

APPENDIX-34
GUIDELINES FOR LISTING OF CASES AT THE PRINCIPAL SEAT OF
THE GAUHATI HIGH COURT*

THE GAUHATI HIGH COURT AT GUWAHATI
 (HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR
 TRIPURA, MIZORAM AND ARUNACHAL PRADESH)

In supersession of Memo No. HC.III-35/2002/775/G dated 24.5.2002, the Gauhati High Court, vide Resolution of the Full Court Meeting, dated 28th September, 2004, has been pleased to adopt the following guidelines for listing of cases at the Principal Seat which will come into force with effect from 4.10.2004.

MOTION MATTERS

1. All Motion, Admission, Misc. Cases, stay matters and other Order matters are to be listed thrice in a week, i.e. Monday, Wednesday and Friday.
2. For interim prayer or stay sought in the Writ petition itself, no separate Misc. Case is required. However, Court fee, if any, for such interim relief is to be paid.
3. All matters/cases filed till 12 Noon of Friday/Saturday (if the Saturday is a working day) are to be listed on the next day, i.e. Monday and cases filed thereafter till 12 Noon of Tuesday are to be listed on Wednesday and likewise, cases filed after 12 Noon of Wednesday till 12 Noon of Thursday shall be listed on Friday.
- 3.(a) An application under Article 226(3) of the Constitution, Misc. Cases, are to be listed positively within the time frame provided as above giving them due propriety. In the event of non-listing of such cases within 7 days of filing, the concerned Advocate praying for vacation/Advocate, who has received notice of such application, may bring it to the notice of the Registry, which shall immediately list such application for hearing before the appropriate Bench.
4. For fixation of cases, there would be an upper ceiling of 100 cases per Bench. Excess cases, if any, are to be listed on the next Motion day. While listing the cases on Motion day, the following process shall be followed in seriatim:
 - (i) Fixed cases for motion hearing, admission and Misc. Cases.

*Notification issue vide Memo No. HC.III-35/2002/1709-1725/G dated 13.10.2004

- (ii) Newly filed cases.
 - (iii) Fixed order cases subject to the total ceiling, as stated above.
5. In cases where Notice of motion is issued, a Returnable date is to be fixed and the case along [with connected Misc. Case, if any, is to be listed on that date. If the Bench, which issued the Notice, is available, the matter should be listed before the same Bench, as far as practicable; otherwise, it may be listed before any other Bench. Misc. Cases/Stay Vacation/Restoration application should be, as far as practicable, be listed before the same Bench.
 6. Matters passed over/adjourned on the request of the parties shall not generally come up in the Cause List again within a period of one week from the date on which it was passed over. It shall be listed before the same Bench as far as practicable, which granted adjournment.
 7. All Bail applications, where Notice to Public Prosecutor is issued or Case Diary has been called, be listed for Bail Hearing and not for Orders.
 8. If analogous matters are pending, mention to be made either in the Filing Slip or by separate Memo, giving the required information so that analogous matters can be disposed of in one hearing before the same Bench.
 9. On Motion Days, no case for Hearing shall be listed. However, any matter so fixed for Hearing, shall be listed on the next Hearing Day. Similarly, no Motion, Order, Admission matters shall be listed on Hearing Days and instead shall be listed on the next Motion Day.
 10. During Transition period, Registry may list cases to maintain continuity and avoid inconvenience.
 11. Analogous Cases and Cases under the same Category Code, be listed before one Bench, as far as possible.
 12. A Calendar be prepared and made available before every Bench indicating Motion days for fixing Returnable dates.
 13. In certain cases, where Court has directed for listing of the case within 2/4 days, and the records could not be made available to Bench Section in time, the Court Master shall send a Slip in the Prescribed Form (Annexure-2) to the Bench Section.
 14. In Motion matters, there will be no classification of Bench, such as, Bench No. 1, 2, 3 and 4 etc. There shall be a Division bench, Criminal Bench and Civil Bench. The Criminal Cases are to be listed before the Criminal Bench.

If there are two Criminal Benches, all Criminal cases shall be proportionately listed before the two benches. The Motion matters relating to Civil Benches shall be proportionately listed amongst all the available Single Benches as per direction or instruction of the Hon'ble the Chief Justice.

The Registry will ensure that cases belonging to one/similar category are shown/listed before the same Bench.

