Tk. 10.00 to 20.00", *ibid.*

<sup>104</sup> The word and figure "Tk. 2.00" were substituted by the word and figure "Tk. 20.00", *ibid.*

<sup>105</sup> The words and figures "Tk. 50.00 to 75.00" were substituted by the words and figures "Tk. 75.00 to 150.00", *ibid.*

<sup>106</sup> The word and figure "Tk. 50.00" were substituted by the word and figure "Tk. 75.00", *ibid.*

- |   |   |
|---|---|
| 36. Drawing Special Case  | <sup>107</sup> [Tk. 35·00]  |
| 37. Drawing interrogatories   | Deleted   |
| 38. Drawing Bill of costs in Appeals or matters   | <sup>108</sup> [Tk. 15·00 to 25·00]                                   |
| 39. Consultation with Advocate, if allowed  | <sup>109</sup> [Tk. 35·00]  |
| 40. Making transcript or copying papers for the press where necessary for preparing paper book, including examination, per folio. | <sup>110</sup> [Tk. 10·00]  |
| 41. Printing Paper book   | Actual Cost at a reasonable rate to be allowed by the Taxing Officer. |
| 42. Examining Proofs, per folio   | <sup>111</sup> [Tk. 2·00]   |
| 42. (a) Comparing transcript record per folio   | <sup>112</sup> [Tk. 1·50]   |
| 43. Preparation of the case and other unforeseen works.   | Discretionary.  |

#### FEES TO OFFICERS OF COURT

- |   |                             |
|---|-----------------------------|
| 1. Fees of interpreter for explaining at the house of a party or any place other than the Court House, pleadings & other documents except affidavits or affirmations where not exceeding 20 folios. | <sup>113</sup> [Tk. 100·00] |
| (a) Where over 20 folios, for every 10 folios or part thereof.  | <sup>114</sup> [Tk. 10·00]  |
| 2. Fees of Registrar for taking bonds at the house of a party or any place other than the Court House :   |                             |
| (a) For the first bond, where within the Municipal limits of the seat of the Court.   | <sup>115</sup> [Tk. 100·00] |

<sup>107</sup> The word and figure "Tk. 25.00" were substituted by the word and figure "Tk. 35.00", *ibid.*

<sup>108</sup> The words and figures "Tk. 10 to 20.00" were substituted by the words and figures "Tk. 15.00 to 25.00", *ibid.*

<sup>109</sup> The word and figure "Tk. 25.00" were substituted by the word and figure "Tk. 35.00", *ibid.*

<sup>110</sup> The word and figure "Tk. 2.00" were substituted by the word and figure "Tk. 10.00", *ibid.*

<sup>111</sup> The word and figure "Tk. 1.00" were substituted by the word and figure "Tk. 2.00", *ibid.*

<sup>112</sup> The word and figure "Tk. 0.50" were substituted by the word and figure "Tk. 1.50", *ibid.*

<sup>113</sup> The word and figure "Tk. 20.00" were substituted by the word and figure "Tk. 100.00", *ibid.*

<sup>114</sup> The word and figure "Tk. 5.00" were substituted by the word and figure "Tk. 10.00", *ibid.*

<sup>115</sup> The word and figure "Tk. 40.00" were substituted by the word and figure "Tk. 100.00", *ibid.*

- (b) Where beyond such limits <sup>116</sup>[Tk. 100·00]
- (c) For every bond taken at the same time and place after the first, in the same suit, appeal or matter. <sup>117</sup>[Tk. 40·00]
3. Fees of Registrar and Commissioners for taking affidavits or affirmations at the house of a party or any place other than the Court House :-
- (a) For the first affirmation where within the Municipal limits of the seat of the Court. <sup>118</sup>[Tk. 100·00]
- (b) Where beyond such limits <sup>119</sup>[Tk. 100·00]
- (c) For every affidavit, oath or affirmation taken at the same time and place after the first in the same suit, appeal or matter. <sup>120</sup>[Tk. 40·00]
4. Fees of Registrar and Commissioners for receiving affidavits, oaths or affirmation at the Court House for every affidavits, oath or affirmation. <sup>121</sup>[Tk. 15·00]
5. Fees of interpreter for explaining bonds, affidavits or petitions at the house of a party or any place other than the Court House. Equal to the fees allowed to Registrar or Commissioner.

## FIFTH SCHEDULE

### RULES AS TO PRINTING OF RECORD

1. All records and other proceedings in appeals or other matters pending before the Court shall be printed in the form known as Demy Quarto.

2. The size of the paper used shall be such that the sheet, when folded and trimmed, will be 11 inches in length and  $8\frac{1}{2}$  inches in width.

<sup>116</sup> The word and figure "Tk. 50.00" were substituted by the word and figure "Tk. 100.00", *ibid.*

<sup>117</sup> The word and figure "Tk. 20.00" were substituted by the word and figure "Tk. 40.00", *ibid.*

<sup>118</sup> The word and figure "Tk. 40.00" were substituted by the word and figure "Tk. 100.00", *ibid.*

<sup>119</sup> The word and figure "Tk. 50.00" were substituted by the word and figure "Tk. 100.00", *ibid.*

<sup>120</sup> The word and figure "Tk. 20.00" were substituted by the word and figure "Tk. 40.00", *ibid.*

<sup>121</sup> The word and figure "Tk. 5.00" were substituted by the word and figure "Tk. 15.00", *ibid.*

3. The type to be used in the text shall be pica type, but long Primer shall be used in printing accounts tabular matter and notes. The number of lines in each page of Pica type shall be 47 or thereabouts, and every tenth line shall be numbered in the margin.

4. Records shall be arranged in two parts in the same volumes, where practicable,

PART-I: The pleadings and proceedings, the transcript of the evidence of the witnesses, the judgment, decrees, etc. of the Courts below down to the order admitting the appeal.

PART-II : The exhibits and documents.

5. The index to Part-I shall be in chronological order and shall be placed at the beginning of the volume.

The index to Part-II shall follow the order of the exhibit mark, and shall be placed immediately after the index to Part-I.

6. PART-I shall be arranged strictly in chronological order i.e., in the same order as the index.

PART-II shall be arranged in the most convenient way for the use of the Court, as the circumstances of the case require. The documents shall be printed as suitable in chronological order. Each document shall show its exhibit mark, and whether it is a plaintiff's or defendant's document (unless this is clear from the exhibit mark) and in all cases documents relating to the same matter such as :

- (a) a series of correspondence, or
- (b) proceedings in a matter other than the one under appeal; shall be kept together. The order in the record of the documents in Part-II will probably be different from the order of the index and the proper page number of each document shall be inserted in the printed index.

