



**SUPREME COURT OF PAKISTAN**

**SUPREME COURT RULES**  
**1980**

*Amended upto 10-10-2017*

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**SUPREME COURT OF PAKISTAN  
NOTIFICATION  
Rawalpindi, the 20<sup>th</sup> November, 1980  
THE SUPREME COURT RULES, 1980**

<sup>1</sup>[Gazette of Pakistan, Extraordinary, Part II, 23<sup>rd</sup> November, 1980]

S.R.O.1159(I)/80.- In exercise of the powers conferred under Article 191 of the Constitution of the Islamic Republic of Pakistan (hereinafter called the Constitution), the Supreme Court makes the following Rules :-

**PART I**

**GENERAL**

**ORDER I**

**INTERPRETATION**

1. (1) These Rules shall be called the Supreme Court Rules, 1980, and shall come into force at once.

(2) The Supreme Court Rules, 1956, are hereby revoked.

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

"Advocate" means a person entitled to appear and plead before the Supreme Court.

"Advocate-on-Record" means an Advocate, who is entitled, under these Rules, to act and plead for a party in the Supreme Court;

"Article" means Article of the Constitution;

"Attorney-General" means the Attorney-General for Pakistan;

"Chief Justice" means the Chief Justice of Pakistan;

"Code" means the Code of Civil Procedure, 1908;

"Court" and "this Court" means the Supreme Court of Pakistan;

"Court appealed from" includes a tribunal and any other judicial body from which an appeal is preferred to the Court;

"Gazette" means the Gazette of Pakistan;

"Judge" means a Judge of the Court;

"High Court" means the High Court of a Province;

"Party" and all words descriptive of parties to proceedings before the Court (such as "appellant", "respondent", "plaintiff", "defendant" and the like) include, in respect of all acts proposed to be done by an Advocate-on-Record, Advocate-on-Record of the party in question, when it is

<sup>1</sup> Published in the Gazette of Pakistan, Part II, dated 23<sup>rd</sup> November, 1980 at page 2231-2292

represented by an Advocate-on- Record ;

"Prescribed" means prescribed by or under these Rules;

<sup>1</sup>['Registrar' means 'Registrar of the Court' and 'Registry' means 'Main Registry' of the Court.]

"Branch Registry" means a Branch Registry of the Court set up by the Chief Justice at any seat of a High Court and notified in the Gazette;

"Respondent" includes an intervener;

"Senior Advocate" means an Advocate enrolled as such by the Court; and

"Signed", save in the case of a judgment and decree includes stamped.

(2) Unless the context otherwise requires, the General Clauses Act, 1897, shall apply to the interpretation of these Rules as it applies to the interpretation of a Federal Act.

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

4. Where any particular number of days is prescribed by these Rules, the same shall be computed in accordance with the provisions of the Limitation Act, 1908.

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

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<sup>1</sup> Sub. by Notification No. F.59/80 SCA dated. 27.08.2003. Before sub. the originals words are: [Registrar and Registry means respectively the Registrar and Registry of the Court]

**<sup>1</sup>[ORDER II****OFFICES OF THE COURT: SITTINGS AND VACATION**

1. Except during the vacation and on Court holidays and subject to any order of the Chief Justice, the offices of the Court shall remain open daily from 8.30 a.m. to 3.30 p.m. on week days; and from <sup>2</sup>[8.30 a.m. to 12:00 Noon on Friday:]

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<sup>1</sup> Sub. vide office order No. F. 59/80-SCA, dated 21.10.1984 for "Order II". The original Order II was as follows:

Order II. Offices of the Court : Sittings and Vocation

1. Except during the vacation and on Court holidays and subject to any order of the Chief Justice, the offices of the Court shall remain open daily from 8.30 a.m. to 3.30 p.m. on week days; and from 8.30 to 1.00 pm on Thursdays:

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 be open during the vocation, except on Thursdays and holidays.
3. The Judicial Year of the Court shall commence on the first Saturday in October each year, or if that is a Court holiday, then on the next working day, and continue until the commencement of the Vocation in the year next following.
4. Summer vocation of the Court shall continue on such date as may be fixed in each year by the Chief Justice and notified in the Gazette.
5. \*[The Court shall not ordinarily sit on Thursdays ( or any other day that may be set apart for writing of Judgments), nor during the winter holidays, that is to say, December 24 to January 6, both days inclusive and on any other days notified in the Gazette as Court Holidays.]

\* Rule 5 subs. by Corrigendum published in Gazette of Pakistan, Extraordinary, Part II, dated 12<sup>th</sup> January 1980 at page 44.

6. A Judge shall be nominated by the Chief Justice before the commencement of vacation and winter holidays 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 and winter holidays

Notification No. F. 59/80-SCA, dated 20-6-1984 substitute the original Order II as follows:

Order II. Offices of the Court : Sittings and Vocation

1. Except during the vacation, on Fridays and Saturdays, and on other Court 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 4.30 p.m. with the break of thirty minutes from 1.30 p.m to 2. p.m.:

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

2. Except holidays, the offices of the Court shall be open during the vocation and the winter holidays.
3. The Judicial Year of the Court shall commence on the first Sunday in October each year, or if that is a Court holiday, then on the next working day, and continue until the commencement of the Vocation in the year next following.
4. Summer vocation of the Court shall continue on such date as may be fixed in each year by the Chief Justice and notified in the Gazette.
5. The Court shall not sit on Fridays and Saturdays, nor during winter holidays, that is to say, December 24 to January 6, both days inclusive, and any other days notified in Gazette as Court holidays.

Provided that the Chief Justice may direct sittings of the Court on any Court Holiday.:

<sup>2</sup> Sub. by Notification No. F. 59/80-SCA, dated 27.08.2003. Before Subs. the original words are" 8-30 a.m. to 1-00 p.m. on Thursdays:"

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

2. Except holidays <sup>1</sup> [\*\*\*], the offices of the Court shall be open during the vacation and the winter holidays.

<sup>2</sup>[3. The judicial year of the Court shall commence on the second Monday in September each year, or if that day is a Court holiday, then on the next working day, and continue until the commencement of the vacation in the year next following.

4. Summer vacation of the Court shall commence on the 15th June or on such date as may be fixed in each year by the Chief Justice and notified in the Gazette.]

5. <sup>3</sup>[The Court shall not ordinarily sit on Saturdays or on any other day that may be set apart for writing of judgments, nor during winter holidays, that is to say, December 18 to 31, both days inclusive, and on any other days notified in the Gazette as Court holidays.]

6. A Judge shall be nominated by the Chief Justice before the commencement of vacation and winter holidays 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 and winter holidays.

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<sup>1</sup> Omitted by Notification No. F. 59/80-SCA, dated 27-08-2003 for “and Thursday”

<sup>2</sup> Subs. by Notification No. F.59/80-SCA, dated 11-01-2000 for “ The judicial year of the Court shall commence on the first Saturday in October each year, or if that day is a Court holiday, then on the next working day, and continue until the commencement of the vacation in the year next following.”

<sup>3</sup> Subs. by Notification No. F.59/80-SCA, dated 24-4-2000 for “The Court shall not ordinarily sit on Thursdays or on any other day that may be set apart for writing of judgments, nor during winter holidays, that is to say, December 24 to January 6, both days inclusive, and on any other days notified in the Gazette as Court holidays.”



## ORDER III

### OFFICERS OF THE COURT

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 powers as are assigned to him by these Rules.

2. The Registrar shall not be absent from the Court without leave of the Chief Justice, and any other officer of the Court without leave of the Registrar.

3. In the absence of the Registrar, <sup>1</sup>[the Additional Registrar and in the absence of the Additional Registrar,] the Deputy Registrar or in the absence of the Deputy Registrar, the Assistant Registrar shall perform all the functions of the Registrar, under these Rules.

4. The Chief Justice may assign and the Registrar may, with the approval of the Chief Justice, delegate to <sup>1</sup>[an Additional Registrar or] a Deputy Registrar or an Assistant Registrar, any functions required by these Rules to be performed by the Registrar.

5. The Registrar shall, subject to any directions 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 direction as aforesaid, supervise and control the officers and servants of the Court.

6. The Seal of the Court shall be such as the Chief Justice may direct, and shall be kept in the custody of the Registrar.

7. Subject to any directions by the Chief Justice, Seal of the Court shall not be affixed to any writ, rule, order, summons or other process save under the authority in writing of the Registrar.

8. The Seal of the Court shall not be affixed to any certified copy issued by the Court, save under the authority in writing of the Registrar.

9. The Registrar shall keep a list of all cases pending before the Court and shall subject to these Rules and any directions given by the

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<sup>1</sup> Ins. by Notification No. F-59/80 SCA, dated 27.08.2003

Chief Justice, prepare the list of cases ready for hearing and shall cause notice to be given thereof and of the day if any, assigned for the hearing of any case or cases in the list.

10. In addition to any other powers under the Rules, and subject to any general or special orders of the Chief Justice, the Registrar shall have the following powers namely:-

- (a) to require any plaint, petition of appeal, petition for leave to appeal 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;
- (d) to direct any formal amendment of record.

#### **ORDER IV**

#### **ADVOCATES AND ADVOCATES-ON-RECORD**

<sup>1</sup>[1. There shall be kept separately, a Roll of Senior Advocates, of Advocates and of Advocates-on-Record.

2. 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;

Provided that an Advocate shall not be allowed to sign the Roll unless he produces a certificate of enrolment from the Pakistan Bar Council; and

Provided further that the Chief Justice and the Judges may refuse to allow a person to sign the Roll or remove his name from the Roll after affording him an opportunity of oral hearing if he has, at any time, been adjudged guilty of professional misconduct or is otherwise

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<sup>1</sup> Subs. by Notification No. F.59/80 SCA, dated 14-02-1988

considered unfit to be enrolled or allowed to remain as an advocate.

3. A Senior Advocate shall have precedence over other Advocates and the provisions of the First Schedule to the Rules shall apply to Senior and other Advocates.

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

- (a) has been for not less than <sup>1</sup>[seven] years enrolled as an Advocate in a High Court;
- (b) has been certified in a duly authenticated form by the Chief Justice and Judges of the High Court that he is a fit and proper person to appear and plead as an Advocate before the Supreme Court:

Provided that the Chief Justice and Judges may grant the enrollment of a person not qualified as aforementioned, if in their judgment, he is qualified by knowledge, ability and experience to be enrolled as an Advocate.

5. The Chief Justice and the Judges may <sup>2</sup>[\*\*\*] 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. <sup>3</sup>[A Senior Advocate shall pay an enrollment fee of Rs.5000/-].

