

CHAPTER II**CONSTITUTION OF THE BENCHES
AND POWERS OF THE BENCHES AND OF THE REGISTRAR**

1. A Division Court for the hearing of appeals from the decrees or orders of the Subordinate Civil Courts shall consist of two or more Judges as the Chief Justice may think fit.

(i) Provided that it shall be competent for one Judge to hear appeals and applications in all matters specified in the sub-joined Schedule except where such appeals, applications or matters involve a substantial question of law as to the interpretation of the Constitution of India. He may, however, send back any particular case he thinks fit to be disposed of by two Judges;¹

(ii) Provided further that when or where no Division Court is sitting or available, it shall be competent for a single Judge to pass any interlocutory orders in any appeals, applications or matters preferable before a Division Court and direct the same for placing before a Division Court for orders;

(iii) Provided also that on the requisition of any Division Court, or whenever he thinks fit, the Chief Justice may appoint a special Division Court, to consist of three Judges, for the hearing of any particular appeal, or any particular question of law arising in an appeal, or of any other matter.

**SCHEDULE [Referred to in Proviso (i) above]
(Civil Work)**

(1) Applications under Section 25 of the Provincial Small Cause Courts Act and Rules granted upon such applications.

(I-A)(i) All miscellaneous appeals against order/award under the Motor Accident Claims, Workmen Compensation Act, Land Acquisition Act, Testamentary cases, Succession Certificates, Rent Control matters, Arbitration Awards and Special Jurisdiction cases irrespective of the valuation may be heard by Single Judge;

(ii) All Regular First Appeals and Second Appeals, valuation of which is up to Rs. 10,00,000/- (Rupees Ten Lakhs) may be heard by a Single Judge;

Note 1: The para under Rule 1(i) was deleted by Correction Slip No. 74, which read as follows:

"Where at any stage of the hearing of an appeal, application or other matter it appears to the Judge that it involves a substantial question of law as to the interpretation of the Constitution of India, he shall send the appeal, application or other matter of the Division Bench hearing appeals to be disposed of by two Judges."

(iii) All Regular First Appeals, valuation of which exceeds Rs. 10,00,000/- (Rupees Ten Lakhs) may be heard by Division Bench.²

(2) All second appeals including hearing under Order XLI, R. 11 of the Civil Procedure Code.

(3) All Civil Revisions.

(4) Admission of appeal, or cross-objection after time.

(5) (i) All appeals from appellate orders arising out of execution of decree and all applications relating thereof.

(ii) All appeals from original orders made by the lower appellate Courts in appeals and all applications relating thereto.

(iii) All appeals against orders made in insolvency proceedings and all applications relating thereto.

(6) All applications not being applications for leave to appeal to the Supreme Court and rules relating to second and miscellaneous appeals.

(7) All revenue and hill cases for admission or hearing, as the case may be, except where the dispute involves the determination of any question of custom or usage and in criminal cases where the sentence exceeds imprisonment for a period longer than 7 years.

(8) All interlocutory matters including stay and condonation of delay applications, bail and substitution petitions in all civil, criminal and other proceedings even where the admission or final hearing be by a Division Bench, unless otherwise ordered by a Division Bench.³

Note 2: Substituted vide Notification No. HC.XI-01/06/135/RC dated 22nd February, 2006. Prior to this notification, the Sub-Rule read as follows: "(1-A) All Miscellaneous Appeals and First Appeals, the valuation of which does not exceed Rs. 2,00,000 (Rupees two lakhs), unless otherwise directed by Hon'ble the Chief Justice." The words and figures Rs. 2,00,000/- were substituted for the words and figures Rs.50,000/- (Rupees Fifty Thousand) vide Rule 4 of the Gauhati High Court (Amendment) Rules, 1992. Notification No. HC-XI-10/79/19,349/RC dated 19.8.92

Note 3: Rule 1. — The present provision (ii) was inserted vide Correction Slip No. 54 Notification No. HC.XI-4/65-79/443/RC dated 17.1.1972, to come into force from the date of publication in the Assam Gazette (dated 18.1.1972) and the present proviso (iii) was earlier numbered as proviso (II).

The Schedule to this rule has been subjected to various amendments. The original Schedule is reproduced as below:

(1) Applications under Section 25 of the Provincial Small Cause Courts Act, and Rule granted on such applications.

