

PART IV
MISCELLANEOUS
CHAPTER XIII
COPIES

1. A plaintiff or a defendant who has appeared to the suit is entitled, at any stage of the suit, to obtain a copy of the record of the suit, including exhibits which have been put in and finally accepted by the Court as evidence.

2. A stranger to a suit may, after decree, obtain, as of course, a copy of the plaint, written statements, affidavits, and petitions filed in the suit, and may, for sufficient reason shown to the satisfaction of the Registrar, obtain a copy of any such document before decree.

3. A stranger to a suit may also obtain, as of course, a copy of any judgment, decree, or order at any time after it has been passed or made.

4. A stranger to a suit has no right to obtain a copy of exhibits admitted in evidence, except with the consent of the person by whom they were produced or his successor-in-interest. He may obtain copies of other documents in which he has an interest, including depositions for bona fide use in the Courts and case-maps, at any time after they have been proved.

5. Every advocate engaged in any case shall be entitled to obtain from the Court's office a copy of the whole or any part of the proceedings and evidence in the case on depositing the estimated cost of such copy.

6. Every such copy shall be examined and certified as correct before it is issued from the Court.

7. Copies, whether certified or uncertified shall be prepared at the following rates:

<i>(a) English</i>	Rs. a. p.
Not exceeding 150 words	0 4 0
Exceeding 150 words, but not exceeding 300 words	0 8 0
For very additional 150 words or less	0 4 0
 <i>(b) Vernacular</i>	
Not exceeding 200 words	0 4 0
Exceeding 200 words, but not exceeding 400 words	0 8 0
For very additional 200 words or less	0 4 0

This charge shall be levied as follows:

(a) Vernacular

Not exceeding 200 words

By means of an impressed stamp-paper of 4 annas.

Exceeding 200 words, but not

By means of two impressed

exceeding 400 words

stamp-papers of 4 annas.

For every additional 200 words
or less

By means of an impressed
stamp-paper of 4 annas.

(b) *Typed copies*

Not exceeding 150 words

By means of an impressed
stamp-paper of 4 annas.

Exceeding 150 words, but not
exceeding 300 words

By means of an impressed
stamp-paper of 4 annas
with an adhesive stamp of
4 annas affixed thereto.

Exceeding 300 words
but not exceeding 450 words

By means of an impressed
stamp-paper of 4 annas
with an adhesive stamp of
4 annas affixed thereto.

Exceeding 450 words

By means of an additional
impressed stamp-paper or
papers of 4 annas with an
adhesive stamp of 4 annas
or 8 annas, as the case may
be, affixed thereto if
necessary according to the
number of words to be
typed.

Note—(1) If the document to be copied is written in Persian or any language other than English or the Vernacular language of the State, a special rate may be fixed by the Registrar.

(2) In case of non-availability of impressed stamp papers of 4 annas cartridge papers with adhesive stamps of twenty five paise will be deemed as sufficient compliance for purposes of this rule, in place of impressed papers of 4 annas.

(3) In case of Photostat/Xerox copy referred to in rule 38 of Part IV of Chapter XIII, of any page consisting of more than 150 words cost of two folios and where the words are not exceeding 150 cost of one folio may be realised.¹

8. A folio shall consist of 150 English words or 200 Vernacular words, 3 figures counting as one word.

Note 1: Rule 7 — In this rule, the existing note was numbered as Note (1) and thereafter the Note (2) was added vide Correction Slip No. 33, Notification No. HC.XI-4/65/3988/RC dated the 26th July, 1965, to come into force with immediate effect. Note (3) was inserted by Correction Slip No. 101.

9. In addition to the foregoing charges a searching fee of Re. 1 shall be charged on each application for copy if the record of the case has been deposited in the record room:

Provided that one searching fee shall be charged for any number of copies taken from the same record and included in the same application.

10. Copies of decrees, judgments or other papers required for bona fide Government purposes will be supplied to Government Officers on payment of the usual charges for copying no searching fee being levied and no charge being made for examination.

11. Copies of judgment convicting Government Officers of criminal offences, as well as copies of judgments of acquittal and orders of discharge, will be supplied on plain paper free of charge on the application of the Head of the Department concerned.

12. Copies of any judgments, civil or criminal, passed by the High Court in its appellate jurisdiction, may be supplied to the Press on formal application being made, after payment of the usual searching fee and copying charges and under the same conditions and restrictions as those under which copies of judgments in civil appeals are supplied to the parties.