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

7. The Rolls of Senior Advocates, Advocates, and Advocates-on-Record shall be kept by the Registrar and shall contain such particulars as the Court may, from time to time, require.

8. The dress for Senior Advocates, Advocates, and

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<sup>1</sup> Subs. by Notification No. F. 59/80-SCA, dated 28-12-2015 for words "ten".

<sup>2</sup> Omitted by Notification No. F. 59/80-SCA, dated 11.01.2000. The omitted words are " , on application or otherwise"

<sup>3</sup> Ins. by Notification No. F.59/80-SCA dated 03..05.1989

Advocates-on-Record shall be short coat or *sherwani* of black material.  
<sup>1</sup>[The Senior Advocates shall wear the gowns throughout the year.]"

9. A signing fee of Rs. <sup>2</sup>[200/-] and Rs. <sup>3</sup>[1000/-] shall be charged from Senior Advocates and Advocates, respectively.

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

11. The Advocate-General of a Province shall have precedence immediately after the Attorney-General:

Provided that the seniority of Advocates-General of Provinces inter-se shall be determined in accordance with the dates of appointment to their respective offices.

12. The Attorney-General, a Deputy Attorney-General, an Advocate-General and an Additional Advocate-General shall, by virtue of their offices, have the status of a Senior Advocate in the Supreme Court, notwithstanding that their names are not borne on the Roll of Senior Advocates.

13. 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.

14. An Advocate of five years standing in the Supreme Court shall be qualified to be registered as an Advocate-on-Record, on making an application in this behalf.

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

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

17. Every Advocate-on-Record shall --

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<sup>1</sup> Subs. by Notification No. F.59/80-SCA dated 11.01.2000 for "Wearing of gowns shall be during the winter months, i.e from the 1<sup>st</sup> of November, to the 31<sup>st</sup> March."

<sup>2</sup> Subs. by Notification No. F.59/80-SCA dated 03.05.1989 for "10"

<sup>3</sup> Subs. by Notification No. F.59/80-SCA dated 14.07.1998 for "5"

- (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 cause, matter or appeal in the Court;
- (ii) subscribe similarly an indemnity bond in Form 4 of the Forms in the said Schedule; and
- (iii) pay an enrolment fee of Rs. <sup>1</sup>[1000/-].

18. Every Advocate shall, before signing his Roll, produce before the Registrar an authenticated copy of his enrollment certificate from the Pakistan Bar Council and a certificate that he is still an Advocate of the High Court.

19. Every Advocate-on-Record shall have an office at the seat of the Main Registry or at the seat of any Branch Registry and shall notify the Registrar of the address of his office and 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.

20. Two or more Advocates-on-Record may enter into partnership with one another, and any one of them may act in the name of the partnership, provided that the firm has an office at the seat of the Main Registry or a Branch Registry and is registered with the Registrar. The undertaking prescribed in rule 17 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 Advocates-on-Record may, in addition to principal office at the seat of the Court or a Branch Registry, also maintain Branch Office at any district headquarters or other center of litigation, provided that such Branch Offices is under the management and control of a member of the firm who has received training at the principle office of the firm for a period of not less than one year.

21. An Advocate-on-Record who wishes to have his name removed from the Roll of Advocates-on-Record shall apply by

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<sup>1</sup> Subs. by Notification No. F.59/80-SCA dated 03.05.1989 for "250".

petition, verified by an 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.

22. 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 authorizing him to act.

23. No person having an Advocate-on-Record shall file a power of attorney authorizing another Advocate-on-Record to act for him in the same case save with 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.

[Provided that where a person is not represented by an Advocate-on-Record or has been permitted by the Court to appear in person, he shall subject to the same discipline and restrictions as are applicable to an Advocate on Record.]

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

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

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

Provided that where a person is not represented by an Advocate-on-Record or has been permitted by the Court to appear in person, he shall be subject to same discipline and restrictions as are applicable to an Advocate-on-Record.

27. No Advocate-on-Record shall authorize any person, except another Advocate-on-Record to do any act in his name in any case. The authorization shall be in writing.

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<sup>1</sup> Proviso added by Notification No. F.59/80 SCA dated, 16-07-1987

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

29. A Senior Advocate, or an Advocate or an Advocate-on-Record who wishes to suspend his practice by reason 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 intimation thereof to the Registrar.

30. Where, on the complaint of any person or otherwise, the Chief Justice or the Court is of the opinion that a Senior Advocate or an Advocate or an Advocate-on-Record has been guilty of misconduct or conduct unbecoming of an Advocate, with regard to any matter concerning the Court, the Chief Justice or the Court may either after affording him an opportunity of oral hearing, take such disciplinary action, including suspension and removal from practice of the Court, against him as it may deem fit, or refer to the Pakistan Bar Council for inquiry and action under the Legal Practitioners and Bar Council Act, 1973.

31. In an appropriate case, where the Chief Justice or the Court is of the opinion that a Senior Advocate or an Advocate-on-Record is unfit to act and plead as such, the Chief Justice or the Court may, after providing him an opportunity of oral hearing, direct removal of his name from the Roll of Senior Advocates or of Advocates-on-Record, as the case may be.

32. Nothing in this Order shall be deemed to limit or otherwise affect the inherent powers of the Court to make such order and take such action as may be necessary for the conduct and proceedings of the Court.]

## HISTORY OF ORDER IV

Before substitution the original Order IV was as follows:

1. There shall be kept separately, a Roll of Senior Advocates, of Advocates and of Advocates-on-Record.

2. 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;

Provided that an Advocate shall not be allowed to sign the Roll unless he produces a certificate of enrolment from the Pakistan Bar Council; and

Provided further that the Chief Justice and the Judges may refuse to allow a person to sign the Roll or remove his name from the Roll after affording him an opportunity of oral hearing if he has, at any time, been adjudged guilty of professional misconduct or is otherwise considered unfit to be enrolled or allowed to remain as an advocate.

3. A Senior Advocate shall have precedence over other Advocates and the provisions of the First Schedule to the Rules shall apply to Senior and other Advocates.

4. 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 a Advocate in a High Court;
- (b) has been certified in a duly authenticated form by the Chief Justice and Judges of the High Court that he is a fit and proper person to appear and plead as an Advocate before the Supreme Court:

Provided that the Chief Justice and Judges may grant the enrollment of a person not qualified as aforementioned, if in their judgment, he is qualified by knowledge, ability and experience to be enrolled as an Advocate.

5. 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.

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

7. The Rolls of Senior Advocates, Advocates, and Advocates-on-Record shall be kept by the Registrar and shall contain such particulars as the Court may, from time to time, require.

<sup>1</sup>[8. The dress for Senior Advocates, Advocates, and Advocates-on-Record shall be short coat or *sherwani* of black material. Wearing of gowns shall be optional during the winter months, i.e from 1<sup>st</sup> of November, to the 31<sup>st</sup> of March]

<sup>2</sup>[9. A signing fee of Rs. 10/- and Rs. 5/- shall be charged from Senior Advocates and Advocates, respectively].

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

11. The Advocate-General of a Province shall have precedence immediately after the Attorney-General:

Provided that the seniority of Advocates-General of Provinces *inter se* shall be determined in accordance with the dates of appointment to their respective offices.

12. The Attorney-General, a Deputy Attorney-General, an Advocate-General and an Additional Advocate-General shall, by virtue of their offices, have the status of a Senior Advocate in the Supreme Court, notwithstanding that their names are not borne on the Roll of Senior Advocates.

13. 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.

14. An Advocate of five years standing in the Supreme Court shall be qualified to be

<sup>1</sup> Rule 8 subs. by Corrigendum published in Gazette of Pakistan, Extraordinary, Part II, dated 12<sup>th</sup> January 1981, p.44

<sup>2</sup> Rule 9 deleted *ibid*. Rule 10 renumbered as Rule 9 and subsequent rules of the Order upto rule 31 renumbered accordingly by *ibid*.



registered as an Advocate-on-Record, on making an application in this behalf.

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

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

17. 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 cause, matter or appeal in the Court;
- (ii) subscribe similarly an indemnity bond in Form 4 of the Forms in the said Schedule; and
- (iii) pay an enrolment fee of Rs

18. Every Advocate shall, before signing his Roll, produce before the Registrar an authenticated copy of his enrollment certificate from the Pakistan Bar Council and a certificate that he is still an Advocate of the High Court.

19. Every Advocate-on-Record shall have an office at the seat of the Main Registry or at the seat of any Branch Registry and shall notify the Registrar of the address of his office and 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.

20. Two or more Advocates-on-Record may enter into partnership with one another, and any one of them may act in the name of the partnership, provided that the firm has an office at the seat of the Main Registry or a Branch Registry and is registered with the Registrar. The undertaking prescribed in rule 17 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 Advocates-on-Record may, in addition to principal office at the seat of the Court or a Branch Registry, also maintain Branch Office at any district headquarters or other center of litigation, provided that such Branch Offices is under the management and control of a member of the firm who has received training at the principle office of the firm for a period of not less than one year.

21. An Advocate-on-Record who wishes to have his name removed from the Roll of Advocates-on-Record shall apply by petition, verified by an 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.

22. 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 authorizing him to act.

23. No person having an Advocate-on-Record shall file a power of attorney authorizing another Advocate-on-Record to act for him in the same case save with 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.

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

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

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

Provided that where a person is not represented by an Advocate-on-Record or has been permitted by the Court to appear in person, he shall be subject to same discipline and restrictions as are applicable to an Advocate-on-Record.

27. No Advocate-on-Record shall authorize any person, except another Advocate-on-Record to do any act in his name in any case. The authorization shall be in writing.
28. Where a party changes his Advocate-on-Record, the new Advocate-on-Record shall give notice of the change to all parties concerned.
29. An Advocate or any Advocate-on-Record who wishes to suspend his practice by reason 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 intimation thereof to the Registrar.
30. 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 conduct unbecoming of an Advocate, the Court may refer the matter to the Pakistan Bar Council for inquiry and action under the Legal Practitioners and Bar Council Act, 1973.

## **ORDER V**

### **BUSINESS IN CHAMBERS**

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

- (1) Application for revivor or substitution.
- (2) Application for discovery and inspection.
- (3) Application for delivery of interrogatories.
- (4) Certifying of cases as fit for employment of Advocates.
- (5) Application for substituted service.
- (6) Registration of petitions, appeals, suits and other matters.
- (7) Application for time, to plead, for production of documents and generally relating to conduct of cause, appeal or matter and to allow from time to time any period or periods not exceeding six weeks, in the aggregate, and

for doing any other act necessary to make a cause, petition or appeal complete.