(2) Second Appeals upto the value of Rs.2,000

(3) Applications for revision under Section 115, Civil Procedure Code, against all orders of Appeals, and against the orders of Judges upto the value of Rs.2,000 and all rules granted on such

(contd.....)

[(9) Appeal from judgment and order, not being an interlocutory order, passed by District Judge shall lie before a Division Bench in respect of the following matters.

(a) a suit or proceeding between the parties to a marriage for a decree of nullity of marriage (declaring the marriage to be null and void or, as the case may be, annulling the marriage) or restitution of conjugal rights or judicial separation or dissolution of marriage;

(b) a suit or proceeding for a declaration as to the validity of a marriage or as to the matrimonial status of any person;

(c) a suit or proceeding between the parties to a marriage with respect to the property of the parties or of either of them;

(d) a suit or proceeding for an order or injunction in circumstances arising out of a marital relationship;

(e) a suit or proceeding for a declaration as to the legitimacy of any person;

applications.

Note - Every application for revision shall state the value of the suit to which the application relates.

(4) Admission of appeal, or cross-objection, after time.

(5)(i) All appeals from appellate orders arising out of execution of decrees the values or amounts of which do not exceed Rs. 2000 and which are made in suits the values of which do not exceed the said sum and all applications, relating thereto.

(ii) All appeals from original orders made by the lower appellate Courts in appeals arising out of suits the values of which do not exceed Rs. 2,000 and the decrees passed wherein do not exceed Rs. 2,000 in amount and all applications relating thereto.

(iii) All appeals against orders made in insolvency proceedings in cases where the property of the insolvent does not exceed Rs. 2,000 in value and all applications relating thereto.

(6) All applications, not being applications for leave to and rules relating to second and miscellaneous appeals which a Judge is competent to hear under these rules.

(7) All revenue and hill cases for admission or hearing, as the case may be, except where the dispute involves determination of any question of custom or usage and in criminal cases where the sentence exceeds imprisonment for a period longer than five years.

Note — Applications against orders of the Registrar passed under these rules are to be made to the Bench taking Lawazima matters."

The Schedule was amended vide Notification No. HC. XI-7/57/102 RC dated 7th January 1958 and Correction Slip No. 9 whereby the original Cls. (2), (3), 5(i) and 5(iii) were repealed and in lieu thereof the following clauses were inserted :

"(2) Second appeals upto the value of Rs.5,000.

(3) Applications for revision under Section 115, Civil Procedure Code, against all orders of Munsiffs, and against the orders of Judges upto the value of Rs.10,000 and all rules granted on such applications.

(5)(i) All appeals from appellate orders arising out of decrees the values or amounts of which do not exceed Rs.5,000 and which are made in suits the values of which do not exceed the said sum and

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- (f) a suit or proceeding for maintenance;
 - (g) a suit or proceeding in relation to the guardianship of the person or the custody of, or access to, any minor.]⁴
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(ii) All appeals from original orders made by the lower appellate Courts in appeals arising out of suits the values of which do not exceed Rs.5,000 and the decree passed wherein do not exceed Rs.5,000 in amount and all applications relating thereto.

(iii) All appeals against orders made in Insolvency proceedings in cases where the property of the insolvent does not exceed Rs.5,000 in value and all applications relating thereto.

(6) All applications, not being applications for leave to and rules relating to second and miscellaneous appeals which a Judge is competent to hear under these rules.

(7) All revenue and hill cases for admission or hearing, as the case may be, except where the dispute involves determination of any question or custom or usage and in criminal cases where the sentence exceeds imprisonment for a period longer than seven years.

Note — Applications against orders of the Registrar passed under these rules are to be made to the Bench taking Lawazima matters.

The present amended Schedule is by way of Notification No. HC-XI-4/65-70/2346/R.C. dated 23.12.1972 Correction Slip No. 55 to come into force on the date of publication thereof in the Assam Gazette.

The word "five" in the original Cl. (7) of the Schedule was substituted by the word "seven" by Correction Slip No. 15 which has been incorporated by Correction Slip No. 55. as the present one.

Rule (1-A) was deleted by Correction Slip No. 75, which read as follows :

"(1-A) All First Appeals upto the amount or value less than Rs.20,000 including hearing under Order XLI, R. 11 of the Civil Procedure Code."

Rule 8 was inserted by Correction Slip No. 91.