12A.² The Editors of the Indian Law Reports, Assam, and other law Journals and public bodies, as may be approved by the Chief Justice from time to time, may be allowed to make copies of judgments free of charge; provided that the copies are made by their own agents, using their own type-writers and stationary and that such copying work is done in the presence of the Superintendent of the copying section; and, provided further that applications for such copies are made within twenty one days of the disposal of the case:

Provided that nothing containing in this rule shall affect or limit the power of the Court to withdraw or modify, at any time, any privilege or concession, granted under these rules or otherwise, without any reason being given for such withdrawal or modification.

12B.³ Notwithstanding anything contained in R. 12 A copies of judgments may also be supplied to approved law journals and other public bodies, either at concessional rate or rates, or free of charge as the Chief Justice may, by order

Note 2: Rule 12A. — This rule was inserted vide Correction Slip No. 31, Notification No. HC-4/65/2776/RC, dated the 20th May, 1965, to come into effect from the date of publication thereof in the Assam Gazette.

Note 3: Rule 12B — This rule was inserted vide Correction Slip No. 31, Notification No. HC.XI-4/65/2776-RC, dated the 20th May, 1965 to come into effect from the date of publication thereof in the Assam Gazette.

determine on their applying for the same in the prescribed form and after paying the prescribed fee.

Provided that the Chief Justice may, by order dispense with the application and the fee in appropriate cases.

13. In the case of certified copies, the fee will be as follows :-

1. For copies of Judgment/Order/document Rs. 100/- (Rupees one hundred) each.

The above mentioned amounts will be deposited by the applicant before the Superintendent of the Copying Section and the Superintendent will issue a receipt thereof.

Provided that no carbon copy shall be certified as true copy.

Certified copies will be supplied either in the form of Xerox copies or Computer Prints or Typed copies according to convenience of the Copying Section.⁴

14. Uncertified copies may be converted into certified copies after comparison with the originals upon the application of the person to whom they have been granted and upon filing with such application the necessary Court-fee stamps required by law.

15. When an applicant requires his copies before the expiry of three days, an extra fee of Rs. 2 (if the copies exceed four folios of 8 annas for each folio) shall be charged on all copies so furnished, to be levied from him by a Court-fee stamp, which should be affixed to the application for the copy and be entered in the Register for the Court-fee stamps.

16. 9 paise or the 25 paise per folio charges for copies shall be credited to Government on account of the salary of examiners etc. the remaining 16 paise will represent the earnings of the typists whose accounts shall be made up monthly and the amounts due paid to them.⁵

Note : The copyist or typist is paid by the folio; he will therefore be paid according to the number of folios copied whether such copies are subsequently taken out or not.

17. In the case of maps and plans, the charge shall be fixed by the Deputy

Note 4 : Rule 13 was substituted vide (2nd Amendment) Notification No. HC.XI-33/2003/3005-3019/RC dated 05.09.2003.

Note 5 : Rule 16 — In this rule the words “9 paise” and “16 paise” in place of the word “half” were substituted and the words, “25 paise” were substituted in place of the words “4 annas” vide Correction Slip No. 30 Notification No. HC.XI/5/62/4549 RC, dated the 23.09.1964, to come into effect on the date of establishment.

Registrar with reference to the difficulty of intricacy of the work to be done. Two-thirds of the amount will be paid to the mappist and will include the cost of materials; and the remainder will be credited to Government on account of examination-fee.

18. Ordinary applications for copies shall be made to the Superintendent of the copying section on any Court day between the hours of 11 a.m. and 3.30 p.m. and between the hours of 11 a.m. and 1 p.m. on Saturdays.

Applications bearing the expedition fee prescribed in R. 15 of this Chapter may, however, be made at any time during office hours.

19. Applications for copies shall be made in the prescribed form [see Form No. 13 (Civil), of Appendix I, (*See at page No. 214*)] copies of which will be supplied at one anna per sheet or 100 sheets per five rupees.

20. The preparation of the copy will not be commenced until the applicant has supplied in full the Court-fee stamps and the necessary number of folios which will be not notified in the course and in the manner prescribed by these rules.

21. In the event of an application for a copy being refused, an endorsement to the effect shall be made on the application form which shall then be returned to the applicant.

22. On orders being passed granting an application for a copy, the Superintendent of Copying Section shall at once, if possible, or during the same day, but not later than the following day ascertain the amount of Court-fee stamps payable for the copy applied for and the number of folios required for its preparation.