- (8) Approval of Translator.
- (9) Approval of Interpreter.
- (10) Application for payment in to Court.
- (11) Application for change of Advocate-on-Record.
- (12) Application by Advocate-on-Record for leave to withdraw.
- (13) Application for search, inspection or getting copies of any document or record by parties to proceedings and third parties on payment of prescribed fees and charges.
- (14) Application for return of documents.
- (15) Determination of the quantum of court fee payable in respect of any document.
- (16) Application for issue of a refund certificate in respect of excess court fee paid by mistake.
- (17) Application for a transcript record instead of printed record.
- (18) Application for production of documents outside Court premises.
- (19) Application for further particulars, better statement of claim or defence.
- (20) Application for payment of money out of Court or handing over or discharge of security.
- (21) Application for enforcing payment of costs.

- (22) Application for extending returnable dates of warrants.
- (23) Application for taxation and delivery of bill of costs, and for the delivery by an Advocate-on-Record of documents and papers.
- (24) Application for bringing on record the legal representatives of a deceased party.
- (25) Show-cause notice to the parties who fail to prosecute or defend appeals, petitions or matters pending before the Court with due diligence.
- (26) Application for permission to exhibit or use documents in a language other than Urdu or English.
- (27) Application for permission to get paper-books prepared outside the Court.
- (28) Application for extension of time limit for filing affidavits.
- (29) Application for security for costs.
- (30) Application for assignment of Security Bonds.
- (31) Setting down, cause, appeal or matter ex-parte

2. The power of the Court in relation to the following matters may be exercised by a Single Judge, sitting in Chambers, but subject to re-consideration, 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) Application for leave to compromise or discontinue a pauper appeal.
- (2) Application for striking out or adding a party.

- (3) Application for separate trials of causes of action.
- (4) Application for separate trials to avoid embarrassment.
- (5) Rejection of plaint.
- (6) Application for setting down for judgment in default of written statement.
- (7) Application for striking out any matter in a pleading.
- (8) Application for amendment of pleading.
- (9) Application for enlargement of time to amend.
- (10) Application for withdrawal of suit, appeal or petition, for rescinding leave to appeal and for dismissal for non-prosecution.
- (11) Application to tax bills returned by Taxing Officer.
- (12) Application for costs of taxation where one-sixth is taxed off.
- (13) Application for review of taxation by Court
- (14) Application for enlargement or abridgement of time except those covered by item 7 of rule 1 and application for condonation of delay in filing petition for leave to appeal.
- (15) Application for issue of commissions.
- (16) Application for order against clients for payment of costs.

- (17) Application for production of evidence by affidavit.
- (18) Application for stay of execution of a decree or order in Civil proceedings.
- (19) Application for stay of execution of a sentence or order in Criminal proceedings.
- (20) Application for grant of bail.
- (21) Application to set aside ex-parte orders.
- (22) Consent petitions.

3. An appeal shall lie from the Registrar in all cases to the Judge in Chambers.

4. An application for reconsideration under rule 2 and an appeal under rule 3 shall be filed within thirty days of the date of the order complained of.

5. The Registrar may, and if so directed by the Judge in Chambers, shall at any time adjourn any matter and place it before the Judge in Chambers, and the Judge in Chambers may at any time refer any matter to the Court, and the Court may direct that any matter shall be transferred from the Registrar or the Judge in Chambers to the Court.

## **ORDER VI**

### **NOTICES OF MOTION**

1. Save as otherwise provided by law or these Rules, all applications 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 duly supported by an affidavit, for an ad-interim order ex-parte, 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 deem just, pending orders on the main application by notice of motion.

2. A notice of motion shall be instituted in the suit or 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 together 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 one hour before the closing of the Registry on the day preceding the day of hearing and copies of those affidavits shall be served on the other parties to the 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. Save as otherwise ordered, the costs of a motion in a suit or proceedings shall be treated as costs in that suit or proceeding.

## **ORDER VII**

### **DOCUMENTS**

1. The officers of the Court shall not received any pleading, petition, affidavit or other document, 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. Any document in a language other than Urdu or English shall be accompanied by its translation in either of the two languages in accordance with the Rules.

3. 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 Advocate-on- Record for both parties, may be accepted.

4. 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.

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

6. 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.

7. The Registrar may decline to receive any document which is presented otherwise than in accordance with these Rules.

## **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 that the affidavit of any witness may be read at the hearing, on such conditions as the Court deems reasonable:

Provided that no such order shall be passed where it appears to the Court that either party bona fide desires the production of a witness for cross-examination and that such witness can be produced, without unreasonable delay or expense.



2. Upon an application evidence may be given by affidavit, but the Court may, at the instance of the other party, order the attendance of the deponent in the Court for cross-examination, unless he is exempt from personal appearance or the Court otherwise directs.
3. Every affidavit shall be entitled in the cause, matter or appeal in which it is sworn.
4. Every affidavit shall be drawn up in 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. Affidavits shall be confined to such facts as the deponent is able of his own knowledge to prove, except on interlocutory applications, on which statement of his belief may be admitted, provided that the grounds thereof are stated.
6. The costs occasioned by any unnecessary prolixity in the title to an affidavit or otherwise shall be disallowed by the Taxing Officer.
7. 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.
8. Affidavits for the purposes of any cause, matter or appeal before the Court may be sworn before any authority mentioned in section 139 of the Code or before the Registrar of this Court, or before a commissioner generally or specially authorized in that behalf by the Chief Justice.
9. Where the deponent is a pardahnashin lady shall be identified by a person to whom she is known and that person shall prove the identification by a separate affidavit.
10. Every exhibit annexed to an affidavit shall be marked with the title an number of the cause, matter or appeal and shall be initialed and dated by the authority before whom it is sworn.
11. No affidavit having any interlineations, alteration or erasure shall be filed in the Court unless the interlineations or alteration is initialed or unless in the case of an erasure the words or figures written on the erasure

are rewritten in the margin and initialed, by the authority before whom the affidavit is sworn.

12. 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 rewritten.

13. Where a special time limit is prescribed for filing affidavits, no affidavit, filed after that time shall be used except by leave of the Court.

14. In this Order “affidavit” includes a petition or other document required to be sworn and “sworn” shall include “affirmed”.

## **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 pleadings and other 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 ‘twenty- four’ hours notice in writing to the parties who have appeared, and copies of documents shall not be allowed to be taken, but notes 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 authorized in that behalf by the Registrar.

5. No record or 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

### JUDGMENTS, 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 Advocates- 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 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 <sup>1</sup>[Additional 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 case 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 Chambers.
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

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<sup>1</sup> Ins. by Notification No. F.59/80-SCA dated 27.08.2003

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, tribunal or other authority 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 of the appropriate province.

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 or tribunal appealed from or to any other authority concerned, and shall be given effect to by that Court, tribunal or authority as if it were an order made by the High Court of the appropriate province.

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

## **ORDER XI**

### **CONSTITUTION OF BENCHES**

Save as otherwise 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:

<sup>1</sup>[Provided that

- (i) all petitions for leave to appeal except petitions against acquittal, and
- (ii) appeals from appellate and revisional judgments, and orders made by a Single Judge in the High Court,

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<sup>1</sup> Subs. by Notification No. F.59/80-SCA, dated 11.01.2000 for “ Provided that the petitions for leave to appeal , other than those directed against acquittal, and appeals form appellate or revisional judgments and orders made by a Single Judge in the High Court, may be heard and disposed of by a bench of two Judges , but the Chief Justice may, in a fit case , refer any cause or appeal as aforesaid to a Larger Bench:

- <sup>1</sup>[(iii) appeals from judgments/orders of the Service Tribunals or Administrative Courts, and appeals involving grant of bail/cancellation of bail, may be heard and disposed of by a bench of two Judges, but the Chief Justice may, in a fit case, refer any cause or appeal as aforesaid to a larger Bench.]

Provided further that if the Judges hearing a petition or an 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.

**PART-II**  
**APPELLATE JURISDICTION**  
**ORDER XII**  
**CIVIL APPEALS UNDER ARTICLE 185(2) (d) (e) and (f) 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 certificate issued by the High Court concerned that the case involves a substantial question of law as to interpretation of the Constitution or by a certificate as set out in Form 13 or 14 of the Sixth Schedule to these Rules.

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

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

3. The petition of appeal shall set forth the appellant's objections to the decision of the High Court and the appellant shall not, except by leave of the Court, urge or be heard in support of any other ground, but the Court, in deciding the appeal, shall not be confined to the grounds of objections set forth in the petition of appeal or urged by the leave of the Court under this rule:

Provided that the Court shall not rest its decision on any other

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<sup>1</sup> Added by Notification No. F-59/8, dated 10-07-2002.

ground unless the party who may be affected thereby has had a sufficient opportunity of contesting the appeal on that ground.

4. 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 185 (2) (f) 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.

5. Within thirty days of the service on him of the petition of appeal, a respondent may, if he so desires, file in the 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.

6. 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 or by this Court.

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

<sup>1</sup>[8. The provisions contained in this Order shall apply *mutatis mutandis* to the appeals which are filed under other laws for the time being in force]

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<sup>1</sup> Ins. by Notification No. F-59/80 SCA, dated 27-08-2003

**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, decree or final 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 185 (2) (f) by the High Court:

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

2. A petition for leave to appeal shall state succinctly and clearly <sup>1</sup>[all points of law which arise for determination and], all such facts as it may 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 at least three copies, unless required otherwise by the Court , of:-

- (i) his petition for leave to appeal;
- (ii) the judgment, decree, final 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;
- (iii) paper book of the High Court, if any, and the other record duly attested by the Advocate-on-Record of the petitioner;
- (iv) the order of the High Court refusing grant of

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<sup>1</sup> Added by Notification No. F.59/80-SCA, dated 18.8.1981 and published in Gazette of Pakistan Extraordinary, Part III.

certificate, if any, under Article 185 (2) (f);

- (v) an affidavit in support of allegations of fact prescribed by Rule 4 of Order XVII, hereinafter contained; and
- (vi) unless a caveat, as prescribed by Order XVII, 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 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 appeals as mentioned in Rule 3 of this Order.

5. Save in cases where caveat as prescribed by Rule 2 of Order XVII has been lodged by the 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 who has appeared in the Court appealed from has lodge 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, for 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 State Bank of Pakistan, 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 the printing charges of the paper-book, the Registrar shall deal with such security in accordance with the directions contained in the 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 Registrar of 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 XVII hereinafter contained shall apply *mutatis mutandis* to petitions for leave to appeal.

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

#### **ORDER XIV PREPARATION OF RECORD**

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 under Order XIII, the appeal shall be registered and the appellant shall, within 60 days, file in the Registry the required

number of copies of the record and of the additional documents, <sup>1</sup>[\*\*\*]  
<sup>2</sup>["If so ordered by the Court, otherwise the appellant shall without delay take all necessary steps to have a printed/cyclostyled record prepared in the Registry.]