The parties will be responsible for arranging the record in proper order for the Court, and in difficult cases counsel may be asked to settle it.

7. The documents in Part-I shall be numbered consecutively. The documents in Part-II shall not be numbered, apart from the exhibit mark.

8. Each document shall have a heading which shall consist of the number of exhibit mark and the description of the document in the index, without the date.

9. Each document shall have a marginal note which shall be repeated on each page over which the document extends, viz.-

## PART-I

- (a) Where the case has been before more than one court, the short name of the court shall first appear. Where the case has been before only one court the name of the court need not appear.
- (b) The marginal note of the document shall then appear consisting of the number and the description of the documents in the index, with the date, except in the case of oral evidence.
- (c) In the case of the oral evidence, "Plaintiff's evidence" "Defendant's evidence" shall appear beneath the name of the Court, and then the marginal note consisting of the number in the index and the witness's name, with "Examination", "cross-Examination", or "re-Examination", as the case may be.

## PART - II

The word "Exhibits" shall first appear.

The marginal note of the exhibit shall then appear consisting of the exhibit mark and the description of the document in the index with the date.

10. The parties shall agree to the omission of formal and irrelevant documents, but the description of the document may appear (both in the index and in the record) if desired, with the word "not printed" against it.

A long series of documents such as accounts, rent rolls, inventories, etc. shall not be printed in full, unless counsel so advises, but the parties shall agree to short extracts being printed as specimens.

11. In cases where maps are of an inconvenient size or unsuitable in character, the appellant shall, in agreement with the respondent, prepare maps drawn properly to scale and of reasonable size, showing as far as possible, the claims of the respective parties, in different colours.

12. Charges for cyclostyling the record :-

- |       |  |                     |
|-------|--|---------------------|
| (i)   | For preparing rough estimate of printing<br>typing charges-  | Tk. 24.00           |
| (ii)  | Typing charges for first 12 copies                           | Tk. 10.00 per page. |
| (iii) | For every additional copy other than<br>the first 12 copies. | Tk. 1.00 per page.  |
| (iv)  | Preparation of index for every ten entries.                  | Tk. 5.00            |
| (v)   | Binding charges (with card-board sides)                      | Tk. 10.00           |



**SIXTH SCHEDULE****Forms.****No.1****SUPREME COURT OF BANGLADESH  
APPELLATE DIVISION****Certificate of Enrolment of Senior Advocate, Advocate or Advocate-on-Record  
(ORDER IV)**

No. ....

**THIS IS TO CERTIFY, that**

has this day been admitted and enrolled as a Senior Advocate/as an Advocate/as an Advocate-on-Record in the Appellate Division of Supreme Court of Bangladesh.

Dated this the ..... day of ..... 20.....

Registrar.

**No.2****Undertaking by Advocate-on-Record  
(ORDER IV)**

I, the undersigned, do hereby solemnly affirm and declare that I will observe, submit to perform, and abide by all and every orders, rules, regulations, and practice of the Appellate Division of Supreme Court of Bangladesh now in force or hereafter from time to time to be made, and also to pay and discharge, from time to time when the same shall be demanded, all fees, charges, and sums of money due and payable in respect of any appeal, cause or other matter in and upon which I shall appear as such Advocate-on-Record, and that I shall maintain a regular account for each case in such forms the Court may prescribe in respect of all sums received or disbursed on behalf of my client in respect of any such appeal, cause or other matter.

**No.3****Undertaking by Advocate-on-Record  
(ORDER IV)**

I, the undersigned, a partner in the firm ..... do hereby solemnly affirm and declare that I will observe, submit to perform, and abide by all and every orders, rules, regulations, and practice of the Appellate Division of Supreme Court of Bangladesh now in force or hereafter from time to time to be made, and also to pay and discharge, on behalf of myself and the firm, from time to time, when the same shall be demanded, all fees, charges, and sums of money due and payable in respect of any appeal, cause or other matter in and upon which I shall appear as an Advocate-on-Record-partner of the firm ; and that the firm shall maintain a regular account for each case in such form as the Court may prescribe in respect of all sums received or disbursed on behalf of the client of the firm in respect of any such appeal, cause or other matter.

**No.4**  
**Indemnity Bond by Advocate-on-Record**  
**(ORDER IV)**

**WHEREAS I**, ..... (name, description and address) have subscribed to an undertaking to pay and discharge on behalf of myself or of the firm namely ..... Advocate-on-Record in which I am a partner, from time to time and as and when the same shall become due or be demanded, all fees, charges, costs and other sums of money due or payable in respect of any appeal, cause or other matter filed by me or by the said Firm or in which I or the said Firm shall have appeared or filed any power as an Advocate-on-Record or as a Firm of Advocates-on-Record.

NOW, THEREFORE, BY THESE PRESENTS I agree and consent to pay and always to keep the Court indemnified against all such fees, charges, costs and other sums as may be found to be due or payable in respect of any one such appeal, cause or other matter or as may be demanded from me or from the said Firm up to the extent of Taka Five Thousand (Tk. 5,000.00), and in the event of the same not being paid within seven days (7 days) of the service of the notice of demand or within such further time as may be allowed by the Court, execution may issue forthwith against me, my heirs, executors and administrators, goods and chattel for a sum not exceeding Taka Five thousand (Tk.5,000.00) .

IN WITNESS whereof I have on this the ..... day of ..... affixed my hand and seal.

Seal & Signature of Advocate-on-Record.

Witnesses :-

1.

2.

No.5

POWER OF ATTORNEY TO ADVOCATE-ON-RECORD

(ORDER-IV)

IN THE SUPREME COURT OF BANGLADESH

APPELLATE DIVISION

(APPELLATE JURISDICTION)

Case No. of 20

Appellant/Petitioner.

versus

Respondent.

I/We

(Residence and addition of place )

Appellant(s) /Petitioner(s)

Respondent(s)/Opposite Party.

In the above Appeal/Petition/Reference do hereby appoint and constitute Mr..... Advocate-on-Record, Appellate Division, Supreme Court of Bangladesh, the Advocate-on-Record for the aforesaid appellant/petitioner(s)/ Respondent(s) to commence and prosecute (or to appear and defend) this action appeal/Petition/Reference on my (our) behalf and all proceedings that may be taken in respect of any application connected with the same including proceedings in taxation and applications for review, to draw and deposit money, to file and take back documents. to accept the processes of the Court, to appoint and instruct counsel, to represent the aforesaid appellant or petitioner(s) or respondent(s) or opposite party in the above matter and to do all things incidental to such acting for the aforesaid appellant or petitioner(s) or Respondent(s) to ratify all acts done by the aforesaid Advocate-on-Record in pursuance of this authority.

