

PART 1 – CONDUCT OF BUSINESS

¹CHAPTER I

JURISDICTION OF SINGLE JUDGES AND BENCHES OF THE HIGH COURT

1. Jurisdiction ordinarily exercised by Division Court of two Judges.- (i) The Civil and Criminal jurisdiction of the Court on the Appellate Side shall, except in cases where it is otherwise provided for by these rules, be exercised by Division Court consisting of two or more Judges.

(ii) Notwithstanding anything contained in this Chapter, the Chief Justice may assign any matter or categories of matters, which can be disposed of by a Single Judge, to a Division Bench.

2. Matters disposed of by a Single Judge.— Save as otherwise expressly provided by these rules, a Single Judge may disposed of the following matters :—

I. Civil —

(a) Appeals.—

- i) From original decree in suits or from adjudication in other proceedings from which appeals lie to the High Court as from original decrees, whether under the Civil Procedure Code or under any local or special Act, wherein the value of the subject-matter in dispute in the Court or before the Tribunal of the first instance does not exceed ²[Rs. 2 crore] and wherein the value of the subject-matter still in dispute on appeal is ²[Rs. 2 crore] or less : provided, however, that the expression ‘the value of the subject-matter still in dispute on appeal’ appearing in this sub-clause shall be construed to mean, where there is an appeal as well as a cross appeal or cross-appeals or cross-objections, the total of the values of the subject-matters in dispute in the appeal as well as the cross-appeal or the cross appeals or the cross-objections;

1. Substituted vide High Court Notification No. P. 3601/2013, dt, 27-08-2013, published in M.G.G. Part- IV-C, dt. 28-08-2013.

2. Substituted vide High Court Notification No. P. 3601/2015 dated 09th December, 2015 published in M.G.G., Part 4-C, dated 17-23rd December, 2015, Page No.21.

- ii) From appellate decrees in suits or from adjudications in other proceedings from which appeals lie to the High Court as from appellate decrees, whether under the Civil Procedure Code or under any local or special Act;
 - iii) From decrees under section 144 of the Code of Civil Procedure ;
 - iv) From orders under section 104 or Order XLIII, Rule 1 of the Code of Civil Procedure;
and
 - v) From orders under local or special Acts not having the force of a decree
- b) Applications for the exercise of the Court's revisional jurisdiction under section 115 of the Civil Procedure Code or under section 25 of the Provincial Small Cause Courts Act, or under any special or Local Law excluding the petitions under section 51 of the Parsi Marriage and Divorce Act, 1936, arising out of decrees or orders passed by the Parsi Chief Matrimonial Court.
 - c) Applications for the withdrawal of appearance or cancellation of the vakalatnama or for deposit or withdrawal of moneys and for refund of Court Fees.
 - d) Applications under the Companies Act, 1956, and proceedings thereunder.
 - e) All other applications incidental to or interlocutory or arising out of or relating to the appeals or civil revisional applications pending or proposed to be filed in the High Court and also applications for withdrawal of appeals or applications for consent decrees or orders under Order XXIII, Civil Procedure Code.
 - f) Revision of orders passed by the Registrar, Deputy Registrar, Assistant Registrar or the Special Officer in those appeals or petitions which are to be dealt with by a single Judge under these rules.

II. Criminal—

- a) Appeals against convictions, except in which the sentence of death or imprisonment for life has been passed appeals against acquittals wherein the offence with which the accused was charged is one punishable on conviction with a sentence of fine only or with a sentence of imprisonment not exceeding ten years or with such imprisonment and fine, and appeals under section 377 of the Code of Criminal Procedure, revision applications and Court notices for enhancement of sentence for offences punishable on conviction with sentence of fine only or with sentence of imprisonment not exceeding ten years or with such imprisonment and fine.
- b) Appeals against orders relating to disposal of property and orders directing payment of compensation, expenses and/or fees or orders binding over the accused to appear and receive sentence at any time the accused may be called upon and in the meanwhile to be of good behaviour or admonishing the accused.
- c) Applications for the exercise of the Court's revisional jurisdiction under section 401 of the Code of Criminal Procedure, and reports of cases of which record is called for on examination of criminal returns or otherwise.
- d) Applications for leave to appeal under section 378(4) of the Code of Criminal Procedure against acquittals wherein the offence with which the accused was charged is one punishable on conviction with a sentence of fine only or with a sentence of imprisonment not exceeding ten years or with such imprisonment and fine.
- e) Application for bail or stay, not arising in or out of or relating to any appeal or application already pending in the High Court.
- f) Application for leave to appeal to the Supreme Court under Article 134 of the Constitution of India in matters disposed of by a single Judge.
- g) All miscellaneous applications, including applications for bail or stay in or out of or relating to matters under items (a) to (c) above.