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

3. The Registrar shall then send for the original record from the High Court, and the Registrar of the High Court shall, with all convenient speed, arrange for the transmission of such record to the Registrar of this Court. If printed-paper books had been prepared for use in the High Court, at least twelve copies thereof shall also be transmitted along with the original record.

4. (i) Where the appellant fails to have the 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 costs 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.

5. In the preparation of the record the printed paper books

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<sup>1</sup> The words "if any" omitted by Notification No.F.59/80-SCA dated 26.07.1982, published in the Gazette of Pakistan, Extraordinary, Part, III.

<sup>2</sup> Added by Notification No.F.59/80-SCA dated 26-03-1982

prepared for the use of the High Court may be included, if sufficient number of such paper books is available.

6. 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 I of the Third Schedule to these Rules.

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

8. The parties shall be severally responsible 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.

9. For purpose of completion of the record it shall be necessary to include certified copies of the documents, and in case they are not available copies certified by the Advocate-on-Record to be a true copy shall be filed.

10. As soon as the record has been made ready, the Registrar shall require the parties, who have entered appearance, to certify the record to be correct and complete. The parties shall, thereafter, under the directions of the Registrar take, with due diligence, further steps required to be taken under these Rules preliminary to the hearing of the appeal.

<sup>1</sup>[11. Except where otherwise ordered by the Court, the provisions contained in these Rules shall not be applicable where a petition on grant of leave to appeal has been converted into an appeal by the Court and disposed of accordingly. The appeal shall, however, be registered.]

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<sup>1</sup> Added by Notification No.F.59/80-SCA dated 16.07.1987

**ORDER XV**  
**WITHDRAWAL OF APPEAL, NON-PROSECUTION OF**  
**APPEAL, CHANGE OF PARTIES**

1. Where an appellant desire 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.

2. If an appellant fails to take any steps in the appeal within the time fixed for the same by these Rules, or, if no time is specified, it appears to the Registrar that the appellant is not prosecuting his appeal with due diligence, the Registrar shall call upon him to show cause why the appeal should not be fixed before the Court for dismissal on account of non-prosecution.

3. 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.

4. 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.

5. 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 to costs or otherwise as it deems fit:

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

6. Where at any time after the grant of leave to appeal the record is found to be or becomes defective by reason of the death or change of status of a person who was a party to the decree or other decision by the lower Court, it shall be the duty of the appellant to make an application in that behalf, and the Court, may on such application, or on application by any other person interested, grant a certificate showing who in the opinion of the Court, is the proper person to be substituted or entered on the records, in place of, or in addition

to, the party on the record, and the name of such person shall thereupon be deemed to be so substituted or entered on the record as aforesaid.

7. An application to bring to 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 XVI APPEARANCE BY RESPONDENT**

1. The respondent shall enter an appearance within 30 days of the receipt of notice from the Registrar regarding grant of leave to appeal to the appellant, under Rule 2, Order XIV, but he may enter an appearance at any time before the hearing of the appeal on such terms as the Court may deem fit.

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

3. 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 respondents.

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

5. A respondent who has not entered appearance shall not be entitled to receive any notice relating to the appeal from the Registrar.

6. Where a respondent fails to enter appearance in an appeal within 30 days of service upon him of the notice issued by the Registry under Rule 10 of the Order XIV of the Rules the appeal may be set down *ex-parte* as 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.

## ORDER XVII PETITIONS GENERALLY

1. All petitions shall consist of paragraphs numbered consecutively and shall be fairly and legibly written, type-written or lithographed on one side of standard petition paper demy-foolscap size or on paper ordinarily used in High Courts for transcribing Petitions, with quarter margin and endorsed with the name of the Court appealed from, the full title and Supreme Court number of the appeal to which the petition relates, or the full title of the petition as the case may be an 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 Rule 8 of this Order at least three copies thereof shall be filed.

2. Where petition is expected to be filed or has been filed, which does not relate to any appeal pending in the Registry, any person claiming a right to appear before this Court on the hearing of such petition may lodge a caveat in the matter thereof, and shall thereupon be entitled to receive from the Registrar notice of the filling of the petition, if at the time of the lodging of the caveat such petition has not yet been filed and, if and when the petition has been filed, 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 filed, by the petitioner in support of his petition. The caveater shall forthwith, after lodging his caveat give notice thereof to the petitioner, if the petition has been filed.

3. Where a petition is filed in the matter of any appeal pending in the Registry, 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 filed by the petitioner in support of his petition.

4. A petition not relating to any appeal pending in the Registry and any other petition containing allegations of fact which cannot be verified by reference to the record or any certificate or duly authenticated statement of the Court appealed from, shall be supported by an affidavit. Where the petitioner prosecutes his petition in person, the said affidavit shall be sworn by the petitioner himself and shall state therein 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 instructions and the information enabling him to present the petition.

5. The Registrar may refuse to receive a petition on the grounds that it has not been filed in accordance with the Rules or is frivolous or contains scandalous matter, but the petitioner may appeal from such refusal to the Judge in Chambers within fourteen days.

6. As soon as a petition and all necessary documents are filed the petition shall be registered.

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 made in 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 deems 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 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 deems 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, unsatisfactory, the Registrar may, after notifying all parties interested, place the petition before the Court for such directions as the

Court may deem fit to give thereon.

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

<sup>1</sup>[12. Where in the opinion of the Court a petition or application, is frivolous or vexatious, the Court may direct the petitioner or applicant to deposit forthwith a specified amount as costs of the proceedings, which may be forfeited or paid to the opposite party in the discretion of the Court.]

### **ORDER XVIII LODGING OF CONCISE STATEMENT AND SUPPLEMENTAL PROCEEDINGS**

1. The appellant and the respondent may lodge in the Registry the required number of copies of their concise statements of the facts of the case and of the arguments upon which they propose to rely at any time before the appeal is set down for hearing.

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

3. 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.

4. 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, therefore, 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. Reference 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 reproduction in the concise statement of long extracts from the record. The counsel preparing the concise statement shall also cite all previous decisions of the Supreme Court to the best of their

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<sup>1</sup> Added by Notification No.F.59/80-SCA dated 06.07.1986.



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.

5. The paper book of the appeal shall be arranged in the following order:-

- (1) Printed or type record;
- (2) Supplementary record, if any;
- (3) Appellant's concise statements, if any; and
- (4) Respondent's concise statement, if any

The front cover shall bear a printed label stating the title and Supreme Court number of the appeal, the contents of the volume and the names and addresses of the parties' Advocates-on- Record. The short title and Supreme Court number of the appeal shall also be shown at the back.

### **ORDER XIX 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 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 XVI 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, decides 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.

### **ORDER XX MISCELLANEOUS**

1. The filing of a petition for leave to appeal or 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 deem fit to impose, order a 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 deems 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 XXI PAUPER, APPEALS, PETITIONS, ETC.**

1. The provisions of Order XLIV in the First Schedule to the Code shall, 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 Registrar of the High Court, and the High Court either itself or by a Court subordinate to the High Court 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 would 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 Federal 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 Federal 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 Federal Government a memorandum of the court-fees due and payable by the pauper.

**ORDER XXII**  
**CRIMINAL APPEALS UNDER ARTICLE 185(2) OF THE**  
**CONSTITUTION**

1. Criminal Appeals under sub-clauses (a), (b) and (c) of clause (2) of Article 185 shall be lodged within thirty days from the date of the judgment or final order appealed from and in case of criminal appeals under sub-clause (f) *ibid*, within thirty days from the date of the certificate of the High Court:

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

2. The appeal shall be in the form of a petition in writing, which shall be accompanied by a certified copy of the judgment or final order appealed against and in the case of an appeal under Article 185(2) (f), also by a certified copy of a certificate granted by the High Court. The appellant shall file at least twelve copies of his petition and the accompanying documents for inclusion in the paper book of the appeal.

3. The appellant, if he is in jail, may present his petition of appeal and the accompanying document 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 the appeal to be given to the Attorney-General for Pakistan or the Advocate-General of the Province concerned, or to both, as the case may require, and in cases where the appeal is by the Government to the accused and shall also furnish the Attorney-General for Pakistan and or the Advocate-General of the province concerned 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 proceeding under the Foreign Exchange Regulation Act, 1947, the Registrar shall cause notice of the appeal to be given also to the Governor of the State Bank of Pakistan, 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 concerned for its record, and require the Registrar of the High Court to transmit to this Court the original record of the appeal alongwith the records of the Courts below with all

convenient speed. In case where paper books of the appeal were printed/typed for use in the High Court, 12 copies thereof, or such lesser number as the Registrar may specify, shall also be transmitted along with the original record. The record shall be prepared at the expense of the appellant, unless the Court orders otherwise, but in appeals involving sentence of death, or imprisonment for life the record shall be prepared at the expense of the Government of the Province concerned.

<sup>1</sup>[7. In a proper case, the Court may direct the engagement of an Advocate for an accused person out of the panel of advocates maintained for the purpose. In such a case the engagement of an Advocate-on-Record to instruct the Advocate shall not be necessary. The fee of Advocate so engaged shall be <sup>2</sup>[twenty five] thousand rupees or such amount as may be fixed by the Court hearing the petition/appeal.]

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 concerned.

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 or search fee shall be charged except copying charges and in case of appeals filed

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<sup>1</sup>Subs. by Notification No.F.59/80-SCA for "In a proper case, the Court may 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 fee of Advocate so engaged shall be as specified in Part IV of the Second Schedule" dated 12-05-2006 and made to take effect from 19-01-2006.

<sup>2</sup> Subs. by Notification No.F.59/80-SCA for "fifteen" dated 10-05-2016. It was also subs. before for "six" dated 22-8-2014 by Notification No.F.59/80-SCA.

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 shall, *mutatis mutandis* apply, so far as may be, to criminal appeals under this Order, except that concise statement will not be filed in Criminal Appeals unless ordered by the Court.

**ORDER XXIII**  
**PETITIONS FOR LEAVE TO APPEAL AND APPEALS**  
**ARISING THERE FROM IN CRIMINAL PROCEEDINGS**

1. Save as hereinafter provide the provisions with respect to petitions for leave to appeal in civil proceedings contained in Order XIII of this Part shall *mutatis mutandis* apply to petitions for leave to appeal in criminal matters except that no court fee, process fee or search fee shall be charged but the copying fee shall be charged except in petitions through jail.

2. A Petition for leave to appeal in criminal matter shall be lodged within thirty days from the date of judgment or final order sought to be appealed from, or as the case may be, from the date of the order refusing certificate under sub-clause (f) of clause (2) of Article 185 of the Constitution:

Provided that the period limitation for a petition for leave to appeal by the Attorney-General or the Advocate-General of a Province against the judgment or 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 alongwith 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.