In witness whereof I/we do hereunto set my (our) hand(s) this the ..... day of ..... 20.....

(Signature)

The address for service of the said Advocate-on-Record is .....

FORM OF SUMMONS FOR AN ORDER IN CHAMBER  
(ORDER-V)  
IN THE SUPREME COURT OF BANGLADESH  
APPELLATE DIVISION  
(APPELLATE JURISDICTION)

Case No.                      of    20

..... Appellant/Petitioner.

versus

..... Respondent.

Let all parties concerned attend before ..... in Chamber at the Supreme Court Building on the ..... day of ..... 20 at ..... O'clock in the forenoon on the hearing of an application on the part of the abovenamed (state on whose behalf the application is made and the precise object of the application) .

Dated this the ..... day of ..... 20.....

This Summons was taken out by Mr. ...., Advocate-on-Record for the Appellant.

To,

Mr. ...., Advocate-on-Record (for the persons to be served) .

GROUNDS

(Here insert a list of the materials relied on e.g. affidavit of etc.).

No.7

**NOTICE OF APPEAL FROM REGISTRAR  
(ORDER-V)  
IN THE SUPREME COURT OF BANGLADESH  
APPELLATE DIVISION  
(APPELLATE JURISDICTION)**

Case No.                      of    20

..... Appellant/Petitioner.

versus

..... Respondent.

Take notice that the abovenamed Appellant/Petitioner(s) intends to appeal against the decision of the Registrar given on the ..... day of ..... (ordering or .....refusing to order) that .....

And further take notice that you are required to attend before the Judge in Chamber at the Supreme Court Building in the day of ..... 20..... O'clock in the forenoon on the hearing of an application by the said appellant/petitioner (here state the order sought to be obtained).

To,

.....

(Signed etc.)

No. 8

## NOTICE OF MOTION

(ORDER-VI)

IN THE SUPREME COURT OF BANGLADESH

APPELLATE DIVISION

(APPELLATE JURISDICTION)

Case No.                      of    20

..... Appellant/Petitioner.

versus

..... Respondent.

Take notice that the Court will be moved on the ..... day of 20.... at ..... O'clock in the forenoon or as soon thereafter as Counsel can be heard [State by whom, and counsel on the part of the abovenamed or by the abovenamed defendants in person, or on the part of (insert place of residence, description and addition of applicant, if not a party to the proceedings), that (here state the precise object of the motion, as thus: this action may stand dismissed for want of prosecution).

Dated this the ..... day of ..... 20.....

To

State (name of the Advocate-on-Record or party to whom the notice is given )

State name, etc. of Advocate-on-Record, party for giving notice.

No. 9

FORM OF OATH BY TRANSLATOR

(ORDER-VII)

IN THE SUPREME COURT OF BANGLADESH

APPELLATE DIVISION

In the matter of :  
a translator .

I, ..... solemnly affirm and say that I will translate  
correctly and accurately all documents given to me for translation.

Before ..... the ..... 20....

Registrar.

No. 10

APPLICATION FOR PRODUCTION OF RECORDS  
(ORDER-IX)  
IN THE SUPREME COURT OF BANGLADESH  
APPELLATE DIVISION  
(APPELLATE JURISDICTION)

Case No.                      of    20

..... Appellant/Petitioner.

versus

..... Respondent.

To  
The Registrar,  
Supreme Court of Bangladesh,  
Appellate Division,  
Dhaka.

Sir,

Please produce the records of the above case before ..... on  
.....

Dated this the ..... day of ..... 20.....

(Signed)



No. 11

NOTICE TO PARTIES OF THE DAY  
FIXED FOR DELIVERY OF JUDGMENT

(ORDER-X)

IN THE SUPREME COURT OF BANGLADESH

APPELLATE DIVISION

(APPELLATE JURISDICTION)

Case No. of 20

..... Appellant/Petitioner.

versus

..... Respondent.

To

(Names of Parties or their Advocate-on-Record)

Take notice that the Court will deliver judgment in the abovenamed case on the  
..... day of ..... 20..... at ..... day of ..... in  
the forenoon, or as soon thereafter as may be convenient to the Court.

Dated, this the ..... day of ..... 20 .....

Registrar.

No. 12

**NOTICE TO RESPONDENT OF LODGING  
OF APPEAL  
(ORDER-XII)  
IN THE SUPREME COURT OF BANGLADESH  
APPELLATE DIVISION  
(APPELLATE JURISDICTION)**

Case No. \_\_\_\_\_ of 20 ..

Appeal from the judgment (or decree or final Order) of the High Court Division of Supreme Court of Bangladesh ..... at ..... dated the ..... of ..... 20 .....

(Here give number of case in High Court Division) was presented by the abovenamed appellant on the ..... day of ..... 20.... and has been registered in the Court as Criminal Appeal No. ....of ..... 20....

Dated, this the ..... day of ..... 20 .....

Registrar.

No. 13  
MEMORANDUM OF APPEARANCE IN PERSON  
(ORDER-XVII)  
IN THE SUPREME COURT OF BANGLADESH  
APPELLATE DIVISION  
(APPELLATE JURISDICTION)

Case No.                      of    20 .

..... Appellant.

versus

..... Respondent.

To  
The Registrar,

Please enter an appearance for me the respondent abovenamed in this appeal.

Dated this the ..... day of ..... 20.....

(Signature of Respondent)  
Address for service.

No. 14

**NOTICE OF APPEARANCE  
(ORDER-XVII)  
IN THE SUPREME COURT OF BANGLADESH  
APPELLATE DIVISION  
(APPELLATE JURISDICTION)**

Case No.                      of                      20

..... Appellant/Petitioner.

versus

..... Respondent.

To

(the Petitioner/Appellant) or their Advocate-on-Record.

Take notice that appearance has been entered in this Case for the Respondent (name of Respondent appearing).

Dated this the ..... day of ..... 20.....

(Signature)

Advocate-on-Record for the said  
Respondent place of business  
of Advocate-on-Record

No. 15

**NOTICE TO PARTIES OF THE DAY**  
**FIXED FOR HEARING OF APPEAL**  
**(ORDER-XX)**  
**IN THE SUPREME COURT OF BANGLADESH**  
**APPELLATE DIVISION**  
**(APPELLATE JURISDICTION)**

Case No.                      of      20

..... Appellant.

versus

..... Respondent.

To

(Name of Parties and their Advocate-on-Record)

Take notice that the above appeal is fixed for hearing on the day of .....