Note 4 : Rule 1, Sub rule 9. This Sub rule inserted vide notification No. HC.XI/08/09/424/RC dated 16.07.2009

APPLICATIONS AGAINST ORDERS OF THE REGISTRAR PASSED UNDER THESE RULES ARE TO BE MADE TO A DIVISION BENCH.

1A. A Judge of a Division Bench or Full Bench of the Court may deliver a judgment prepared by another Judge of the same Bench after the other Judge or Judges express his or their agreement to the judgment by signing it and authorising the Single Judge to pronounce the judgment on his or their behalf.⁵

1B. One Judge of a Division Bench or Full Bench may alone deliver a judgment of the Division Bench or Full Bench provided the same is agreed to, and signed by the other member or members of the Bench and is authorised to be pronounced by any one member of the Bench.⁶

1C. [* * *]⁷

2. In addition to the powers conferred upon him by other rules the Registrar shall have the following duties and powers in relation to civil and criminal matters:

(1) to receive an appeal under Cl. 15 of the Letters Patent from the judgment of a Division Court, and to issue notices as soon as the appeal is registered;

(2) to receive an appeal under Cl. 15 of the Letters Patent from the judgment of a Judge sitting singly, and to post it for hearing;

(3) to receive an appeal from an original or appellate decree or order of a Subordinate Civil Court, and if in order to post it for hearing under Order XLI, R. 11 of the Civil Procedure Code;

(4) to dispose of all matters relating to Court-fees (other than appeals the subject-matter of which is the amount of Court-fee payable) and to the service of notices or other processes;

Provided that rules in which a returnable date has been fixed by the Bench and in which there has been default in paying the process fee within the time allowed by the second proviso to R. 12 of Chapter IV of these rules shall be laid before the Bench, dealing with Lawazima matters;

(5) to dispose of all matters relating - (i) to the substitution of the heirs of parties provided no question of limitation arises, (ii) to the representation of minor parties when there is no dispute as to guardianship, and (iii) applications under

Note 5: Rule 1-A. This rule was added vide Notification No. HC.XI/4/65-70/9363/RC dated 22.12.1971, Correction Slip No. 66.

Note 6: Rule 1-B. This rule was added vide Notification No. HC.XI/4/65-70/9263/RC dated 22.12.1971, Correction Slip No. 66.

Note 7: Rule 1-C. This rule was inserted vide Correction Slip No. 71, Notification No. HC.XI/4/65-68/1807/RC dated 9.2.1977, to take effect from 1.2.1977, and was deleted by Correction Slip No. 77.

Order XXII, R.10, Civil Procedure Code to record an assignment, creation or devolution of an interest during the pendency of an appeal; provided that such assignment, creation or devolution is not disputed;

(6) to dispose of all matters relating to the appointment, removal or discharge of next friends or guardians ad litem, of minors or persons of unsound mind;

Provided that a next friend or a guardian ad litem, as the case may be, shall not be removed, except on a written and stamped application supported by an affidavit and on notice to the person sought to be removed, and also with notice to such party or parties as the Registrar in his discretion directs;

(7) to require a memorandum of appeal, petition, application or other proceedings, presented to the Court or to the Registrar to be amended in accordance with the procedure or practice of the Court;

(8) to call for records from Subordinate Courts;

(9) to dispose of requisitions by Subordinate Courts for records and documents.

(10) to receive and dispose of an application for the return of a document;

(11) to require any person or party to file an affidavit with respect to any application or matter in respect of which he has power to exercise any discretion or to make any order;

(12) to stop at his discretion the issue of all or any papers to any person who has failed to pay any fee or charges due to the Court;

(13) to dispose of all applications for copies of records whether presented by parties or persons who are not parties to the proceedings to which such records relate;

(14) to decide the question of the necessity for transcribing and printing any accounts, nor specifically applied for by the parties to the Supreme Court;

(15) to call for a further deposit where the deposit already made by the Appellant in an appeal to the Supreme Court is not sufficient to defray the cost of preparing the record and to fix the time within which such further deposit shall be made;

(16) to order payment of the interest accruing on Government promissory notes deposited under order XLV, R.7, Civil Procedure Code, and to order the refund of any unexpected balance under order XLV, R.12 of the code;

(17) to dispose of all Lawazima reports relating to the preparation of Paper-books, and to hear all applications in any of the above matters;