- h) All applications under section 482 of the Code of Criminal Procedure including applications challenging an Order for issuing process in a private complaint, except :—
- i) applications seeking review, modification or setting aside of any order passed by a Division Bench ;
 - ii) applications for quashing an F.I.R., C.R. , Charge Sheet or order directing investigation under section 156(3) of the Cr.P.C. irrespective of whether such applications have been filed under section 482 simpliciter or read with Article 226 and/or Article 227 of the Constitution.
- i) Application/petitions for furlough or parole under Prison (Bombay Furlough and Parole) Rules, 1959 or under the (Prison Goa, Daman and Diu Furlough and Parole) Rules, 1968 or for temporary bail in the matter pending before Division Bench or a Single Judge shall be placed, before the respective fora. Applications/petitions of aforesaid nature arising out of matters already disposed of shall be placed before the Single Judge assigned with criminal matters.

3. All appeals from orders passed under any special statute other than Code of Criminal Procedure, which provides for an appeal to the High Court from an order of penalty or for confiscation or an order in the nature thereof passed under that statute shall be heard by a Division Bench hearing first appeals.

4. All the appeals from Orders or Judgments of the Family Court to the High Court, dealt with under the Family Courts Act, 1984 including the Orders in proceedings under Chapter IX of the Code of Criminal Procedure shall be heard by the Division Bench hearing First Appeals.

5. ***Matters to be dealt with by a Single Judge during vacations and holidays.***—Notwithstanding anything contained in these Rules, a single Judge, may, during Vacation or on Holidays or on Working days when the Division Court is not in Session issue notice as the case may be, in any matter of an emergent nature, civil or criminal or under the Constitution, and may pass such interim orders regarding stay. Injunction, bail and other interim reliefs as he may deem fit.

6. ***Applications for transfer of proceedings in lower Courts.***—All applications for transfer of suits, appeals, criminal cases or other proceedings pending for trial or disposal in any Civil

Court or Criminal Court subordinate to the High Court or over which the High Court has the power of superintendence, to another Court subordinate to or under the superintendence of the High Court, or to the High Court may be disposed of by a single Judge.

7. The point of difference of opinion between Judges of a Division Bench shall be decided in the manner provided for in section 98 of the Code of Civil Procedure or section 392 of the Code of Criminal Procedure as the case may be. After the third Judge to whom the reference is made has given his opinion, the matter shall be placed before the Division Bench which had originally heard the matter and it shall pronounce the final judgment or order disposing of the matter:

Provided that, where one of the Judges constituting such Division Bench has ceased to be a Judge of the High Court or has for the time being ceased to sit at Bombay, Nagpur, Aurangabad or Goa, as the case be (the Division Bench whereof originally heard the matters), the matter shall be placed before the Division Bench of which the other Judge is a member:

Provided further that where both the Judge have ceased to be the Judge of the High Court or have ceased to sit at Bombay, Nagpur, Aurangabad or Goa, as the case be, the Division Bench whereof originally heard the matter shall be placed before a Division Bench dealing with the class of cases to which the referred matter belongs.

And the Division Bench mentioned in the provisos shall pronounce the final Judgment or order disposing of the matter.

8. **Reference to two or more Judges.**—If it shall appear to any Judge, either on the application of a party or otherwise, that an appeal or matter can be more advantageously heard by a Bench of two or more Judges, he may report to that effect to the Chief Justice who shall make such order thereon as he shall think fit.

¹[9. (A) Whenever one Division Bench shall differ from the decision of any other Division Bench upon a point of law or usage having the force of law, the case shall be directed to be placed before the Chief Justice for decision by a larger Bench. In such a case of difference of

1. Inserted vide notification No. Rule/P.3601/2022 , Dated 24-06-2022

opinion on a point of law, the Division Bench referring the case shall state the point on which it differs, formulate the question or issue to be answered and refer the case to the Chief Justice for decision by a larger Bench.

(B) If the question arises in an appeal from an original decree, the questions of law shall alone be referred, and the larger Bench shall return the case with an expression of its opinion upon such points of law for final adjudication by the Division Bench which referred it, and in case of necessity in consequence of the absence of any or either of the referring Judges, for the ultimate decision of another Division Bench.

(C) The provisions in sub-rules (A) and (B) of Rule 9 shall apply *Mutatis Mutandis* to Single Judges.”]

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