..... 20....., and shall be taken up for hearing by the Court on that day at .....  
.....O'clock in the forenoon or as soon thereafter as may be convenient to the Court.

Dated this the ..... day of ..... 20.....

Registrar.

No. 16

**NOTICE FOR DISPOSAL OF A MATTER UNDER  
SEC. 525A OF THE CRIMINAL PROCEDURE CODE**

(Act V of 1898)

(ORDER-XXV)

IN THE SUPREME COURT OF BANGLADESH

(APPELLATE DIVISION)

Case No. \_\_\_\_\_ of 20 \_\_\_\_\_

..... Appellant/Petitioner.

versus

..... Respondent.

To

WHEREAS the abovenamed petitioner has instituted an application in this Court under Section 525A of the Code of Criminal Procedure (Act V of 1898) for transfer of Criminal Case/Criminal Appeal, you are hereby required to cause an appearance to be entered for you in the Registry of this Court within twenty-one days from the service upon you of this notice, exclusive of the day of such service; and you are asked to appear before this Court by an Advocate (.....) of the Court to make your submission, if any, on the day the case is set down for hearing, upon which date you must be prepared to produce necessary papers and documents upon which you intend to rely in support of your case.

And you are hereby required to take notice that in default of your causing an appearance to be so entered, the cause will be liable to be heard and determined in your absence.

Registrar.

No. 17

**NOTICE TO A PERSON CHARGED WITH CONTEMPT OF COURT  
(ORDER-XXVII)**

**IN THE SUPREME COURT OF BANGLADESH  
APPELLAE DIVISION**

Whereas your attendance is necessary to answer a charge of contempt of Court by (here briefly state nature of the contempt).

You are hereby required to appear in person (or by Advocate if the Court has so ordered) before this Court at Dhaka on the ..... day of ..... 20..... at 9.00 O'clock in the forenoon.

You shall attend the Court in person on the ..... day of ..... 20..... and shall continue to attend the Court on all days thereafter to which the case against you stands adjourned and until final orders are passed on the charge against you.

Herein fail not.

Dated, this ..... day of ..... 20.....

Registrar.

(SEAL)

No. 18

## WARRANT OF ARREST

(ORDER -XXVII)

IN THE SUPREME COURT OF BANGLADESH

APPELLATE DIVISION

To

(Name and designation of the person or persons who is or are to execute the warrant.)

Whereas ..... of ..... is charged with committing contempt of this Court, you are hereby directed to arrest the said ..... and to produce him before this Court on the ..... day of ..... 20 , at 9.00 O' clock in the forenoon.

Herein fail not.

(If the Court has issued aailable warrant, the following endorsement shall be made on the warrant). If the said ..... shall give bail in the sum of Tk. .... with one surety in the sum of Tk. .... (or two sureties each in the sum of Tk. ....) to attend before this Court on the ..... day of ..... 20 at 9.00 O' clock in the forenoon and to continue so to attend until otherwise directed by this Court, he may be released.

Dated, this ..... day of ..... 20 .

Registrar.

(SEAL)



No.19  
**BOND AND BAIL-BOND AFTER ARREST UNDER  
 A WARRANT  
 (ORDER-XXVII)  
 IN THE SUPREME COURT OF BANGLADESH  
 APPELLATE DIVISION**

I, ..... (name) of ..... being brought before the District Magistrate of ..... ( or as the case may be) under a warrant issued to compel my appearance to answer to the charge of contempt of the Supreme Court do hereby bind myself to attend the Supreme Court on the ..... day of ..... next, to answer to the said charge, and to continue so to attend, until otherwise directed by the Supreme Court; and, in case of my making default herein, I bind myself to forfeit to the People's Republic of Bangladesh, the sum of Taka .....

Dated, this ..... day of ..... 20 ..

(Signature)

I do hereby declare myself surety for the abovenamed of ..... that he shall attend before ..... in the Supreme Court on the ..... day of ..... next, to answer to the charge on which he has been arrested, and shall continue so to attend until otherwise directed by the Supreme Court; and, in case of his making default therein, I bind myself to forfeit to the People's Republic of Bangladesh, the sum of Taka .....

Dated, this ..... day of ..... 20 ..

Signature

No. 20

WARRANT OF COMMITMENT FOR CONTEMPT

(ORDER-XXVII)

IN THE SUPREME COURT OF BANGLADESH

APPELLATE DIVISION

To  
The Superintendent (or Keeper) of the Jail at .....

Whereas at the Court holden on this day (name and description of the contemner) has been adjudged by the Court guilty of wilful contempt of Court, and he has been sentenced to suffer imprisonment for the period ..... (here specify the term) and/or to pay a fine of Tk. ....

This is to authorise and require you, the Superintendent (or Keeper) of the said Jail, to receive the said (name of the contemner) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (term of imprisonment) or for such shorter period as may hereafter be fixed by order of this Court and intimated to you. You are directed to return this warrant with an endorsement certifying the manner of its execution.

You are further directed that while the said ..... is in your custody, produce the said ..... before the Court at all times when the Court shall so direct.

Given under my hand and the seal of the Court, this ..... day of ..... 20 .....

Registrar.

(SEAL)

No. 21

**NOTICE TO THE ATTORNEY-GENERAL FOR BANGLADESH  
OF THE SPECIAL REFERENCE UNDER ARTICLE 106 OF  
THE CONSTITUTION OF THE PEOPLE'S REPUBLIC OF  
BANGLADESH  
(ORDER-XXVIII)  
IN THE SUPREME COURT OF BANGLADESH  
APPELLATE DIVISION  
(APPELLATE JURISDICTION)**

Case No.                      of                      20

In the matter of :

AND :

In the matter of :

A Special Reference under Article  
106 of the Constitution of the  
People's Republic of Bangladesh.

To  
The Attorney-General for  
Bangladesh.

Whereas under the above Article of the Constitution of the People's Republic of Bangladesh, the President has referred the following question(s) of law for consideration and report to this Court :-

(Here set out the question or questions referred).

Take notice that you are hereby required to appear before this Court on the ..... day of ..... 20 , at ..... O'clock in the forenoon to take the directions of the Court in the matter .

Registrar.

No. 21-A

**NOTICE TO PARTIES OF THE SPECIAL REFERENCE UNDER ARTICLE  
106 OF THE CONSTITUTION OF THE PEOPLE'S REPUBLIC OF  
BANGLADESH  
(ORDER NO.XXVIII)  
IN THE SUPREME COURT OF BANGLADESH  
APPELLATE DIVISION  
(APPELLATE JURISDICTION)**

Case No.                      of    .20

In the matter of :  
(Name of patty)

AND :

In the matter of :

A Special Reference under Article  
106 of the Constitution of the  
People's Republic of Bangladesh.