15. On Motion days, after the motions are over and if time permits, the Court may take up Hearing matters.
16. All Applications for Condonation of delay will be listed along with the case file before the concerned Court without calling for the records, unless ordered otherwise.
17. In case of urgent matters, Mention is to be made before the Hon'ble the Chief Justice or Nominated Judge for listing or taking up the cases as Unlisted on a Motion or Hearing day. A time may be fixed for receiving such request and also for taking up such unlisted cases. Guidelines regarding mention is enclosed herewith as Annexure-3.
18. The Officers of the Registry taking up lawazima matters are delegated with powers of accepting Service Reports, except under Order V Rule 9(5) of the Code of Civil Procedure and shall pass Administrative Orders that a case is complete for listing the same for hearing in its own turn. Cases should not be generally fixed for Orders before Bench, except where Judicial Order is required. On or before the returnable date, if no steps have been taken or if the services is not complete otherwise, the concerned Section shall refer the matter to the Lawazima Court for necessary direction.
19. All complaints regarding non-listing, delay in listing etc. are to be mentioned before Registrar General, who shall attend to them promptly. In cases where the complaint is made in writing by the Advocate concerned, the result of that enquiry shall be informed by way of notice in writing once a week and preferably on every Monday under the signature of the Asstt. Registrar (I & E).

HEARING MATTERS

20. There will be Classification of Benches, as per Annexure-I
21. A Monthly/Bimonthly Hearing List shall be prepared. The list is to be prepared Bench-wise with a ceiling of 100 cases per Bench.

22. The Group/Analogous matters shall be treated as One Case for the purpose of listing and as far as practicable the Group/Analogous cases should be listed before the same Bench.
23. Tuesday and Thursday shall be the hearing days. On other days, i.e. on Motion days, after the Motion list is exhausted, if time permits, hearing matters be taken up.
24. The Hearing list shall be updated at the end of every week. Cases which were disposed of during the week, shall be taken out of the list and, if required, fresh cases are to be included so that sufficient number of cases are available for Hearing.
25. The learned Advocates/Court Master/Bench Asstt. May, while a main case is disposed of the court, bring to the notice of the Court, if any Misc. Case is pending in respect of the said matter.
26. In case of Part-heard/Tied up cases, a Judge-wise list shall be published along with the main Hearing list. The Fixed Part-heard cases should be shown specifically with the date.
27. There shall be a Terminal list of maximum 50 cases to be published every month and whenever an Additional bench is available, the matters included in the Terminal list, shall be taken up by the said Bench. The Terminal list may be updated from time to time. The Terminal List shall generally contain old pending cases. Cases listed in the terminal List may also be listed in the regular Hearing List.
28. A Calendar be prepared and made available before every Bench indicating the Hearing days.

The Court Master/Bench Assistant shall instantly bring to the notice of the Hon'ble court, if any case is fixed/posted on a date not meant for Hearing. Court Master/bench Assistant shall be responsible for any lapse on this count.
29. In the Hearing list, the cases shall be listed in chronological order, i.e. the old cases shall get the priority. In cases, where there is a direction of the Court to fix a matter for hearing on a particular day, the Cause list should reflect the word 'fixed' indicating the date. The case would, however, be listed in chronological order.
30. A supplementary List may be published, if need arises.

31. The Officers of the Registry, taking up Lawazimma matters are delegated with powers of accepting Service Reports, except under Order V Rule 5 of the Code of Civil Procedure and shall pass Administrative Orders that a case is complete for listing the same for hearing in its own turn. Cases should not be generally listed for Orders before Bench, except where Judicial Order is required.
32. All Complaints regarding non-listing, delay in listing etc. are to be mentioned before Registrar General, who shall attend to them promptly.
33. If analogous matters are pending, mention to be made either in the Filing Slip or by separate Memo giving the required information so that analogous matters can be disposed of in on hearing before the same Bench.
34. During Transition period, Registry may list cases to maintain continuity and avoid inconvenience.
35. The name of the Judge, taking up the particular List/Bench, shall be notified in the Cause List from time to time.
36. List of all cases, which become ready for hearing after service of notice, receipt of records, exchange of pleadings etc. etc., shall be placed before the Chief Justice or Nominated Judge for obtaining an order for listing for hearing without production of the individual records.
37. At the time of filing of a Case, the learned Advocate shall submit synopsis of the case in the appropriate Model Format (enclosed herewith as Annexure-4) along with list of dates, question of law and cases relied on, reference of analogous and covered cases, if any.