[Provided that the Chief Justice may delegate the powers of the Registrar under Chapter II to any of the Judicial Officers of Grade II of Assam Judicial

Service posted as Deputy Registrar in the High Court.]⁸

(18) to deal with and hear applications to dispense with more than one copy of the judgment, under Order XLI, R. 1 of the Civil Procedure Code and Chapters V and VI, Rr. 3 and 70 respectively of these rules, and direct analogous hearing of appeals;

(19) to deal with an application to the effect that a case be placed on the Daily Cause List for a particular day or days;

Provided that where a case is on the Daily List of a particular Bench which is sitting, for any application for its removal from that list shall be made to the Court and not to the Registrar.

When, however, an application has to be made to remove a case from the Daily List of a Bench which is not sitting on the day when the application has to be made or from the 'Blank List' on a day when that list is not being taken such applications shall be made to the Registrar;

(20) to deal with all matters relating to the service, non-service and defect of service of the Court's notices in criminal cases;

(21) to deal with all matters relating to the substitution of legal heirs of deceased parties in all criminal cases wherein such substitution may be necessary;

(22) to deal with all defects in vakalatnamas in criminal cases;

(23) to deal with applications for copies in criminal cases, where such copies are not ordinarily granted without the permission of the Court;

(24) to deal with, and dispose of, all petitions of appeals in criminal cases wherein appeals may not be preferred to this Court;

(25) the Registrar may record an order of the abatement of all appeals and applications after the expiry of the statutory period; provided that he shall not be entitled to entertain applications of parties for the revival or abatement of any appeal or other proceeding;

(26) to deal with and pass orders on matters referred to in Order XLI, R. 14(3) of the Code of Civil Procedure;

Provided that nothing in R. 2 shall be deemed to authorise the Registrar to make an order of dismissal of an appeal for default or for any reason or to determine disputed question of representation under Order XXII, R. 5, Civil Procedure Code, or to pass final orders on contested applications for the appointment and removal of next friends and guardian ad litem or on contested applications under Order XXII, R. 10, Civil Procedure Code;

Provided further that the Registrar may delegate to the Deputy Registrar or to an Assistant Registrar any function with which he is vested under Chapters IV and V and VIII to XIII except those referred to in Cls. (5) to (7), (10), (11), (14) to (20) and (26) of R. 2. He may also refer any matter under R. 2 to the Court for orders.

(27) under the testamentary and intestate jurisdiction of the High Court, the Registrar shall have power —

(a) to receive an application for probate or letters of administration or for revocation of the same and to issue notices thereon;

(b) to receive an inventory of the property, credits and debits of the deceased to which the executor or administrator is entitled, or on account of the estate showing the assets and the application or disposal thereof;

(c) to require an executor or administrator to exhibit an inventory or account under Section 317 of the Indian Succession Act;

(d) to grant extension of time for filing an inventory or account;

(e) to place on record an inventory or account, when in order;

(f) to send a copy of an inventory or account filed before him to the Chief Controlling Revenue Authority;

(g) to issue necessary notices in connection with matters mentioned in Cls. (b) and (c), with liberty to adjourn any matter to the Bench concerned;

(h) to deal with all lawazima and other miscellaneous steps connected with the progress of a case subject to such orders as the Courts may pass from time to time including receiving of affidavits and granting of time for filing the same.⁹

3. Applications entertainable by the Registrar shall be presented to him and not to the Bench.

Note 9: Rule 2 — Schedule (3) to this rule was substituted vide Correction Slip No. 56 and the original sub. R.(3) read as follows :

“(3) To receive an appeal from the decree or order of a subordinate Civil Court, and in case of Second Appeal and Appeals from Orders, if in order to post them for hearing under Order XLI, R. 11 and in the case of appeals from original decrees to issue notices as soon as the appeal is registered.

Order XLI, R. 11 of the Code of Civil Procedure deal with power to dismiss appeal without sending notice of Lower Court. By Amendment Act of 1976 a new sub-R.(4) was added to R. 11 of C.P.C. to produce that even where the Appellate Court (not being a High Court) dismisses an appeal, it shall deliver a formal judgment and a decree shall be drawn up accordingly. By the same Amendment Act, 1976 of C.P.C., a new R. 11-A was inserted to provide for time limit of sixty days from the date on which the memorandum of appeal is filed within which the said appeal is to be heard. This newly added rule stresses a statutory limit for the disposal of appeals which in the opinion of the

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All such applications shall be made in writing, on paper of foolscap size with a margin of 2 inches, and shall, if not type-written, be legibly written.