To

(Names of parties)

Whereas under the above Article of the Constitution of the People's Republic of Bangladesh the President has referred the following question(s) of law for consideration and report to this Court :-

(Here set out the question or questions referred) .

Take notice that you are hereby required if you desire to be heard to cause an appearance to be entered for you in the Registry of this Court on or before the ..... day of ..... 20 , and to attend on the said day at ..... O'clock in the forenoon before the Registrar by an Advocate of the Court to take the directions of the Court with respect to statements of facts and arguments and with respect to the date of the hearing.

Registrar.

No. 22

SUMMONS TO ATTEND TAXATION  
(ORDER-XXX)

IN THE SUPREME COURT OF BANGLADESH  
APPELLATE DIVISION  
(APPELLATE JURISDICTION)

Case No. \_\_\_\_\_ of 20 \_\_\_\_\_

..... Appellant/Petitioner.

versus

..... Respondent.

BILL NO. \_\_\_\_\_ OF 20 \_\_\_\_\_

(Here state the Names of Parties to the bill)

Whereas Mr. \_\_\_\_\_, Advocate-on-Record for Appellant/Petitioner/Respondent has lodged a bill of costs (copy appended hereto) for taxation as between Party and Party and also as between Advocate-on-Record and client, notice is hereby given that the Taxing Officer of the Court will proceed to tax the said bill on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_, at \_\_\_\_\_ O'clock in the forenoon when you may attend before the Taxing officer in his office in the Court Building and contest the said bill or any items therein.

Dated, this the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

.....  
Taxing Officer.

No. 23

CERTIFICATION OF TAXATION  
(ORDER-XXX)  
IN THE SUPREME COURT OF BANGLADESH  
APPELLATE DIVISION  
(APPELLATE JURISDICTION)

Case No. of 20

Appellant/Petitioner.

versus

Respondent.

BILL NO. OF 20

I do hereby certify that I have taxed the above bill of costs lodged in this Court by Mr. ...., Advocate-on-Record for Appellant/Petitioner or Respondent against (Here insert the name of party or client) and do allow, as between party and party, Advocate-on-Record and client, the sum of ( amount in figures and words) only.

Dated, this the ..... day of ..... 20 .

Taxing Officer.

\*Here state the names of the parties to the bill.

No. 24

NOTICE OF PROCEEDINGS TO THE  
ATTORNEY-GENERAL FOR BANGLADESH.  
(ORDER -XXXI)  
IN THE SUPREME COURT OF BANGLADESH  
APPELLATE DIVISION  
(APPELLATE JURISDICTION)

Case No.                      of    20

..... Appellant/Petitioner.

versus

..... Respondent.

To  
The Attorney-General  
for Bangladesh.

Take notice that the abovenamed case has been filed in this Court (and is fixed for hearing on the ..... day of ..... 20 , and shall be taken up for hearing by the Court on that day, at ..... O'clock in the forenoon or as soon thereafter as may be convenient to the Court) , ( and shall be fixed for hearing on a suitable date of which due notice will be given to you).

As the case raises (an) important question (s) [here state briefly the question(s) involved] notice is hereby given to you so that you may appear and take such part in the proceedings before the Court as you may be advised.

Dated, this ..... day of ..... 20

Registrar

No. 25

**AFFIDAVIT OF SERVICE OF SUMMONS**  
**(ORDER XXXIII)**  
**IN THE SUPREME COURT OF BANGLADESH**  
**APPELLATE DIVISION**  
**(APPELLATE JURISDICTION)**

Case No.                      of      20

..... Appellant/Petitioner.

versus

..... Respondent.

I, ..... of Advocate-on-Record for the abovenamed .....  
 make oath/solemnly affirm and say as follows :

I did on the ..... day of ..... 20 ..... serve Mr. ....  
 ....., Advocate-on-Record for the abovenamed ..... in this action  
 for appeal with a true copy of the summons now produced and shown to me marked A,  
 by leaving it, before the hour of two ..... at the (office or dwelling house) of  
 the said ..... situate ..... being the address for service in this  
 action (or appeal) (with his, clerk or his servant or as may be there), or by posting it at the  
 post office, at ..... in a duly registered envelop addressed to this said  
 ..... at ..... being the address for service in this action ( or appeal).

Sworn at ..... this ..... day of ..... 20

before me.

This affidavit is filed on behalf of the



No. 26

**AFFIDAVIT OF SERVICE BY POST**  
**(ORDER-XXXIII)**  
**IN THE SUPREME COURT OF BANGLADESH**  
**APPELLATE DIVISION**  
**(APPELLATE JURISDICTION)**

Case No.                      of    20

.....Appellant/Petitioner.

versus

..... Respondent.

I, ....., Advocate-on-Record for the abovenamed .....  
 ..... make oath/solemnly affirm, and say as follows :-

I did serve the Advocate-on-Record for the abovenamed in this appeal action for the abovenamed (if he has appeared in person) with the summon (or notice or other document) now produced and shown to me marked A, by posting on the ..... day of ..... 20 , at (name of post Office) a true copy of the said summons (or as may be in a prepaid envelop registered for acknowledgement addressed to the said Advocate-on-Record or Respondent or as may be) at ..... which is his address for service. The postal acknowledgement is attached hereto.

Sworn at ..... this ..... day of ..... 20

BEFORE ME

This affidavit is filed on behalf of the

বাংলাদেশ



গেজেট

অতিরিক্ত সংখ্যা  
কর্তৃপক্ষ কর্তৃক প্রকাশিত

মঙ্গলবার, এপ্রিল ২২, ২০০৮

বাংলাদেশ সুপ্রীম কোর্ট  
আপীল বিভাগ, ঢাকা

### প্রজ্ঞাপন

ঢাকা, ০৪ বৈশাখ ১৪১৫/১৭ এপ্রিল ২০০৮

নং ৮২১/২০০৮ এসসি (এ ডি)—গণপ্রজাতন্ত্রী বাংলাদেশের সংবিধানের ১০৭(১) অনুচ্ছেদে প্রদত্ত ক্ষমতাবলে বাংলাদেশ সুপ্রীম কোর্ট রাষ্ট্রপতির অনুমোদনক্রমে, The Supreme Court of Bangladesh (Appellate Division) Rules, 1988-এর নিম্নরূপ অধিকতর সংশোধন করিলেন, যথা ঃ—