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 Office-in-charge of a Jail, intimate the fact of the petition having been filed/received in the Court to the Government of the Province concerned 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 this 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 a panel of *amicus curie* Advocates, and place the petition before the Court for hearing. The fee of the Advocate so assigned shall be <sup>1</sup>[twenty five] thousand rupees] 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 State Bank of Pakistan, 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 deem fit:

Provided that unless surrender is first made to an order of imprisonment, as above, the petition shall not be entertained:

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<sup>1</sup> Subs. For “ Rs. 1000” by Notification No.F.59/80-SCA, dated. 12-05-2006 & shall be deemed to have taken effect from 19-01-2006

<sup>2</sup> Subs. for the word “fifteen” by Notification No. F.59/80-SCA, dated. 10-05-2016. It was also subs. before for “six” dated 22-8-2014 by Notification No.F.59/80-SCA.

Provided further, petitions involving bail before arrest may be entertained and posted for hearing if the petitioner undertakes to appear and surrender in Court.

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 Court appealed from. The Court appealed from shall then arrange for the transmission of the original record of the appeal including 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, 12 copies thereof, or such lesser number as the Registrar may specify, shall also be transmitted, alongwith the original record.

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

12. The provisions contained in Order XXII 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 XXIV**  
**PETITIONS FOR LEAVE TO APPEAL UNDER ARTICLE**  
**212(3) OF THE CONSTITUTION**

1. A petition for leave to appeal from the judgment, decree or order of an Administrative Court or Service Tribunal shall specify succinctly in separate paragraphs, the substantial questions of law of public importance upon which leave is sought and, in other respects, the provisions of Orders XIII to XXI of these Rules shall apply *mutatis mutandis* to such petition or appeal, as the case may, except that no security for costs shall be required to be deposited and no Court Fee, Process Fee, Search Fee or Copying Fee shall be charged.



**ORDER XXV**  
**APPLICATIONS FOR ENFORCEMENT OF**  
**FUNDAMENTAL RIGHTS UNDER ARTICLE 184(3)**  
**OF THE CONSTITUTION**

*Habeas Corpus*

1. An application for a writ of *habeas corpus* shall be filed in the Registry and shall be accompanied by an affidavit by the person restrained, stating that the application is made at his instance and setting out the nature and circumstances of the restraint. The application shall also state whether the applicant has moved the High Court concerned for the same relief and, if so, with what result:

Provided that where the person restrained is unable owing to the restraint to make the affidavit, the application shall be accompanied by an affidavit to the like effect made by some other person, which shall state the reason why the person restrained is unable to make the affidavit himself.

2. The application shall be heard by a Bench consisting of not less than two Judges.

3. If the Court is of opinion that a *prima facie* case for granting the application is made out, a rule *nisi* shall be issued calling upon the person or persons against whom the order is sought, to appear on a day to be named therein to show cause why such order should not be made and at the same time to produce in Court the body of the person or persons alleged to be illegally or improperly detained then and there to be dealt with according to law.

4. On the return day of such rule or any day to which the hearing thereof may be adjourned, the Court shall, after hearing such parties as are present and wish to be heard, make such order as in the circumstances it considers to be just and proper.

5. In disposing of any such rule, the Court may, in its discretion, make such order for costs as it may consider just.

*Mandamus, Prohibition, Certiorari, Qua Warranto, etc.*

6. An application for the enforcement of any other fundamental right shall be filed in the Registry. It shall set out the name and description of the applicant, the relief sought, and the grounds on which it is sought, and shall be accompanied by an affidavit verifying the facts relied on, and at least eight copies of the said application and affidavit shall be lodged in the Registry. It shall also state whether the applicant has moved the High Court concerned for the same relief and, if so, with what result. The application shall be made by notice of motion, but the Registrar may in appropriate cases put up the application before the Court for orders as to the issue of notice.

7. Such application shall be heard by a Bench consisting of not less than two Judges of the Court. Unless the Court otherwise directs, there shall be at least eight clear days between the service of the notice of motion and the day named therein for the hearing of the motion.

8. Copies of the said application and the affidavit in support thereof shall be served with the notice of motion and every party to the proceeding shall supply to any other party, on demand and on payment of the proper charges, copies of any affidavit filed by him.

9. The notice shall be served on all persons directly affected, and on such other persons as the Court may direct:

Provided that on the hearing of any such motion, any person who desires to be heard in opposition to the motion and appears to the Court to be a proper person to be heard, shall be heard, notwithstanding that he has not been served with the notice of motion and shall be liable to costs in the discretion of the Court.

10. The Court may in such proceedings impose such terms as to costs and as to the giving of security as it deems fit.

11. The provisions of Order XVII relating to petitions shall, so far as may be applicable, apply to applications under this Order.

**PART IV  
ORDER XXVI  
REVIEW**

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

2. Application 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. The 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.

5. In case the Court comes to the conclusion that the Review Application filed was vexatious or frivolous, the Advocate or the Advocate-on-Record, drawing the application shall render himself liable to disciplinary action.

<sup>1</sup>[6. Except with the special leave of the Court, no application for review shall be entertained unless it is drawn by the Advocate who appeared at the hearing of the case in which the judgment or order, sought to be reviewed, was made. Nor shall any other Advocate, except such Advocate, be heard in support of the application for review, unless the

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<sup>1</sup> Subs. by Notification No.F.59/80-SCA, dated 03-07-1989 for "Except with the special leave of the Court, no application 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.

Court has dispensed with the requirement aforesaid.]

[7. No application for review shall be entertained unless party seeking review furnishes a cash security of Rs.10,000/-, which shall stand forfeited, if the Review Petition is dismissed or shall be paid to the opposite-party, if the Review Petition is contested.]

8. 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.

9. 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.

**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 Chambers, the Court may take cognizance *suo motu* or on a petition by the aggrieved person.

2. 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.

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. Notice of the petition along with the statement of allegations and affidavit, if any, shall be served on the person complained

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<sup>1</sup> Subs vide Notification No.F.59/80-SCA, dated 14-07-1998 for “ No application for a Review in civil proceedings shall be entertained unless the party seeking review furnishes a cash security amounting to Rs. 2,000 for the cost of the opposite-party.”

against hereinafter called the respondent. The notice shall require the respondent to appear in person and unless the Court otherwise directs, he shall appear on each subsequent hearing and, if so required, shall enter into recognizance with one or more sureties.

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 Chambers 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 person who at the time of alleged contempt were in charge of or responsible for the conduct of the company, corporation or firm as the case may be.

6. Where the Court is satisfied by an affidavit or otherwise, that the respondent is avoiding service, it may direct issuance of bail able or non-bail able warrants for his arrest.

7. (1) Where the contempt consists of words or acts of visible signs which tend to prejudice a party to a proceeding before the Court or tend to scandalize 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 proceedings shall issue to the Attorney-General who shall in that event be under a duty to conduct the proceedings.

8. (1) The respondent 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. Notwithstanding anything contained in this Order, where the contempt is committed in the face of the Court or a Judge in chambers, the Court or the Judge, as the case may be, may proceed forthwith to determine the guilt of the respondent and award him punishment under the law.

10. If at any time during the pendency of the proceedings under this Order or thereafter but before the execution of the sentence, the respondent tenders unqualified apology, the Court may consider such apology and make such order as it considers fit.

11. 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**  
**A. COSTS**

1. Subject to any provisions of any statute or of these Rules, the costs of an 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 appeal 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.

<sup>1</sup>[3. Where it appears to the Court that an Advocate or a party seeks adjournment for which sufficient cause is not shown, the Court may impose compensatory costs on the Advocate or, as the case may be, the party seeking such adjournment. Costs may also be imposed on a party who files false or vexatious appeal or other proceedings and thereby wastes the time of the Court.]

**B. TAXATION**

1. The Registrar, <sup>2</sup>[an 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.

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<sup>1</sup> Inserted by Notification No.F.59/80-SCA, dated 21-06-2006

<sup>2</sup> Inserted by No.F.59/80-SCA, dated 27-08-2003

2. The Chief Justice may assign and the Taxing Officer may, with the approval of the Chief Justice, delegate to <sup>1</sup>[an Additional Taxing Officer or] a Deputy Taxing Officer or an Assistant Taxing Officer any functions required under the Rules, to be exercised the Taxing Officer.
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.
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.

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<sup>1</sup> Inserted by No.F.59/80-SCA, dated 27-08-2003.

11. Every bill of costs shall, whenever 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 the fee paid to the Attorney-General for Pakistan or the Advocate-General of a Province.

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 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 case 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 attendance shall be allowed, unless the Court otherwise orders.

18. Where two or more appeals arising out of a single proceeding are heard together and cost 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 cost 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 certified 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 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 objections in writing specifying concisely therein items or parts of the bill allowed or disallowed and grounds for the objection.

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 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 re-

consider 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 grounds 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 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 a bill of costs 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, 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 more than four and a half 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 four and a half hours. The refresher shall however 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 fifty thousand rupees 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 I 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 witnesses, but shall not exceed Rs.50 per diem unless the Court otherwise directs.

42. Witnesses residing more than five miles from the place where the Court sits shall be allowed traveling expenses according to the sums reasonable 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 allowance 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 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 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 received 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 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 the 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 representative 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

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 order in this behalf as the circumstances of the case may require, including orders as to the costs of the application.

**PART VII**  
**MISCELLANEOUS**  
**ORDER XXIX**  
**NOTICE OF PROCEEDINGS TO LAW OFFICERS OF THE**  
**STATE**

1. The Court may direct notice of any proceeding to be given to the Attorney-General or to Advocate-General of any Province, and the Attorney-General or the Advocate-General to whom such notice is given may appear, and shall do so if required by the Court.

2. The Attorney-General or the Advocate General of any Province 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 or any Advocate-General so applying to appear and be heard, subject to such terms as to costs or otherwise as the Court may think fit.

3. For the purpose of this Order, the expression "Attorney-General of Pakistan" includes a Deputy Attorney-General.

**ORDER XXX.**  
**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.

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 XXXI**  
**SERVICE OF DOCUMENTS**

1. Except where otherwise provided by Statute or prescribed by these Rules, all notices, order 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 document 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 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 Pakistan, 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 pre-paid envelope registered for acknowledgment, address 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 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 service 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 XXXII COMMISSIONS**

1. Order XXVI in the First Schedule to the Code with respect to commission 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 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 as 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 pleading 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 admit 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 disposition shall be signed by him and left and left with the commissioner who shall subscribe his name and the date of the examination.
8. Commission shall be made returnable within such time as the Court may direct.