4. In the absence of the Registrar or whenever the Chief Justice so directs, his (Registrar's) powers and duties including the powers which he is authorised to delegate may be performed by a Judge or by the Joint Registrar or any other officer of the Court.¹⁰

5. A Division Court for the hearing of an appeal under Cl. 15 of the Letters Patent from the judgment of a Judge sitting singly who has decided an appeal under the 1st proviso of R.1 of this Chapter, shall consist of two judges, other than the judge from whose judgment the appeal is preferred.

joint committee was neither possible nor desirable, but it was felt that such a provision may have the effect of expediting, in most cases, the disposal of appeals, on the line of statutory time-limit as provided in the Representation of the Peoples Act, 1951.

In sub-R. (5) to R. 2, Chapter II of these rules, reference has been made to Order XXII, R. 10 of C.P.C. which provides for procedure in case of assignment before final order in suit.

Reference has been made to order XLV, Rr. 7 and 12 of the Code in Sub-R. (16) of R.2, Chapter II of these rules. Rule 7, order XLV of the code deals with security and deposit required on grant of certificate and R.12 thereof provides for the refund of balance deposit.

In sub-R. (18) of this Rule reference has been made to Order XLI, R. 1 of the Code which deals with form of appeal. Sub-rule (1) thereof has been amended by C.P.C. Amendment of 1976 to provide for the deposit or the furnishing of security for decretal amount by judgment debtor when the appeal is against an order made in execution of a money decree., The proviso to this sub-rule was added by the same Amendment Act of the Code. Sub-rule (3) was inserted by the same Amendment Act.

Sub-rule (26) of this rule refers to Order XLI, R. 14 of the Code which provides for the publication and service of notice of day for hearing appeal. Sub-rules (3), (4) and (5) thereof have been inserted by the Amendment Act, 1976 of the Code with a view to avoid delay in the disposal of the appeal. Order XXII, R. 5 of the Code deals with the determination of question as to legal representative, a proviso thereto being inserted by the Amendment Act of 1976 to enable the Appellate Court to direct a Subordinate Court to inquire into, and give its findings on disputes as to who is legal representative of a deceased party. Rule 10 of Order XXII of the Code prescribes the procedure in case of assignment before final order in suit.

Sub-rule (27) of R. 2 of Part I, Chapter II of these rules was inserted vide Correction Slip No. 1-A.

Note 10: Rule 4 — The rule was submitted vide Correction Slip No. 71 dated 9.2.77 to come into force on 1.2.1977 and the original R. 4 read as follows :

"4. In the absence of the Registrar, or whenever the Chief Justice so directs, his powers and duties may be performed by a Judge and the powers which he is authorised to delegate may be exercised by the Deputy Registrar or other officer of the Court."

6. References from a Subordinate Civil Court shall be heard by a Division Court.

7. A Division Court for the hearing of cases of appeal, reference or revision in respect of the sentence or order of any Criminal Court shall consist of two or more Judges:

[All matters where sentence for life/death has been awarded to be heard by the Division Bench including appeals and revisions against acquittal arising out of cases tried under Section 302 IPC.]¹¹

Provided that a single Judge may hear any appeal, reference, revision and applications in all criminal matters except those in which sentence of death, or the imprisonment for life is passed.¹²

Provided further that such Judge may refer any particular case he thinks fit to a Division Court:

Provided also that it shall be competent for a single Judge to pass any interlocutory order in any appeal or appeal or any other matter preferable before a Division Bench, unless otherwise ordered by a Division Bench.¹³

7A. Notwithstanding anything in these rules, the powers conferred on a single Judge may be exercised by a Division Court when or where no single Judge is sitting or available.¹⁴

8.(1) Whenever the Court shall be of opinion that there are reasonable grounds

Note 11: Inserted vide Notification No. HC.XI-04/06/455-554/RC dated 26.04.2006

Note 12: Substituted vide correction slip No.HC.XI-10/79/3506A/RC dated 25.3.1982

Note 13: Rule 7 — The rule was substituted vide Notification No. HC-XI/4/65/70/7520/RC dated the 18.8.1970, Correction Slip No. 41 to come into force after fifteen days of the publication thereof in the Assam Gazette. The proviso to the substituted rule was added vide Correction Slip No. 54 dated 17.1.1972, published in the Assam Gazette on 18.1.1972. The original R. 7 read as follows :

"7. A Division Court for the hearing of cases on appeal, reference, or revision in respect of the sentence or order of any Criminal Court shall consist of two or more Judges.