১। উক্ত Rules-এর PART I, ORDER III-এ OFFICERS OF THE COURT, ETC. শিরোনামাধীনে—

- (ক) Rule-3-এ উল্লেখিত "The Registrar," শব্দগুলি ও কমার পর "the Additional Registrar or" শব্দগুলি সন্নিবেশিত হইবে।
- (খ) Rule-4-এ উল্লেখিত "the Chief Justice delegate to" শব্দগুলির পর "a" শব্দটি বিলুপ্ত হইবে এবং তদস্থলে "the Additional Registrar or the" শব্দগুলি প্রতিস্থাপিত হইবে।
- (গ) Rule-6-এ উল্লেখিত "the Registrar or" শব্দগুলির পর "the Additional Registrar or" শব্দগুলি সন্নিবেশিত হইবে।
- (ঘ) Rule-7-এ উল্লেখিত "in Writing of Registrar" শব্দগুলির পর "or Additional Registrar" শব্দগুলি সন্নিবেশিত হইবে।

২। উক্ত Rule-এর PART I-এর ORDER IV-এ ADVOCATES AND ADVOCATES ON-RECORD শিরোনামাধীনে—

- (ক) Rule-6-এ উল্লেখিত "Taka One Thousand only" শব্দগুলির পরিবর্তে "Taka Five Thousand only" শব্দগুলি প্রতিস্থাপিত হইবে।
- (খ) Rule-12-এ উল্লেখিত "Taka Two Thousand only" শব্দগুলির পরিবর্তে "Taka Ten Thousand only" শব্দগুলি প্রতিস্থাপিত হইবে।
- (গ) Rule-20(i)-এ উল্লেখিত "Tk.1,000" শব্দ ও সংখ্যার পরিবর্তে "Taka 2,000.00" শব্দ, সংখ্যা ও কমা প্রতিস্থাপিত হইবে।

৩। উক্ত Rule-এর PART II-এর, ORDER XIII-এ PETITIONS FOR LEAVE TO APPEAL IN CIVIL PROCEEDINGS শিরোনামাধীনে—

- (ক) Rule-3-এ উল্লেখিত "at least six" শব্দগুলির পরিবর্তে "at least ten" শব্দগুলি প্রতিস্থাপিত হইবে।

৪। The Supreme Court of Bangladesh (Appellate Division) Rules, 1988-এর PART II, ORDER XVIII-এ PETITIONS GENERALLY শিরোনামাধীনে Rule-12-এ উল্লেখিত "Tk. 500" শব্দ ও সংখ্যার পরিবর্তে "Tk. 2,000" শব্দ, সংখ্যা ও কমা প্রতিস্থাপিত হইবে এবং "or paid to the opposite party if the petition or application is frivolous or vexatious" শব্দগুলির পরিবর্তে "if the petition or application is negated or dismissed" শব্দগুলি প্রতিস্থাপিত হইবে।

৫। উক্ত Rules-এর PART II, ORDER XIX-এ LODGING OF CONCISE STATEMENT AND SUPPLEMENTAL PROCEEDINGS শিরোনামাধীনে Rule-I উল্লেখিত "twelve copies" শব্দগুলির পরিবর্তে "fourteen copies" শব্দগুলি প্রতিস্থাপিত হইবে।

৬। উক্ত Rules-এর PART II, ORDER XXIV-এ PETITIONS FOR LEAVE TO APPEAL AND APPEALS ARISING THEREFROM IN CRIMINAL PROCEEDINGS শিরোনামাধীনে Rule-6-এ উল্লেখিত "Tk. 200" শব্দ ও সংখ্যার পরিবর্তে "Tk. 2,500" শব্দ, সংখ্যা ও কমা প্রতিস্থাপিত হইবে।

৭। উক্ত Rules-এর PART IV, ORDER XXVI-এ REVIEW শিরোনামাধীনে Rule-9-এ উল্লেখিত "Tk. 2000" শব্দ ও সংখ্যার পরিবর্তে "Tk. 10,000" শব্দ, সংখ্যা ও কমা প্রতিস্থাপিত হইবে; এবং "Or paid to the opposite party if the review petition is contested and" শব্দগুলির পরিবর্তে "if the review petition" শব্দগুলি প্রতিস্থাপিত হইবে।

৮। উক্ত Rules-এর PART VII-এর ORDER XXX-এ TAXATION শিরোনামাধীনে Rule-I-এ "The Registrar," শব্দগুলি ও কমা পর "the Additional Registrar," শব্দগুলি ও কমা সন্নিবেশিত হইবে।

৯। উক্ত Rules-এর THIRD SCHEDULE-এ TABLE OF COURT FEES শিরোনামাধীনে PART-I-এ Serial No. 1-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 250'00"-এর পরিবর্তে "Tk. 750'00" প্রতিস্থাপিত হইবে।

১০। উক্ত Rules-এর THIRD SCHEDULE-এ TABLE OF COURT FEES শিরোনামাধীনে PART-II-এর—

- (ক) Serial No. 1-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 350'00"-এর পরিবর্তে "Tk. 700'00" প্রতিস্থাপিত হইবে।
- (খ) Serial No. 2-এর বিপরীতে ১ নং কলামের এন্ড্রিতে উল্লেখিত "Tk. 15,000"-এর পরিবর্তে "Tk. 20,000" প্রতিস্থাপিত হইবে এবং "in excess of Tk. 15,000"-এর পরিবর্তে "in excess of 20,000" প্রতিস্থাপিত হইবে।
- (গ) Serial No. 2-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 350'00"-এর পরিবর্তে "Tk. 700'00" প্রতিস্থাপিত হইবে এবং উক্ত কলামের নিম্নাংশের এন্ড্রিতে উল্লেখিত "Tk. 10'00"-এর পরিবর্তে "Tk. 30'00" প্রতিস্থাপিত হইবে। Serial No. 2-এর বিপরীতে ৩ নং কলামের এন্ড্রির সর্বনিম্নাংশে উল্লেখিত "Tk. 350'00"-এর পরিবর্তে "Tk. 500'00" প্রতিস্থাপিত হইবে।
- (ঘ) Serial No. 2-এর শর্তাংশে (i) এ উল্লেখিত "Tk. 4,000'00"-এর পরিবর্তে "Tk. 1,00,000'00" প্রতিস্থাপিত হইবে।
- (ঙ) Serial No. 3-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 25'00"-এর পরিবর্তে "Tk. 75'00" প্রতিস্থাপিত হইবে।
- (চ) Serial No. 5-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 5'00"-এর পরিবর্তে "Tk. 10'00" প্রতিস্থাপিত হইবে।