### **ORDER XXXIII 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 matter 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 therefore 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, 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 powers to pass any decree and make any order which ought to have been passed or made and 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 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. 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.
7. 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 such failure has occurred.

**ORDER XXXIV  
DESTRUCTION OF RECORDS**

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

**Index of Papers**

CIVIL APPEAL NO.                      OF                      19

(or Criminal Appeal No.                      or Petition No.

**CAUSE TITLE**

Sr. No	Date of filling the Paper in the record	Description of papers	No. of the part to which it belongs	Remarks
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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 records 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 the final decree or order made in 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.

### **PART I**

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

1. Index
2. Judgment
3. Decree of 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 application
11. Orders on petitions.
12. Memorandum of compromise
13. Title deeds, if any, remaining un-returned to any party.
14. Any other records or papers which the Registrar may direct to be included in this part.

Registers:-

1. Minutes Books
2. Registers of Civil and Criminal appeals, leave petition, 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 a 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. Application 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 pleadings and petitions.
11. Copies of summons and notices.
12. Copying Register.

### <sup>1</sup>[ORDER XXXV APPEALS AND PETITIONS UNDER ARTICLE 203F OF THE CONSTITUTION

1. Subject to the provision of this Order, the provisions contained in the other Orders of these Rules relating to civil and criminal appeals, petitions review petitions and jail petitions and other petitions, applications and proceedings and all orders or instructions from time to time issued relating to practice and procedure of the court shall, *mutatis mutandis*, apply to appeals, petitions, review petitions and jail petitions and other petitions, applications and proceedings filed under or in respect of jurisdiction conferred by Article 203F of the Constitution:

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<sup>1</sup> Added by Notification No.F.59/80-SCA, dated 10-01-1983

Provided that no Court fee, process fee or search fee or security for costs shall be charged:

Provided further that copying fee shall be charged except in petitions through jail.

2. Not less than twelve copies of the appeals and six copies of the petitions, other than the jail petitions, and the accompanying documents shall be filed, but in appropriate cases the Registrar may require the appellants or the petitioner to supply more copies.

3. The Chief Justice shall nominate such number of Muslim Judges of the Court to be the Members of the Shariat Appellate Bench as are specified in paragraph (a) of clause (3) of Article 203F, and senior most of whom shall be the Chairman of the Bench.

4. (1) Save as otherwise provided by law or by these Rules, the Chief Justice shall from time to time nominate Members from the Shariat Appellate Bench for hearing and disposal of cases as follows:-

- (1) For appeals and petitions against acquittal, not less than three members including one ad hoc Member of the Shariat Appellate Bench; and
- (2) For petitions other than those against acquittal, not less than two Members:

Provided the Chief Justice may direct that any particular case or cases shall be placed for hearing and disposal before more or all the Members of the Bench.

(2) An application for stay of execution or for bail shall be laid before the Chairman of the Shariat Appellate Bench or, in his absence, the senior most Member of the Bench, who shall either himself pass order on such application or mark it to another Member for disposal in Chambers.

5. An appeal filed against the final decision of the Federal Shariat Court under Article 203D of the Constitution shall not be dismissed on account of absence of the appellant nor shall it abate in the event of the death of any of the parties to it.

6. (1) The Shariat Appellate Bench may direct issue of notice in any case to any person well-versed in Islamic laws to appear before the Bench and to give it such assistance as it may consider necessary. The Bench shall also draw up and maintain a panel of Ulema and Jurisconsults from amongst person who have:-

- a. qualified from one of the recognized seats of "Muslim learning in Pakistan or abroad;
- b. obtained a degree from a recognized University in Islamiat, Arabic or Islamic Law;
- c. obtained a Diploma in Maulvi Fazil in Arabic from the Board of Intermediate and Secondary Education; or
- d. gained recognition for their knowledge, understanding and appreciation of Islam.

(2) The enrolment for a panel may be made *suo motu* or on an application of an *Aalim* or Jurisconsult.

7. The *Aalim*, Jurisconsult or Expert who appears before the Bench to assist it shall be:-

- a) paid honoraria to be determined by the Court in each case; and
- b) entitled to traveling and daily allowance facilities ordinarily not exceeding those admissible to a Grade 20 Officer of the Government as may be determined by the Bench in each case.

8. The Chief Justice may make such orders as are not inconsistent with the provisions of Chapter 3A of the Constitution and these Rules for carrying out day to day business of the Shariat Appellate Bench as he thinks fit]

## 1<sup>1</sup>[ORDER XXXVI]

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<sup>1</sup> Added by Notification No. 59/80-SCA, dated 08-10-1987.

<sup>2</sup> Omitted by Notification No. 59/80-SCA, dated 27-08-2003 for "Order XXXVI". The Omitted Order XXXVI which was added by Notification No. 59/80-SCA, dated 08-10-1987 was as follows;

### ORDER XXXVI

#### Appeals under \*[Ordinance II of 1987]

1. Save, as hereinafter provided, the provisions contained in the preceding Orders shall, as far as practicable, apply to appeals under this Order.
2. An appeal shall be lodged within seven days from the date of final judgment passed by the Special Court and it shall be heard and disposed of by the Court within three months.
3. The appellant shall file at least twelve copies of the paper book containing petition of appeal and the accompanying documents at the time of lodging the appeal.
4. The appeal shall normally be heard at the Main Seat of the Court unless otherwise ordered by the Chief Justice.
5. After the disposal of a case under the Ordinance, the Special Court concerned shall, within seven days, forward the original record to the Registrar.
6. On receipt of the petition of appeal, the Registrar shall cause notice of appeal to be given to the respondents with a copy of the petition of appeal and the accompanying documents. The respondents may thereafter file twelve copies of additional documents, if necessary, within seven days.
7. An appeal under this order may be heard and disposed of by a Bench of two Judges:  
     Provided that an appeal, involving sentence of death or imprisonment for life, shall be heard by a Bench consisting of at least three Judges:  
     Provided that an appeal, involving sentence of death or imprisonment for life, shall be heard by a Bench, to be nominated by him.
8. In a proper case the Court may direct the engagement of an Advocate for an accused person at the cost of the Provincial Government concerned.

\*Ordinance II of 1987 is Special Courts for Speedy Trials Ordinance, 1987.

**FIRST SCHEDULE**  
**SENIOR AND OTHER ADVOCATES**

1. A senior or other Advocate shall not appear or plead unless 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. 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 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.

4. 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.

5. 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.

<sup>1</sup> [6. The Court shall maintain a panel of counsel to be selected by a Committee of the Judges and approved by the Chief Justice from time to time for the purpose of providing representation to underrepresented accused.

7. A counsel engaged under paragraph 6 shall be entitled to a fee of rupees one thousand per case for the first day on which the case proceeds, and rupees five hundred for each subsequent day on which the

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<sup>1</sup> Added by Notification No. 59/80-SCA dated 22-03-2001.



case proceeds, to be paid by the Registrar on production of a \*certificate of his appearance signed by the senior member] of the Bench hearing the petition/appeal. If a case does not proceed the counsel shall be paid rupees two hundred and fifty only.

\* CERTIFICATE

Certified that Mr.\_\_\_\_, Advocate, has appeared before the Court in Jail Petition/ Criminal Appeal No.\_\_\_\_ fixed for \_\_\_\_ at Srl. No.\_\_\_\_\_ to defend the pauper accused. This case was adjourned/dismissed/allowed.

Date:

JUDGE

8. The Court may direct payment of any amount according to its discretion to a counsel in a particular case]

<sup>1</sup>[9.] Any dispute arising under this Schedule shall be referred to and determined by the Chief Justice.

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<sup>1</sup> Paragraph 6 renumbered as “9” by Notification No. 59/80-SCA, dated 22-03-2001

**SECOND SCHEDULE.  
FEES TO ADVOCATES  
PART I**

		Fee on brief	Refresher
		Not exceeding Rs.	Not exceeding Rs.
1	Defended Appeals	Senior ... .. 800	400
		Junior when himself pleading without a senior. ... 400	200
		Junior when appearing along with a Senior (and not pleading himself). 200	100
2	Undefended Appeals	Leading Senior Advocate. 400	No refresher.
		Leading Junior Advocate Senior. 200	No refresher.
3	Leave petitions	Senior ... .. 400	
		Junior when himself pleading without a senior. ... 200	
		Junior when appearing along with a Senior (and not pleading himself). 100	No refresher.
4	Miscellaneous petitions when opposed	Senior (if allowed ... 200	
		Junior ... 100	No refresher.
5	Miscellaneous petitions when un- opposed	Senior (if allowed) ... .. 200	No refresher.
		Junior ..... 50	No refresher.

6 Chamber applications when opposed	{ One fee only Senior (if allowed).	200	No refresher.
	{ Junior .... ..	100	
7 Chamber applications when un-opposed or ex-parte.	{ One fee only Senior (if allowed).	200	No refresher.
	{ Junior .... ..	50	
8 Review Petitions.	{ Senior ... ..	200	No refresher.
	{ Junior ... ..	100	
9 Attending taxation (Advocate-on-fee)		30	No refresher.

**Part II**

	Rs.
1. To Junior Advocate for drawing leave petitions of affidavits in support thereof ... ..	75.00
To the Senior for Settling the above. ... ..	100.00
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). ... ..	30.00
3. To Junior Advocate for drawing concise statement in appeals:	
(a) when settled by Senior. ... ..	50.00
(b) When not settled by Senior. ... ..	50.00 to 100.00
To Senior Advocate for settling the above ... ..	100.00
4. Conference with Advocate-on-Record if allowed ... ..	50.00

**PART III**

Fee set out in Parts I & II of this Schedule for junior advocates shall be allowed to Advocates on Record where admissible under the Rules.