Provided that a single Judge may hear any appeal, reference or revision and applications other than the following :

(1) One relating to an order of sentence of death, transportations, penal servitude, forfeiture of property or of imprisonment exceeding one year or rules for enhancement of sentence or appeal against order of acquittal.

(2) A case submitted under S. 307 of the Code of Criminal Procedure ;

Provided further that such Judge may send back any particular case he thinks fit to the Bench taking criminal cases to be disposed of by two Judges.

Proviso to R. 7 was substituted vide Correction Slip No. 14 and third proviso substituted vide Correction Slip No. 92.

Note 14: Rule 7-A — This rule was added vide Correction Slip No. 57.

for holding that any pleader or Mukhtar has been guilty of any misconduct rendering such pleader or Mukhtar liable to be dealt with under the provisions of the Legal Practitioners Act XVIII of 1879, the Court may institute a proceeding by the issue of a rule calling on such pleader or Mukhtar to show cause why he should not be so dealt with.

(2) Any proceeding taken in the High Court against any pleader or Mukhtar under the provisions of Ss. 12 and 13 of the Legal Practitioners Act XVIII of 1879, as amended and any report made against any pleader or Mukhtar to the High Court under the provisions of S. 14 of the same Act by the Presiding Officer of any Subordinate Court of any Revenue Office, in which the pleader or Mukhtar is practising, shall, subject to any direction by the Chief Justice, be taken before or considered by, a Division Bench of the High Court and such Division Bench shall also have power to call for any record under the provisions of Section 14 of the same Act and to pass orders thereon.

(3) A Counsel for the State may, at the discretion of the Judges of the Bench, be desired to appear in or to conduct any, proceeding taken before them under the Legal Practitioners Act.

9. A Full Bench appointed for any of the purposes mentioned in these rules shall consist of three or more Judges as the Chief Justice may direct.

10. The business of the Supreme Court Section of the High Court shall be laid before a Division Court.

10A. (1) All cases transferred to the High Court by Subordinate Courts under Art. 228 of the Constitution of India shall, after service or notice of the parties, be laid before a Division Court for determination whether such cases involve a substantial question of law as to the interpretation of the Constitution.

All applications under the said Article for transferring such cases to the High Court shall also be moved before a Division Bench.

(2) If the Court is satisfied that the case so transferred involves a substantial question of law, the case shall be laid before such Bench as the Chief Justice may direct. The Bench so constituted shall thereupon, after service of notices on the parties, proceed to determine, in the first instance, whether the point of law can be decided without entering into questions of fact. If in the opinion of the Bench the question of law involved in the case be decided without disposing of the whole case, then it will give its decision on such point after such hearing as it may consider necessary and thereafter the records of the lower Court, together with the opinion of the Bench, shall be transmitted back to the lower Court for disposing of the case, in accordance with law.

(3) If the Bench appointed by the Chief Justice is of opinion that the question of law as to the interpretation of the Constitution of India cannot be decided without hearing the whole case, then it will send back the record to the Chief Justice with its opinion and the case will thereafter be heard by a single Judge to be nominated by the Chief Justice and the procedure laid down by the Code of Civil Procedure and the Criminal Procedure Code for the hearing of cases transferred from districts to the High Court for disposal will be followed.

11. Every petition under Order XLV, R. 2, Civil Procedure Code, in respect of any decree passed by this Court in its appellate jurisdiction in the case of an appeal from the original jurisdiction, shall be presented to the Division Court but every such petition may be heard by a Division Court consisting of two Judges.

12. (a) The time within which a decree of a District Court may not, under Section 17 of the Indian Divorce Act be confirmed shall be six months from the pronouncing thereof.

(b) Rules 4 and 5 of Order 46, Civil Procedure Code, shall apply to references under Section 9 of the Indian Divorce Act, and the practice and procedure for setting down of such references for hearing shall be the same as obtained in the case of references made under Section 113 and Order 46 of the said Code; provided always that every such reference shall be laid before the Chief Justice for his direction as to the Bench by whom it shall be heard.

