

CHAPTER IX

PREPARATION OF PAPER BOOKS AND TRANSLATIONS

Paper Books.

1. Contents and Arrangement of Paper Books in First Appeal. — (i) Paper books of regular First Appeals shall contain the items arranged serially in the order stated below :—

(1) Print or typed copies as specified in Chapter VII, rule 10 herein.

(2) Roznama.

(3) Pleadings.

(4) Interrogatories and their replies, if any.

(5) Examination of portion for framing issues, if any.

(6) The English notes or memoranda of the substance of what each witness has deposed made by the presiding officer of the Court. Where, however, the evidence is recorded on commission, the entire evidence, if the same is in English, or, the English translation of it, if it is in a language other than English, should be included.

(ii) Subject to the provisions of Rule 12, hereinafter appearing Items Nos.(2), (5) and (6) shall be prepared in the District Court at the cost of appellant. The remaining items shall be prepared at the cost of the appellant in the High Court as prescribed in these rules.

(iii) In addition to the items prescribed in sub-rule (i), the paper books of regular First Appeal, shall contain also such other documents which the parties to the appeal may desire to rely on, or refer to or to read wholly or in part at the hearing of the appeal.

(iv) The documents referred to in sub-rule (iii) shall be arranged serially according to the serial number of the exhibits. Where, however, the documents consists of correspondence, they shall be arranged in chronological order.

(v) The appellant shall supply for inclusion in the paper books the requisite number of copies of translation of documents at items Nos. (3) and (4) in sub-rule (i) and the appellant or the respondent, as the case may be, shall supply the requisite number of copies of the translations of documents referred to in sub-rule (iii) in the manner prescribed in these rules. Where such documents are in English, the appellant or the respondent, as the case may, shall supply the requisite number of typed copies for inclusion in the paper books:

¹[Provided that such translations would not be necessary if the documents are in Marathi and if the party or the Advocate undertakes that English translations

would be supplied whenever an order in that respect is made by the Court in a particular proceeding.]

1. Added by Notification No. P. 3603/1986, Dt. 6-8-1986.

²[Explanation. — In rules 1,2 and 4 of Chapter IX, sub-rule (i) of Rule 2 of Chapter XVII and rule 16 of Chapter XXVI, "Print or typed copies" also includes ³[Photocopies / Xeroxed copies] provided that they are legible and unmarked.]

2. Added by Notification No. P. 3604/1985, Dt. 29-1-1986.

3. Substituted vide Notification No. P. 3602/2010, Dt. 18-06-2010.

2. Content and Arrangement of Paper books in Second Appeals. —(i) Paper books of regular Second Appeals shall contain this items arranged serially in the order stated below :—

(1) Print or typed copies as specified in Chapter VII, rule 10 herein.

(2) Pleadings when ordered to be included by the Court

(ii) Both these items shall be prepared at the cost of the appellant in the High Court as prescribed in these rules.

(iii) In addition to the above items in sub-rule (i), the paper book of the regular Second Appeal shall contain also such other documents as the parties to the appeal may desire to rely on, or refer to, or to read wholly or in part at the hearing of the appeal.

(iv) The documents referred to in sub-rule (iii) shall be arranged serially according to the serial number of exhibit. Where, however, the documents consists of correspondence, they shall be arranged in chronological order.

(v) The appellant shall supply for inclusion in the paper books the requisite number of copies of translations of documents at item No. (2) in sub-rule (i) and the appellant or the respondent, as the case may be, shall supply the requisite number of translations of documents referred to in sub-rule (iii). In case of English documents, the appellant or respondent, as the case may be, shall supply the requisite number of copies for being included in the paper books.

⁴[Provided that such translations would not be necessary if the documents are in Marathi and if the party or the Advocate undertakes that English translations would be supplied whenever an order in that respect is made by the Court in a particular proceeding.] –

4. Added by Notification No. P. 3603/1986, Dt. 6-8-1986.

3. Court may dispense with inclusion of certain documents in paper books of First and Second Appeals. — The Court may dispense with item No. (4) of rule 1(i) .in regular First Appeals and item No. (2) of rule 2(i) in regular Second Appeals,

4. Paper books in Proceedings other than regular First and Second Appeals.—(i) Except as otherwise provided in these rules, the paper book of every proceeding other than regular First and Second Appeals shall ordinarily contain papers arranged in the following order:—

(1) Judgment or order of the trial Court;

(2) Judgments or orders of the lower appellate Court;

(3) Grounds of appeal together with the cross-objections, if any, in the lower appellate Court;

(4) Documents which the parties to the proceeding may desire to rely on, or refer to, or to read wholly or in part at the hearing of the proceeding.