By Order

Sd/-

Registrar General

Gauhati High Court, Guwahati

ANNEXURE-1

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| 1. Division Bench | Motion, admission, orders and hearing of all Division Bench matters including cases in respect of service matter of Judicial officer. |
| 2. Civil Bench No. 1 S/B | First Appeal (below the value of Rs. 2 lacs) Second appeal, Civil Revision, Matrimonial Appeal (Single Bench |

matters), MAC Appeal (below the value of Rs. 2 lacs), Misc. First Appeal, Appeal from Railway Claims Tribunal.

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| 3. Civil Bench No. 2 | S/B | <ol style="list-style-type: none"> 1. Writ Petitions relating to academic institutions (Code No. 10091 to 10100) 2. Writ Petitions relating to land matters (Code No. 10151 to 10160) 1. Writ Petitions under Labour and Industrial Law (Code No. 10121 to 10132). 2. Writ Petitions relating to service of defence personnel and Armed Forces (Code No 10061 to 10080). 3. Writ Petitions relating to service of teacher of Provincialised School (code No 10001 to 10020). 4. Writ Petitions relating to service in Local Bodies, banks and Public Sector (code No 10041 to 10060). |
| 4. Civil Bench No. 3 | S/B | <ol style="list-style-type: none"> 1. Writ Petitions relating to academic matters Code No. 10081 to 10090). 2. Writ Petitions relating to Tax matters (Code No. 10101 to 10120). 3. COP (C) - 10200. 4. Writ Petitions relating to State Govt. employees (Code No. 10021 to 10040). |
| 5. Civil Bench No. 4 | S/B | <ol style="list-style-type: none"> 1. Writ Petitions relating to settlement by the State Govt. (Code No. 10140 to 10150) 2. Other Writ Petitions (Code No. 10161 to 10189) |
| 6. Criminal Bench | S/B | <p>Motion, admission, orders and hearing of Bail Applications, Criminal Appeals, Criminal Revisions etc. And CRL OP (C) 10201 CRL OP (C) 10202</p> |

ANNEXURE-2

SUPERINTENDENT, BENCH SECTION

Case No.....

Item No. of Cause List dated

As per order of the Court, the matter has been directed to be listed on for.....

COURT MASTER

ANNEXURE-3

GUIDELINES REGARDING MENTION

1. Mention in respect of Division Bench matters shall be made before the Division Bench. If more than one Division Benches are sitting at the same time, mention shall be made before the Senior Division Bench.
2. Mention in respect of Criminal matters shall be made before the Criminal Bench. If more than one Benches taking up Criminal matters are sitting at the same time, mention shall be made before the Hon'ble Senior Judge taking up Criminal Bench.
3. In respect of matters relating to Civil Benches, mention shall be made before the Hon'ble Senior Judge taking up Civil Bench.
4. There shall not be mention in respect of hearing matters. However, stamped application may be moved before Hon'ble the Chief Justice for out of turn hearing.
5. The mention / request shall be taken up at 10.30 A.M. before the respective Bench.
6. For taking up unlisted matter on motion or hearing day, if business of the court permits, be fixed at 3.30 P.M. or as per convenience of the Court.

ANNEXURE-4

MODEL FORMAT OF SYNOPSIS OF CASES

- (a) This is an appeal under Order 43 Rule 1 CPC relating to temporary injunction. The appeal is valued at Rs.....
- (b) This is an appeal under section 173 of the Motor Vehicles Act against Judgment and Order dated..... Passed by Sri..... learned Member of MAC Tribunal.
- (c) This is an application under Section 226 of the Constitution of India for issue of writ in the nature of Mandamus and/or Certiorari and/or Habeas corpus etc. or any other appropriate writ order or direction.
- (d) This is an application under Section 438 of the Code of Criminal Procedure for pre-arrest bail.
- (e) This is an appeal under Order 43 Rule 1 (R) CPC against order dated..... Passed by learned Civil Judge (Sr. Division) in Misc. Case No..... arising out of title suit No..... granting temporary injunction under Order 43 Rule 1 under Section 151 of CPC.
- (f) This is a Writ Appeal under Gauhati High Court Rules against the Judgment and Order dated..... of the learned single Judge Hon'ble Mr. Justice..... in WP (C) No.....
- (g) This is an application under section 397/401/482 of the Code of Criminal Procedure read with Article 227 of the Constitution of India against Judgment and order dated..... passed by learned..... dismissing the appeal and upholding the order of conviction under section IPC sentencing to undergo R.I./S.I. for.....
- (h) This is an appeal under section 378 and 382 of the Code of Criminal Procedure against Judgment and Order dated..... passed by the learned..... in connection with case no.....
- (i) This is an application under Section 150 read with Section 151 of the CPC against order dated..... passed by learned..... in..... dismissing the appeal without condoning the delay.