১১। উক্ত Rules-এর THIRD SCHEDULE, TABLE OF COURT FEES শিরোনামাধীন PART-III-এর—

- (ক) Serial No. 1-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 5'00"-এর পরিবর্তে "Tk. 15'00" প্রতিস্থাপিত হইবে।
- (খ) Serial No. 2-এর বিপরীতে ১ নং কলামের এন্ড্রিতে উল্লেখিত "Tk. 1'00"-এর পরিবর্তে "Tk. 10'00" প্রতিস্থাপিত হইবে।
- (গ) Serial No. 2-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 20'00"-এর পরিবর্তে "Tk. 50'00" প্রতিস্থাপিত হইবে এবং উক্ত কলামের নিম্নাংশের এন্ড্রিতে উল্লেখিত "Tk. 2'00"-এর পরিবর্তে "Tk. 10'00" প্রতিস্থাপিত হইবে।

- (ঘ) Serial No. 3-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 5'00"-এর পরিবর্তে "Tk. 25'00" প্রতিস্থাপিত হইবে SI-3(a)-এর বিপরীতে ৩ নং কলামের উল্লেখিত "Tk. 5'00"-এর পরিবর্তে "Tk. 25'00" প্রতিস্থাপিত হইবে।
- (ঙ) Serial No. 4-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 10'00"-এর পরিবর্তে "Tk. 25'00" প্রতিস্থাপিত হইবে।
- (চ) Serial No. 5-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 5'00"-এর পরিবর্তে "Tk. 25'00" প্রতিস্থাপিত হইবে।
- (ছ) Serial No. 6-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 10'00"-এর পরিবর্তে "Tk. 20'00" প্রতিস্থাপিত হইবে।
- (জ) Serial No. 7-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 10'00"-এর পরিবর্তে "Tk. 20'00" প্রতিস্থাপিত হইবে।
- (ঝ) Serial No. 8-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 10'00"-এর পরিবর্তে "Tk. 20'00" প্রতিস্থাপিত হইবে।
- (ঞ) Serial No. 9-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 20'00"-এর পরিবর্তে "Tk. 50'00" প্রতিস্থাপিত হইবে এবং উক্ত কলামের নিম্নাংশের এন্ট্রিতে উল্লেখিত "Tk. 2'00"-এর পরিবর্তে "Tk. 10'00" প্রতিস্থাপিত হইবে।
- (ট) Serial No. 10-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 20'00"-এর পরিবর্তে "Tk. 50'00" প্রতিস্থাপিত হইবে।
- (ঠ) Serial No. 11-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 10'00"-এর পরিবর্তে "Tk. 20'00" প্রতিস্থাপিত হইবে।
- (ড) Serial No. 12-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 25'00"-এর পরিবর্তে "Tk. 100'00" প্রতিস্থাপিত হইবে।
- (ঢ) Serial No. 13-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 25'00"-এর পরিবর্তে "Tk. 75'00" প্রতিস্থাপিত হইবে।
- (ণ) Serial No. 14-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 10'00"-এর পরিবর্তে "Tk. 100'00" প্রতিস্থাপিত হইবে।
- (ত) Serial No. 15-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 15'00"-এর পরিবর্তে "Tk. 35'00" প্রতিস্থাপিত হইবে।



১২। উক্ত Rules-এর FOURTH SCHEDULE-এ FEES TO ADVOCATE-ON-RECORD শিরোনামাধীনে—

- (ক) Serial No. 1-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 10'00 to 30'00"-এর পরিবর্তে "Tk. 50'00 to 100'00" প্রতিস্থাপিত হইবে।
- (খ) Serial No. 2-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 10'00 to 30'00"-এর পরিবর্তে "Tk. 30'00 to 100'00" প্রতিস্থাপিত হইবে।
- (গ) Serial No. 2-এর বিপরীতে ৩ নং কলামের নিম্নাংশের এন্ড্রিতে উল্লেখিত "Tk. 2'00"-এর পরিবর্তে "Tk. 5'00" প্রতিস্থাপিত হইবে।
- (ঘ) Serial No. 3-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 25'00"-এর পরিবর্তে "Tk. 60'00" প্রতিস্থাপিত হইবে।
- (ঙ) Serial No. 4-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 10'00"-এর পরিবর্তে "Tk. 20'00" প্রতিস্থাপিত হইবে।
- (চ) Serial No. 5-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 5'00"-এর পরিবর্তে "Tk. 15'00" প্রতিস্থাপিত হইবে।
- (ছ) Serial No. 6-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 30'00 to 60'00"-এর পরিবর্তে "Tk. 50'00 to 100'00" প্রতিস্থাপিত হইবে।
- (জ) Serial No. 7-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 5'00 to 15'00"-এর পরিবর্তে "Tk. 25'00 to 30'00" প্রতিস্থাপিত হইবে।
- (ঝ) Serial No. 8(a)-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 1'00"-এর পরিবর্তে "Tk. 7'00" ;
- Serial No. 8(b)-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 0'50"-এর পরিবর্তে "Tk. 2'00" ; এবং
- Serial No. 8(c)-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 2'00"-এর পরিবর্তে "Tk. 7'00" ;
- Serial No. 8(d)-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 0'50"-এর পরিবর্তে "Tk. 2'00" ;
- Serial No. 8(e)-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 1'00"-এর পরিবর্তে "Tk. 5'00" প্রতিস্থাপিত হইবে।