23. The number of folios required should be carefully calculated so as to obviate the necessity for obtaining additional folios from the applicant.

24. If, owing to insufficient or incorrect description, the document cannot be traced, the application should be endorsed and submitted at once to the Deputy Registrar or other officer of the Court for orders.

25. On receipt of the estimate as to the number of folios required, the Superintendent of the Copying Section shall enter the amount of Court-fee stamps and other charges in the middle column of the application, and shall notify the amount in the prescribed register [See Form No. 14 (Civil), Appendix I, (*See at page No. 217*)] not later than the next following day.

26. If the stamps and folios are not filed within three days⁶ of the notification in the prescribed Register, the application shall be rejected by the Deputy Registrar

Note 6: In Rule 26, the words "seven days" were substituted by the words "three days" vide notification No.HC.XI-10/79/19349/RC dated 19.8.1992

or other Officer of the Court, but in genuine cases, the Registrar may condone delays in the filing of requisites.⁷

27. When the stamps and folios are filed, a note to that effect, and the date, shall be entered in place provided in the application for the purpose and the applicant shall be required to sign this entry. The date on which the copy will be ready shall also be noted in the appropriate column of the application form and a corresponding entry shall be made by the Superintendent of the Copying Section in the counterfoil of the application. The applicant shall retain the counterfoil and it shall be his duty to attend on the date fixed for the purpose of receiving the copy.

28. If and when it is ascertained that extra Court-fees or extra folios for copies are required, the amount of such Court-fees or folios should be immediately notified in the prescribed register [See Form No.14 (Civil) Appendix I, and shall be put in within seven days on such notification.

29. When the applicant complies with R.28, a note should be made to the reverse of the counterfoil showing the date and number of extra folios and the date and number and the value of the extra Court-fees filed. This note shall be signed both by the applicant and by the Superintendent of the Copying Section.

30. Every copy must bear the signature of the copyist making it and the date on which the copy was completed. It must also bear the signature of the assistant who examined the copy and the date on which such copy was examined.

31. In ordinary circumstances a copy shall be furnished not later than 1 p.m. on the fifth day after the necessary Court-fee stamps and folios have been put in.

32. On receipt of the original application, the Superintendent of the Copying Section shall attach to it the copy and all unused folios. On the applicant's appearance with the counterfoils, the Superintendent of the Copying Section shall make over to him the copy and unused folios, taking his receipt in the counterfoil of the application which he will retain in his custody.

33. Should the applicant, in any case, fail to appear to claim either the copy or the unsound folios before the last day of the month succeeding that on which they copy was ready for delivery or should he fail to put in the extra Court-fees or extra folios within the period prescribed in R. 28, such copy and unused folios shall be destroyed.

34. In any case in which a copy is refused, or cannot be granted the folios supplied by the applicant shall be returned to him when he is so informed.

35. A certified copy shall bear the seal of the Court and shall be "certified to

Note 7: Rule 26— In this rule, the words "but in genuine cases or requisites", were added vide Correction Slip No. 33, Notification No. HC.XI-4/65/3938-RC, dated the 26.07.1965.

be a true copy" and be signed in full by an Officer authorised to do so by the Registrar. The Certifying Officer shall append to his signature the words "authorised under Section 76, Act 1 of 1872".

Note — Uncertified copies shall only be marked as "examined", and initialled by the Examiner.

36. When a copy of a decree, judgment or order is granted, the following particulars shall be recorded on the back of the copy itself, and in the form given below:

- (i) Date of application for copy
- (ii) Date of notifying the requisite number of folios and stamps
- (iii) Date of delivery of the requisite folios and stamps
- (iv) Date on which the copy was ready for delivery
- (v) Date of making over the copy to the applicant.

37. A copy of any judgment of this Court when required by any other High Court may be supplied free of cost.⁸

38. In case of urgent application for certified copy of Judgment or order.⁹ Xerox/Photostat copy of the same duly certified by an officer authorised to do so by the Registrar may be supplied to the applicant.

Note 8: Rule 37 — it was inserted vide notification No. HC.XI-3/53/1452-G dated 12.04.1954

Note 9: Rule 38 — it was inserted vide Correction Slip No. 99 dated 4.4.1988 and thereafter the words "or order" were inserted vide Correction Slip No. 100 dated 7.7.1988.