

CHAPTER LIII

APPEALS TO THE SUPREME COURT

910. Application for certificate for an appeal to the Supreme Court. – The application for the grant of a certificate for the purpose of an appeal to the Supreme Court of India under Article 132(i) or Article 133 (i) of the Constitution of India or under any other provision of law shall be made by petition and shall be in Form No. 93. The petition shall be filed in the office of the Prothonotary and Senior Master and shall be placed before the Appellate Court for admission.

911. Particulars in petition - The petition mentioned in the last preceding rule shall, so far as applicable, comply with rule 42 as to plaints.

912. Addresses of parties – Full particulars of addresses of the parties shall be furnished to the Prothonotary and Senior Master within seven days from the filing of the petition.

913. Notice to issue – Upon the admission of the petition, the Prothonotary and Senior Master shall issue a notice in Form No. 94, calling upon the opposite party to show cause why the certificate applied for in the petition should not be granted. The opposite party shall file an affidavit showing cause against the petition within eight days from the service of the notice.

914. Hearing of petition – The petition shall be placed before the Appellate Court for hearing on the returnable date of the notice or on such other date as the Appellate Court may direct.

915. Service of notice and copy of petition of appeal – When a copy of the petition of appeal is received from the Registrar of the Supreme Court, the Prothonotary and Senior Master shall issue notice to the respondent of the lodgment of the petition of appeal in the Supreme Court. The notice and the copy of the petition of appeal shall be served upon the respondent by registered post, prepaid for acknowledgment. They shall be forwarded to the respondent at the address furnished by the appellant. The notice shall be in Form No. 96.

The Prothonotary and Senior Master shall send to the Registrar of the Supreme Court a certificate as to the date on which the notice and the copy of the petition were served on the respondent.

916. Transmission of original record to the Supreme Court – Unless otherwise ordered by the Supreme Court, the Prothonotary and Senior Master shall, within three weeks from the receipt of a copy of the petition of appeal from the Supreme Court, transmit to the Registrar of the Supreme Court, at the expense of the appellant, the original record of the case.

*[Provided, however, that where in any case the Supreme Court directs that the records of any appeal be prepared by the High Court, the appeal paper book shall be printed with 10 extra copies from transmitting to the Registrar of the Supreme Court, at the expense of the appellant]

[*Proviso was inserted by G. N. /Amend/4504 of 22-6-1992, Pub. In M.G.G Pt. IV-Ka, p.386](#)

917. Deposit for transmission of record – The appellant shall, within two weeks After he has given security to the Registrar of the Supreme Court for payment of costs of the respondent, deposit with the Prothonotary and senior Master a sum of Rs. 100 towards defraying the expenses of transmitting the record to the Supreme Court. The Prothonotary and Senior Master may in appropriate case require the appellant to deposit further sums for the transmission of the record.

918. Failure to deposit amount for transmission of record – If the appellant shall fail within the time prescribed by rule 917 to deposit the amount required for transmitting the record to the Supreme Court, the Prothonotary and Senior Master shall inform the Registrar of the Supreme Court of the same.

919. Translation by whom to be made – Translation of documents required for the record in appeals to the Supreme Court shall be made by the Court Translators, or by such other persons as the Chief Justice may from time to time appoint in this behalf. The parties on each side will be invited from time to time to inspect such translation and in case of disagreement, the points in dispute, which must be stated in writing, will be submitted within two weeks to the Chief Translator who shall decide. The translation thus made shall be examined and authenticated by the Chief Translator or such other person as the Chief Justice may from time to time appoint in this behalf, and will be filed with the record of the case. A fee of one rupee per folio will be levied on account of translation, fifty paise per folio on account of examination and authentication, and twelve paise per folio on account of transcription. After making provision for the payment of persons employed under this rule who are not on the establishment of the Court, the balance of the said fees will be credited to Government.

920. Practice as to matters concerning appeal paper books and translation of documents – Save as herein otherwise provided, the practice as to matters concerning appeal paper books and the translation of documents shall be regulated by such office rules as the Chief Justice may from time to time prescribe

921. Preparation and printing of appeal paper books in Bombay – Where in any case in Supreme Court directs that the record of any appeal be prepared by the High Court, the appeal paper books shall be prepared and printed in accordance with the rules made by the Supreme Court in that behalf, and the said rules shall, with any necessary modifications, apply.

922. Service on Advocate sufficient – In all case where a party has appeared, service of notice on his Advocate on record shall be deemed sufficient notice.

923. Applicability of rules to appeals by special leave – The rules in this chapter shall, with any necessary modifications, apply to appeals admitted by special leave of the Supreme Court.