- (এঃ) Serial No. 9-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 5'00"-এর পরিবর্তে "Tk. 10'00" প্রতিস্থাপিত হইবে ; এবং
- উক্ত কলামের নিম্নাংশের এন্ট্রিতে উল্লেখিত "Tk. 15'00"-এর পরিবর্তে "Tk. 40'00" প্রতিস্থাপিত হইবে।
- (ট) Serial No. 10-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 4'00"-এর পরিবর্তে "Tk. 10'00" প্রতিস্থাপিত হইবে।
- (ঠ) Serial No. 11-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 20'00 to 25'00"-এর পরিবর্তে "Tk. 40'00 to 75'00" প্রতিস্থাপিত হইবে।
- (ড) Serial No. 12-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 15'00"-এর পরিবর্তে "Tk. 30'00" এবং উক্ত কলামের নিম্নাংশের এন্ট্রিতে উল্লেখিত "Tk. 10'00"-এর পরিবর্তে "Tk. 20'00" প্রতিস্থাপিত হইবে।
- (ঢ) Serial No. 13-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 20'00 to 25'00"-এর পরিবর্তে "Tk. 25'00 to 75'00" এবং উক্ত কলামের নিম্নাংশের এন্ট্রিতে উল্লেখিত "Tk. 5'00"-এর পরিবর্তে "Tk. 10'00" প্রতিস্থাপিত হইবে।
- (ণ) Serial No. 14-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 5'00"-এর পরিবর্তে "Tk. 10'00" প্রতিস্থাপিত হইবে।
- (ত) Serial No. 15-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 15'00"-এর পরিবর্তে "Tk. 30'00" প্রতিস্থাপিত হইবে।
- (থ) Serial No. 16-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 5'00 to 10'00"-এর পরিবর্তে "Tk. 10'00 to 20'00" প্রতিস্থাপিত হইবে।
- (দ) Serial No. 17-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 10'00"-এর পরিবর্তে "Tk. 15'00" প্রতিস্থাপিত হইবে।
- (ধ) Serial No. 18-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 5'00"-এর পরিবর্তে "Tk. 10'00" প্রতিস্থাপিত হইবে।
- (ন) Serial No. 19-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 20'00"-এর পরিবর্তে "Tk. 35'00" প্রতিস্থাপিত হইবে।
- (প) Serial No. 20-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 15'00"-এর পরিবর্তে "Tk. 20'00" প্রতিস্থাপিত হইবে।



- (ফ) Serial No. 21-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 5'00"-এর পরিবর্তে "Tk. 10'00" প্রতিস্থাপিত হইবে।
- (ব) Serial No. 22-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 25'00"-এর পরিবর্তে "Tk. 35'00" এবং উক্ত কলামের নিম্নাংশের এন্ড্রিতে উল্লেখিত "Tk. 10'00"-এর পরিবর্তে "Tk. 20'00" প্রতিস্থাপিত হইবে।
- (ভ) Serial No. 23-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 5'00"-এর পরিবর্তে "Tk. 10'00" প্রতিস্থাপিত হইবে।
- (ম) Serial No. 24-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 5'00"-এর পরিবর্তে "Tk. 10'00" প্রতিস্থাপিত হইবে।
- Serial No. 24(a)-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 100 per hour maximum Tk. 300"-এর পরিবর্তে "Tk. 150 per hour maximum Tk. 600" প্রতিস্থাপিত হইবে।
- (য) Serial No. 25-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 50'00"-এর পরিবর্তে "Tk. 75'00" প্রতিস্থাপিত হইবে।
- (ঝ) Serial No. 26-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 25'00"-এর পরিবর্তে "Tk. 35'00" এবং উক্ত কলামের নিম্নাংশের এন্ড্রিতে উল্লেখিত "Tk. 15'00"-এর পরিবর্তে "Tk. 25'00" প্রতিস্থাপিত হইবে।
- (ল) Serial No. 27-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 25'00"-এর পরিবর্তে "Tk. 35'00" প্রতিস্থাপিত হইবে।
- (শ) Serial No. 28-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 25'00"-এর পরিবর্তে "Tk. 35'00" এবং উক্ত কলামের নিম্নাংশের এন্ড্রিতে উল্লেখিত "Tk. 10'00"-এর পরিবর্তে "Tk. 20'00" প্রতিস্থাপিত হইবে।
- (ষ) Serial No. 29-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 15'00"-এর পরিবর্তে "Tk. 35'00" প্রতিস্থাপিত হইবে।
- (স) Serial No. 30-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 5'00 to 10'00"-এর পরিবর্তে "Tk. 10'00 to 15'00" প্রতিস্থাপিত হইবে।
- (হ) Serial No. 31-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 5'00"-এর পরিবর্তে "Tk. 15'00" প্রতিস্থাপিত হইবে।
- (ঙ) Serial No. 32-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 5'00 to 10'00"-এর পরিবর্তে "Tk. 10'00 to 20'00" প্রতিস্থাপিত হইবে।

- (ড) Serial No. 33-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 2'00"-এর পরিবর্তে "Tk. 20'00" প্রতিস্থাপিত হইবে।
- (ঢ) Serial No. 34-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 50'00 to 75'00"-এর পরিবর্তে "Tk. 75'00 to 150'00" প্রতিস্থাপিত হইবে।
- (য়) Serial No. 35-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 50'00"-এর পরিবর্তে "Tk. 75'00" প্রতিস্থাপিত হইবে।
- (ে) Serial No. 36-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 25'00"-এর পরিবর্তে "Tk. 35'00" প্রতিস্থাপিত হইবে।
- (ং) Serial No. 38-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 10'00 to 20'00"-এর পরিবর্তে "Tk. 15'00 to 25'00" প্রতিস্থাপিত হইবে।
- (গ) Serial No. 39-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 25'00"-এর পরিবর্তে "Tk. 35'00" প্রতিস্থাপিত হইবে।
- (ঙ) Serial No. 40-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 2'00"-এর পরিবর্তে "Tk. 10'00" প্রতিস্থাপিত হইবে।
- (কক) Serial No. 42-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 1'00"-এর পরিবর্তে "Tk. 2'00" প্রতিস্থাপিত হইবে।
- (খখ) Serial No. 42(a)-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 0'50"-এর পরিবর্তে "Tk. 1'50" প্রতিস্থাপিত হইবে।

১৩। উক্ত Rules-এর FOURTH SCHEDULE-এ FEES TO OFFICERS OF COURT শিরোনামাধীনে—

- (ক) Serial No. 1-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 20'00"-এর পরিবর্তে "Tk. 100'00" এবং Serial No. 1(a)-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 5'00"-এর পরিবর্তে "Tk. 10'00" প্রতিস্থাপিত হইবে।
- (খ) Serial No. 2(a)-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 40'00"-এর পরিবর্তে "Tk. 100'00" এবং Serial No. 2(b)-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 50'00"-এর পরিবর্তে "Tk. 100'00" এবং Serial No. 2(c)-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 20'00"-এর পরিবর্তে "Tk. 40'00" প্রতিস্থাপিত হইবে।

(গ) Serial No. 3(a)-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 40'00"-এর পরিবর্তে "Tk. 100'00" ;

Serial No. 3(b)-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 50'00"-এর পরিবর্তে "Tk. 100'00" ; এবং

Serial No. 3(c)-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 20'00"-এর পরিবর্তে "Tk. 40'00" প্রতিস্থাপিত হইবে।

(ঘ) Serial No. 4-এর বিপরীতে ৩ নং কলামে উল্লেখিত "Tk. 5'00"-এর পরিবর্তে "Tk. 15'00" প্রতিস্থাপিত হইবে।

আদেশক্রমে

ইকতেদার আহমেদ  
রেজিস্ট্রার।

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