**THIRD SCHEDULE**  
**TABLE OF COURT FEE**  
**PART I**  
**APPELLATE JURISDICTION**

	Rs. Ps.
1. Filing and lodging petition for leave to appeal ...	250.00
2. On the appeal as provided by order XIV rule 6, where the amount or value of the subject-matter in dispute on appeal is Rs.15,000 or below that sum ...	250.00
For every Rs.1,000 in excess of Rs.15,000 ...	5.00
	For every thousand rupees or part thereof
In cases where it is not possible to estimate at money Value the subject matter in dispute ...	250.00
Provided (i) That the maximum fee payable in any case shall not exceed Rs. 2000/-	
(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 ...	10.00
4. Application for Review of Judgment or order including filing. ...	Half of the fee paid on the original proceeding
5. Petition to proceed in <i>forma pauperis</i>	1.00

**PART II**  
**MISCELLANEOUS**

	Rs. Ps.
1. Entering in register of appeal or matters names of representatives of a deceased party or of a substituted or added party. ... ..	2.00
2. Summons or notice to defendant or his representative or a respondent to a petition or to a memorandum of Appeal, for not more than five persons (with an additional Fee of Rs.1 for every person in excess of five) ... ..	10.00
3. Entering appearance ... ..	2.00
4. Amending appearance ... ..	2.00
5. Power of Attorney ... ..	4.00
6. Filing-fee for every document for which a fee is not specially provided, including document annexed asexhibits, if any, or produced with plaint or used in evidence, each document ... ..	2.00
7. Every application to the court not specially provided for. ... ..	5.00
8. Every application to a Judge in chambers, the Registrar, or Taxing Officer, not specially provided for ... ..	5.00
9. Every requisition to draw up an order including fee for filling the order ... ..	5.00
10. Warrant, writ, summons or other process not specially provided for, for not more than five persons (with an additional fee of Rs.1 for every person in excess or five). ... ..	10.00
11. Every certificate or report of a Judge in Chamber or of Registrar on an investigation ... ..	10.00

	Rs. Ps.
12. Every other certificate for which a fee which a fee is not specially provided ... ..	3.00
13. Commission to examine witnesses or other commission ...	10.00
14. Production by an Officer of the court in any other court or before commissioner of records of any suit, matter or appeal, 10.00 exclusive of travelling expenses, and halting charges. ... ..	10.00
15. For production of records by post, exclusive of postage, registration and insurance fees ... ..	5.00
16. For enquiry into sufficiency of security ... ..	8.00
17. For every search or examination of records ... ..	3.00
18. Every affidavit affirmed or sworn ... ..	2.00
19. For every oath or affirmation administered to witness ...	2.00
20. For every certified copy of decree, judgment or other document in addition to the folio or other charges. ....	5.00
21. Every requisition for duplicate or other copy of any document ... ..	1.00
22. For copies of any document, per folio, less requisition fee paid ... ..	0.62
23. For amending pleadings or other proceedings under the order of the court per folio ... ..	2.00
24. Upon all moneys or securities paid to the Registrar or deposited with him. ... ..	A commission of 1 per cent and 2 -1/2 percent on interest drawn on invested money .
25. Every requisition for translation ... ..	1.00
26. Summon by Taxing Officer ... ..	3.00

		Rs. Ps.
27.	Certificate by Taxing Officer ... ..	2.00
28.	Taxing each bill not exceeding 10 folios ... ..	10.00
29.	For every other folio ... ..	1.00
30.	Registering every bill of costs ... ..	1.00
31.	Certificate on review of taxation ... ..	10.00

#### **FOURTH SCHEDULE**

##### **FEEES TO ADVOCATE-ON-RECORD**

		Rs. Ps.
1.	Receiving instructions for special affidavits or Petitions ... ..	5.00 to 10.00
2.	Drawing affidavits, petitions and all other necessary documents not specially provided for) exclusive of copies inserted therein upto ten folios ... ..	5.00 to 15.00
	Thereafter per folio ... ..	0.62
3.	Drawing Security bond ... ..	15.00
4.	Drawing notice of motion and other necessary notice except notice to witnesses ... ..	8.00
5.	Drawing notice on opposite parties of entering appearance or lodging petition of appeal or concise statement ... ..	2.00
6.	Drawing observations or instructions for Advocate to accompany brief (to be shown at taxation) ... ..	20.00 to 50.00
7.	Drawing particulars of claim, set-off or counter-claim where required ... ..	4.00 to 10.00



	Rs.Ps.
8. (a) Preparing copies of documents other than tabulated statements and accounts whether written or typed, first copy per folio ... ..	0.25 Receipt to produce where work done outside the office of the Advocate-on-record
(b) Preparing carbon copies of above, if legible, per Folio ... ..	0.12
(c) Preparing copies of tabulated statements and Accounts, per folio ... ..	0.50
(d) Preparing carbon copies of above, per folio ... ..	0.25
(e) Preparing printed copies per folio for each copy ...	0.31
(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. ... ..	2.00
When required to serve outside the Municipal limits of the seat of the Court (besides travelling expenses Actually incurred) ... ..	10.00
10. Receiving, filing or depositing any papers from or in the Registry ... ..	2.00
11. Attendance before the Court or Judge or an Officer of the Court not otherwise provided for (if allowed). ... ..	10.00 to 20.00
12. Attending every application to Registrar when contested (if allowed) ... ..	10.00
Attending every application to Registrar when uncontested (if allowed) ... ..	5.00
13. Attendance on client or opposite party at the office of the Advocate-on-Record of either party where a letter would not suffice ... ..	10.00 to 20.00
Where a letter would suffice ... ..	3.00

	Rs. Ps.
14. Receiving and perusing necessary letters ...	2.00
15. Perusing documents received from opposite party or obtained from the Court, where necessary, in the discretion of the Taxing Officer upto ... ..	8.00
16. Perusal and approval of draft orders of decree ... ..	2.00 to 4.00
17. Attending execution of Security Bond at the Advocate-on-Record's house or office or at the Court House....	4.00
18. Attending Court upon the swearing of the necessary affidavit (including attendance to the Interpreter to have same explained ... ..)	2.00
19. Attendances in the Registry, if necessary, inspecting documents, books and accounts by Advocate –on-Record per hour ... ..	10.00
20. Attending searches in Registry (if allowed) ... ..	10.00
21. Attending, obtaining and filing copies of decree or order in the Registry ... ..	2.00
22. Attending Advocate delivery brief with instructions.	16.00
Attending Advocate delivering additional briefs ... ..	8.00
23. Attending Advocate, paying fee ... ..	2.00
24. Attending Advocate, fixing time for consultation or conference ... ..	2.00
(a) Attendance at hearing of appeals, or matters, each day if contested ... ..	Rupees fifty per hour or part thereof, subject to maximum of Rs. 150.
(b) Attendance at hearing of appeals, or matters, each day, if uncontested. ... ..	Half the above rates.

	Rs. Ps.
25. Attendance in Court when appeal or matter or motion is on day's list for hearing if not called on, per day. ... ..	25.00
26. Attending Court to hear judgment where judgment is reserved, if Advocate is not briefed. ... ..	15.00
If Advocate is briefed ... ..	5.00
27. Attending taxation per hour. ... ..	15.00
28. Attending Judge in Chambers or Registrar at hearing or enquiry on review of taxation before Taxing Officer, if Advocate is not briefed, per hour ... ..	15.00
Where Advocate is briefed ... ..	5.00
29. Attending on local enquiry or commission to examine witness within the municipal limits of the seat of the Court, where personal attendance of Advocate-on-Record is required per hour ... ..	7.00
30. Writing or answering necessary letters ... ..	2.00 to 5.00
31. Writing letters to witness, for each witness ... ..	2.00
32. Writing letter of instructions to legal practitioner attending examination of witness on commissions, when Advocate-on-Record cannot attend personally ... ..	2.00 to 7.00
33. Necessary translations made by translators approved by Court, per folio ... ..	0.75
34. Receiving instructions to appeal, including petitions. ....	25.00 to 50.00
35. Receiving instructions to sue, or defend and or to counterclaim ... ..	25.00
36. Drawing special case ... ..	16.00
37. Drawing interrogatories ... ..	8.00 to 25.00
38. Drawing Bill of costs in appeals, or matters ... ..	5.00 to 10.00

		Rs. Ps.
39.	Consultation with Advocate (if allowed) ... ..	25.00
40.	Making transcript or copying papers for the press where necessary for preparing paper book, including examination, per folio ... ..	0.62
41.	Printing Paper book ... ..	Actual cost at a reasonable rate to be allowed by the Taxing Officer.
42.	Examination proofs, per folio ... ..	0.25
	(a) Comparing transcript record per folio ... ..	0.12
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 and other documents except affidavits or affirmations, where not exceeding 20 folios ... ..	8.00
	Where over 20 folios for every 10 folios or part thereof ...	2.00
2.	Fees of Registrar for taking bonds at the house of a Party or any place other than the Court House:- For the first bonds, where within the municipal ,limits of the seat of the Court ... ..	16.00
	Where beyond such limits ... ..	24.00
	For every bond taken at the same time and place after the first, in the same, appeal or matter ... ..	8.00
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: For the first affirmation where within the municipal limits of the seat of the Court. ....	16.00



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 far as suitable in chronological order. Each document shall show its exhibits 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 suit 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 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 oral evidence, "Plaintiffs evidence" or "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 case where maps are of an inconvenient size or unsuitable in character, the appellant shall, in agreement with the respondent, prepare maps drawn property 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 or printing/ typing charges ...	32.00
(ii) Typing charges for first 12 copies ... ..	6.00 per page
(iii) For every additional copy other than the first 12 copies....	6.00 per page
(iv) Preparation of index for every ten entries.....	4.00
(v) Binding charges (with card-board sides) ..	10.00 per copy.

**SIXTH SCHEDULE  
FORMS**

**No.1**

**SUPREME COURT OF PAKISTAN**

**Certificate of enrolment of 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) ( and an Advocate -on-Record) in the Supreme Court of Pakistan.

Date this the                      day                      of                      19

REGISTRAR.

**No.2**

**UNDERTAKING 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 Supreme Court 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 each form as 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 Supreme Court 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 Advocate-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 upto the extent or Rupees Five Thousand (Rs.5,000), 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, heirs, executors and administrators, goods and chattels for a sum not exceeding Rupees Five thousand (Rs.5,000).

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 Pakistan.

(Appellate Jurisdiction)

(Original Jurisdiction)

Case No. of 19

(A. B.) (Appellant)

(Petitioner)

(Province of A. B.) (Plaintiffs)

*versus*

(C.D.) (Respondent)

(Defendants)

(Province of C.D.) (Opposite party)

I (we) A. B. of (residence and address of place)  
Plaintiff(s)/ Appellant (s)/ Petitioner (s)/  
Defendant(s) / Respondent(s)/Opposite Party

In the above suit/Appeal/Petition/Reference do hereby appoint and Constitute Mr. \_\_\_\_\_ Advocate-on-Record Supreme Court, the Advocate-on-Record for the aforesaid appellant [or plaintiff(s) or petitioner(s) or respondent(s) or defendant(s) or opposite party] to

commence and prosecute (or to appear and defend) this action appeal/suit/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 for plaintiff(s) or petitioner(s) or respondent(s) or defendant(s) or opposite party in the above matter and to do all things incidental to such acting for the aforesaid appellant [or plaintiff(s) or petitioner(s) or respondent(s) or defendant(s) or opposite party]. The aforesaid appellant [or plaintiff(s) or petitioner(s) or respondent(s) or defendant(s) or opposite party] agree(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 .