NOTIFICATION

(The High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram
and Arunachal Pradesh)

Notification No.61

(Memo No.HC.III-35/2002/2949-65/G dated 13.10.2006)

Dated Guwahati the 28th September, 2006

It is for information of all concerned that Hon'ble the Chief Justice has been pleased to fix the roster of cases for the Principal Seat at the Gauhati High Court as follows, which will come into force with immediate effect :-

<u>Sl.</u>	<u>Bench</u>	<u>Matters</u>	<u>Code Nos.</u>
<u>No.</u>			
1.	Division Bench-I	Writ Appeal	10237
		Public Interest Litigation	10194
		Habeas Corpus Petition	10190, 10191, 10193
		Custodial Death matter	10192
		Appeal against the order of CAT	
		Taken up matters including the cases in respect of service matter of Judicial Officer, employees of the High Court and Subordinate Courts and any such matters as may be specifically directed to be listed.	
		Writ Petition to Army and Police action.	10186
		Contempt Petition (Crl.)	10201
		Arbitration Appeal (D/B matters)	
2.	Division Bench-II	Criminal Appeals including Hill Appeals and Hill Ref. Cases to be taken up by Division Bench	
		Death Reference cases	10285
		Confirmation of decree of divorce	10286
		Civil Appeals (D/B matters)	
		Appeals under Companies Act	10236
		Tax Reference cases to be taken up by Division Bench	
		Income tax Appeal	

Any such matter as may be
specifically directed to be listed

3.	Civil Bench-I	First Appeal (S/B matter)	10220-10229
		Second Appeal (S/B matter)	10230-10234
		Civil Revision	10240-10246
		Matrimonial Appeal	10220
		MAC Appeal	10223
		Testamentary cases	10205
		Appeal from Railway Claims Tribunal	10224
		Transfer Petition (C)	
		Arbitration Appeal (S/B matter)	
4.	Civil Bench-II	WP(C) relating to service of teacher of Provincialised Schools	10001-10020
		WP(C) relating to academic matters	10081-10090
		WP(C) relating to academic institution	10091-10100
		WP(C) relating to Tax matters	10101-10120
5.	Civil Bench-III	WP(C) relating to State Govt. employees	10021-10040
		WP(C) relating to service in Local Bodies, Banks, PSU etc.	10041-10060
		WP(C) relating to service of Defence Personnel and Armed Forces.	10061-10080
		WP(C) under Labour & Industrial Law etc.	10121-10132
6.	Civil Bench-IV	WP(C) relating to Settlement by State Govt. etc.	10140-10150
		WP(C) relating to Land matters	10151-10160
		Residuary Writ Petitions except Police / Army action	10161-10189
			(except 10186)
7.	Criminal Single Bench	Motion, Admission, Order and Hearing of bail applications Criminal Appeals	

Criminal Revisions**Criminal Petitions****Transfer Petitions (Crl.)****Crl. Hill Appeal and Hill Ref. S/B****matters****All other Crl. Single Bench matters**

8. Contempt matters (Code No.10200) be taken up by the concerned Benches i.e. Division Bench, Civil Bench - I, Civil Bench - II, Civil Bench - III and Civil Bench - IV, of which the order alleged to have been violated / not complied with.

9. In case of urgent Division Bench matters, Mention shall have to be made before the Court No.1 and in case of Single Bench matters, Mention shall have to be made before the respective Bench at 10.30 A.M. with proper case No. or Filing Serial No. for listing or taking up the matter. In case of Mention of Criminal S/B matters and if more than one Benches taking up Criminal matters, then Mention shall be made before the Hon'ble Senior Judge taking up of Criminal matters. A supplementary Cause list shall be prepared and published at 2.00 P.M. for all Mention matters of the day.

PART II**PROCEDURE AND PRACTICE****CHAPTER III****PROCEDURE IN REVENUE AND HILL MATTERS**

Procedure in revenue and hill matters shall be mutatis mutandis governed by rules relating to appeals and applications as in Chapters IV and V of the rules of this Court. Even if there is one common order covering several cases when interest of parties are not identical, separate appeals or revision petitions will have to be filed on behalf of such person or persons and the facts affirmed by affidavit.
