

No. RJ 220/2022

High Court of Karnataka
Bengaluru
Date 15.12.2022

MEMO

In view of amendment to Rule 13 and 14 of Chapter XII to the High Court of Karnataka Rules, 1959 vide Notification No. HCLC 62/2020 dated 14.12.2022, all the Officers and officials working on Judicial side are hereby directed to scrupulously follow the practice and procedure as per the said amendment. A copy of the Notification No. HCLC 62/2020 dated 14.12.2022 published in the official Gazette is enclosed herewith.

Sd/-

REGISTRAR (JUDICIAL)

To:

1. The Registrar General/ Registrar (Vigilance)/ Registrar (Recruitment) / Registrar (Administration)/ Registrar (Infra & Maintenance) / Registrar (Protocol & Hospitality) / Registrar (Computers).
2. The Additional Registrar General/ Additional Registrar (Judicial), High Court of Karnataka at Dharwad and Kalaburagi Benches, for necessary action and circulation among the concerned staff.
3. The Central Project Co-ordinator (CPC), with a request to web-host the circular.
4. The President, Advocates' Association, Bengaluru
5. The President, Advocates' Association, High Court of Karnataka, Dharwad and Kalaburagi Bench
6. Office of the Advocate General in Karnataka, Bengaluru
7. Office of the Advocate General, High Court of Karnataka, Dharwad/Kalaburagi Bench.
8. The Joint Registrars/Deputy Registrars of Scrutiny and Pending Branches.
9. The Assistant Registrars/Section Officers of Scrutiny and Pending Branches, for circulation amongst the staff members with an instruction to strictly follow the above directions.
10. Office Copy.

HIGH COURT OF KARNATAKA, BENGALURU**NOTIFICATION****HCLC No.62/2020, DATED 14.12.2022**

In exercise of the powers conferred by Article 225 of the Constitution of India and Section 54 of the States Reorganisation Act, 1956 (Central Act 37 of 1956) read with Sections 122 and 129 of the Code of Civil Procedure, 1908, and Section 19 of the Mysore High Court Act, 1884 (I of 1884) and all other powers thereunto enabling the High Court of Karnataka, in supersession of the earlier Notification No.HCLC 62/2020 dated 22.05.2020, with prior sanction of the Government, as required under Section 21 of the Mysore High Court Act, 1884, issue the following rules with respect to practice and procedure to be followed at the High Court of Karnataka.

RULES**1. Title and Commencement:-**

- (1) These Rules may be called the High Court of Karnataka (Amendment) Rules, 2022.
- (2) They shall come into force from the date of its publication in the official Gazette.

2. Amendment of Chapter XII of the High Court of Karnataka Rules, 1959:

- (i) In rule 13, the following words shall be inserted at the end:

“within a maximum period of two weeks from the date on which appeal, petition or application is presented to the High Court.”

- (ii) In rule 14,-

- (a) In sub-rule (1), for the words ‘The Registrar may, from time to time, extend the time or period allowed by him for (compliance of requisitions or rectification of defects) by such periods as may be necessary not exceeding six weeks in the aggregate.’ the following shall be substituted:

“A list of the papers (where defects are pointed out) shall be published on the notice board giving the particulars of the same and name of the party presenting the same or his Advocate. The list shall be also simultaneously published on the official website of the High Court.”

- (b) For sub-rule (2), the following shall be substituted:

“Time of four weeks shall be available for compliance of requisitions or rectifications of defects from the date on which the list is published on the official website of the High Court. Within a period of two weeks from the expiry of the prescribed period of four weeks, the matters in which compliance of requisitions or rectification of defects is not made within the aforesaid period of four weeks, shall be listed before a Registrar of this Court nominated by the Chief Justice. The party presenting the papers or the Advocate presenting the papers shall be entitled to appear before the Registrar and seek waiver of the defects. The Registrar so nominated by the Chief Justice shall have the power to condone the defects, except the defects

regarding payment of deficit Court fees and non-joinder or mis-joinder of parties. The Registrar shall not have the power to decide the issue of maintainability of the case. The Registrar so nominated shall have the power to extend the time for compliance of requisitions or rectification of defects by a maximum period of three weeks from the date on which the matter is firstly placed before him. The Registrar shall have the power to pass a peremptory order dismissing the petition/appeal/application, if compliance of requisitions as put up or published at the first instance or rectification of defects is not made within the time extended by the Registrar.”

(c) After sub-rule (2), the following sub-rules (3), (4) and (5) shall be inserted:

- (3) Once a list is put up/published as provided in sub-rule (1), no requisitions or defects shall be added and if it is found necessary to add additional requisitions or defects, matter shall be re-notified by publishing a list and an additional period of four weeks shall be available for compliance with requisition or rectification of objections, as the case may be, from the date of publication of such list on the official website of this Court. If appeal, petition or application is dismissed by the Registrar by exercising power under sub-rule (2) of Rule 14, the person filing such appeal, petition, or application or his Advocate shall be entitled to apply for setting aside the peremptory order passed by the Registrar by making an application to the Court having assignment of the subject.
- (4) Notwithstanding the provisions of sub-rules (1), (2) and (3) above, the party in person or the Advocate will have right to move the concerned Court for dispensation or waiver of the notified requisitions or defects.
- (5) Notwithstanding the provisions of sub-rules (1), (2) and (3) above, in case of appeals, petitions or applications involving urgency, the party in person or the Advocate shall be entitled to move the concerned Court having assignment of the subject for posting of the case for preliminary hearing.”

BY ORDER OF THE HIGH COURT,

Sd/-
(MURALIDHARA PAI B.)
REGISTRAR GENERAL.