*(Signature)*

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

**No.6**  
**FORM OF SUMMONS FOR AN ORDER IN CHAMBER**  
**(ORDER V)**  
**IN THE SUPREME COURT OF PAKISTAN**

(Appellate Jurisdiction)

(Original Jurisdiction)

Case No. \_\_\_\_\_ of \_\_\_\_\_ 19 \_\_\_\_\_

(A. B.) \_\_\_\_\_ (Appellant)

(Province of A. B.)

*versus*

(C.D.) \_\_\_\_\_ (Respondent)

(Province of C. D) \_\_\_\_\_ (Defendants)

Let all parties concerned attend before in Chambers at the Court House. on the \_\_\_\_\_ day of \_\_\_\_\_ 19 at \_\_\_\_\_ o'clock in the afternoon on the hearing of an application on the part of the above-named (state on whose behalf the application is made and the precise object of the application)

Date this the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

This summons was taken out by Advocate-on-Record for the appellant.

To (insert the name of the Advocate-on-Record for the persons to be served e.g., B. Advocate -on-Record for the defendants).

To the plaintiffs or defendants or appellant A.B. or as the case may be.

### GROUND

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

### No.7

## NOTICE OF APPEAL FROM REGISTRAR (ORDER V)

In the Supreme Court of Pakistan.

(Appellate Jurisdiction)

(Original Jurisdiction)

Case No.

of

19

(A.B.)

(Province of A. B.)

(Appellant)

(Plaintiffs)

*versus*

(C.D.)

(Province of C.D.)

(Respondent)

(Defendants)

Take notice that the above-named plaintiff (or as the case may be) 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 Chambers at the Court House (Lahore) on the day of 19 at o'clock in the forenoon, on the hearing of an application by the said plaintiff (or as the case may be) that (here state the order sought to be obtained).

To etc.

*(Signed etc.)*

**No.8**  
**NOTICE OF MOTION**  
**(ORDER VI)**

In the Supreme Court of Pakistan.

(Appellate Jurisdiction)

(Original Jurisdiction)

Case No. \_\_\_\_\_ of \_\_\_\_\_ 19

(A.B.) (Appellant)

(Province of A. B.) (Plaintiffs)

*versus*

(C.D.) (Respondent)  
(Province of C.D.) (Defendants)

Take notice that the Court will be moved on the day of \_\_\_\_\_ 19  
at \_\_\_\_\_ o'clock in the forenoon or so soon thereafter as counsel  
can be heard (state by whom, and on whose behalf the motion is to be  
made as thus: by Mr. A. Counsel on the part of the above -name  
defendants C.D. or by the above named defendants C.D. in person or,  
on the part of G.F. or (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 persecution).

Date this the \_\_\_\_\_ day of \_\_\_\_\_ 19

(State name, etc., of Advocate -on-  
Record party or person giving notice).

To,

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

**No.9**  
**FORM OF OATH BY TRANSLATOR.**  
**(ORDER VII)**

In the Supreme Court of Pakistan,

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 19

*Registrar.*

**No. 10**

**APPLICATION FOR PRODUCTION OF RECORD  
(ORDER IX)**

In the Supreme Court of Pakistan.

(Appellate Jurisdiction)

(Original Jurisdiction)

Case No. of 19

(A.B) (Appellant)  
(Province of A. B.) (Plaintiffs)

*versus*

(C.D.) (Respondent)  
(Province of C.D.) (Defendants)

To

The Registrar,  
Supreme Court of Pakistan.

Sir,

Please produce the record of the above case before on  
(signed)

Dated this the day of 19

**No.11**

**NOTICE TO PARTIES OF THE DAY FIXED FOR  
DELIVERY OF JUDGMENT  
(ORDER X)**

**IN THIS SUPREME COURT OF PAKISTAN**

(Appellate Jurisdiction)

(Original Jurisdiction)

Case No. of 19

(A.B) (Appellant)  
(Province of A. B.) (Plaintiffs)

*versus*

(C.D.) (Respondent)

(Province of C.D.)

(Defendants)

To

(Name of parties or their Advocate-on-Record).

Take notice that the Court will deliver judgment in the above-named case on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ at \_\_\_\_\_ o'clock in the forenoon, or as soon thereafter as may be convenient to the Court.

Dated this the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
Registrar.

**No.12**

**NOTICE TO RESPONDENT OF LODGING OF APPEAL  
(ORDER XV)**

**IN THE SUPREME COURT OF PAKISTAN.**

(Appellate Jurisdiction)

Case No. \_\_\_\_\_ of \_\_\_\_\_ 19\_\_\_\_

Appeal from the Judgment (or decree or final order) of the High Court of \_\_\_\_\_ at \_\_\_\_\_ dated the \_\_\_\_\_ of \_\_\_\_\_ 19\_\_\_\_ in case No. \_\_\_\_\_

(here give number of case in High Court) was presented by the above-named appellant on the day of 19\_\_\_\_ and has been registered in this Court as Criminal Appeal No. \_\_\_\_\_ of \_\_\_\_\_

dated this \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

REGISTRAR.

**No. 13**

**CERTIFICATE FROM ADVOCATE-ON-RECORD IN  
RESPECT OF VALUE OF SUBJECT MATTER OF  
LITIGATION IN APPEAL FILLED UNDER ORDER XII,  
RULE 1, S. C. R.**

**IN THE SUPREME COURT.**

(Appellate Jurisdiction)

Civil Appeal No. \_\_\_\_\_ of \_\_\_\_\_ 19\_\_\_\_

(A.B) \_\_\_\_\_ (Appellant)

*versus*

(C.D) \_\_\_\_\_ (Respondents)

CERTIFICATE

I, ----- Advocate-on-Record for the appellant in the above -cited appeal do hereby certify that the amount value of the subject matter in dispute in the Court of first instance was, and also in dispute in appeal, is not less than fifty thousand rupees.

Dated this the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Advocate -on-Record  
Address for service.

No. 14

**CERTIFICATE FROM ADVOCATE-ON-RECORD IN RESPECT  
OF VALUE OF SUBJECT MATTER OF LITIGATION  
PROPERTY IN APPEAL FILLED UNDER ORDER XII,  
RULE 1(ii) S. C. R.**

**IN THE SUPREME COURT.**  
(Appellate Jurisdiction)

Civil Appeal No. \_\_\_\_\_ of \_\_\_\_\_ 19\_\_\_\_

(A.B) \_\_\_\_\_ (Appellant)

*versus*

(C.D) \_\_\_\_\_ (Respondents)

CERTIFICATE

I, ----- Advocate -on-Record for the appellant in the above -cited appeal do hereby certify that the judgment/decreed/final order involves directly/indirectly a claim/question respecting property of the value of not less than Rupees fifty thousand and that the judgment/decreed final order appealed from has varied/set aside, the judgment/decreed/final order of the court immediately below.



Dated this the \_\_\_\_\_ day of \_\_\_\_\_ 19

Advocate -on-Record.

**No. 15**

**MEMORANDUM OF APPEARANCE IN PERSON**

Case No. \_\_\_\_\_ of \_\_\_\_\_ 19

**IN THE SUPREME COURT OF PAKISTAN**

(Appellate Jurisdiction)

(A.B)

(Appellant)

*versus*

(C.D)

(Respondents)

To

The Registrar,

Please enter an appearance for me (name of respondent) the respondent above - named in this appeal.

Dated this the \_\_\_\_\_ day of \_\_\_\_\_ 19

(Signature of Respondent)

Address for service.

**No. 16**

**NOTICE TO PARTIES OF THE DAY FIXED FOR  
HEARING OF APPEAL  
(ORDER XIX)**

Case No. \_\_\_\_\_ of \_\_\_\_\_ 19

**IN THE SUPREME COURT OF PAKISTAN**

(Appellate Jurisdiction)

(A. B.)----- Appellant

*versus*

(C.D.)----- Respondent

To

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

Take notice that the above appeal is fixed for hearing on the day of 19, 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      19

REGISTRAR.

**No. 17**  
**SUMMONS TO ATTEND TAXATION**  
**(ORDER XXVIII)**

**IN THE SUPREME COURT OF PAKISTAN**

(Appellate Jurisdiction)

(Original Jurisdiction)

Case No.      of      19

(A.B)  
(Province of A. B.)(Appellant)  
(Plaintiffs)*versus*(C.D.)  
(Province of C.D.)(Respondent)  
(Defendants)

Bill No. of      19      Here state the names of the  
parties to the bill

Whereas Mr.      Advocate-on-Record for the appellant (or Plaintiffs, respondents or defendants) 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      19      at,      o'clock in the forenoon when you may attend before the taxing Officer in his office in the Court House and contest the said bill on any items therein.

Dated this the      day of      19

**TAXING OFFICER**



To

The Attorney-General for Pakistan.  
The Advocate-General of a Province.

Take notice that the above-named case has been filed in this Court (and is fixed for hearing on the            day of            19            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 the service 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 this Court as you may be advised).

Dated this the            day of            19

**Registrar**

**No.20**

**AFFIDAVIT OF SERVICE OF SUMMONS**

**IN THIS SUPREME COURT OF PAKISTAN**

(Appellate Jurisdiction)

(Original Jurisdiction)

Case No.            of            19

(A. B.)

(Province of A. B.)

(Appellant)

(Plaintiffs)

*versus*

(C.D.)

(Province of C.D.)

(Respondent)

(Defendants)

Advocate -on-Record for the above named  
and say as follows:-

make oath

Solemnly affirm

I did on the            day of            19            , serve Mr  
Advocate -on-Record for the above -named            in this action for  
appeal with a true copy of the summons now produced and shown to me  
marked, by leaving it, before the hour of four in the afternoon 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 posted at the                      post office at                      in a duly registered envelope addressed to this                      said                      at                      being the address for service in this action (or appeal).

Sworn at                      this                      day of                      19                      before me.

This Affidavit is filed on behalf of the

### No.21

### AFFIDAVIT OR SERVICE BY POST

### IN THIS SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

(Original Jurisdiction)

Case No.	of	19
(A. B.)		(Appellant)
(Province of A. B.)		(Plaintiffs)
<i>versus</i>		
(C.D.)		(Respondent)
(Province of C.D.)		(Defendants)

Advocate -on-Record for the above named  
and say as follows:-

Make oath  
Solemnly affirm

I did serve the Advocate -on-Record for the above -named in this Appeal action for the above-named                      (if he has appeared in person) with the summons (or notice or other document) now produced and shown to me marked A, by posting on the                      day of 19                      at (name of Post Office) a true copy of the said summons or as may be (in a prepaid envelope 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                      19                      before me.

This affidavit is filed on behalf of the