(ii) The rules regarding the arrangement of the paper book, supply of the copies of the translations, and of English documents, applicable to the regular First and Second Appeals, shall apply mutatis mutandis to such proceedings.

5. Translations and copies of English documents required to be furnished by parties. — (i) The appellant or the applicant, as the case may be, shall cause to be translated (or copied for the paper book if the documents be in English) not only the documents on which he relies in support of his case, but also the documents on which the Court below, relied in holding against him on those issues on which the findings are challenged by him. The respondent or the opponent will cause to be translated or copied for the paper book such other documents on which he relies.

(ii) No party shall, without leave of the Court read, or refer to any document at the hearing, a translation or copy of which he ought to have provided, and which he has failed to provide, for the paper book.

⁵[Provided that such translations would not be necessary if the documents are in Marathi and if the party or the Advocate undertakes that English translations would be supplied whenever an order in that respect is made by the Court in a particular proceeding.]

5. Added by Notification No. P. 3603/1986, Dt. 6-8-1986.

6. Filing of notes for official translation or lists of documents proposed to be privately translated or copied for paper books and supply of such notes or lists to opposite parties. — (i) Within 2 months of the notification of the receipt of the record in regular first appeals, 15 days in short notice and expedited matters, and one month in other cases, the appellant or the applicant (or his advocate) shall file :—

(a) A Note for official translation of documents to be included in the paper book, and/or;

(b) a List of documents which he intends to get privately translated for inclusion in the paper book; and

(c) a List of documents in English, copies of which he intends to include in the paper book.

(ii) (a) Copies of the Note and/or the Lists shall be furnished forthwith by the appellant or the applicant (or his advocate) to each of the respondents or the opponents (or his advocate), if the latter has already put in his appearance and (b) in case the latter has not put in his appearance, a sufficient number of copies thereof shall be filed in the Office for the use of the respondents or opponents who have not till then Filed their appearances.

(iii) Where copies have been furnished to him as provided in clause (a) of sub-rule (ii) above the respondent or the opponent (or his advocate) shall file a similar Note and/or Lists in Short Notice and Expedited Matters within two weeks and in other cases within one month of the receipt of the copies of the Note and/or the Lists, and shall furnish forthwith copies thereof to the appellants or the applicants (or their advocates).

(iv) In case contemplated in Clause (b) of sub-rule (ii) above the respondent or the opponent (of his advocate) concerned shall obtain from the Office copies Filed in the office by the appellant or the applicant (or his advocate) and shall file similar note and or Lists in Short Notice and Expedited Matters within two weeks and in other cases within one month from the date of the service of the Notice of the appeal or the Rule upon him, and shall furnish forthwith copies thereof to the appellants or applicants (or their advocates).

(v) In case where the appellant or the applicant (or his advocate) has not filed any Note and/or Lists as contemplated in sub-rule (i) hereof the respondents or the opponents (or their advocates) shall File Notes and/or Lists as specified in sub-rule (i) above within three months in regular first appeals, within one month in short notice and expedited matters and within two months in other matters, the period of time being computed from the date of the notification of the receipt of the record or the date of the service of the Notice of the appeal or the Rule on each one of them, whichever is later, and shall also forthwith furnish copies thereof to the appellants or the applicants (or their advocates).

(vi) The Registrar may excuse delay of 15 days in the case of Short Notice and expedited Matters and of one month in other cases.

(vii) Upon the expiry of the period specified in sub-rule (vi), hereof no notes nor Lists as specified in the foregoing sub-rules of this Rule shall be accepted by the Office unless the same are accompanied by a stamped application for excuse of delay supported by an affidavit stating the reasons why the same could not be Filed within the time allowed. When such application is made the Registrar may either grant it subject to such terms and conditions as he may deem necessary or may order that the same be placed before Court for orders.

(viii) On the expiry of the period mentioned in sub-rule (vi) above all regular First Appeals shall be placed before the Registrar for orders, who may upon a stamped

application made to him excuse the delay or pass such orders as he deems proper or may order that the matter may be placed before Court for orders.

7. Parties to state clearly exhibit numbers of documents to be translated officially or portion thereof; and Deposit of estimated translation charges.

— (i) "Notes for official translation shall clearly state the number and portions of documents the translations of which are required.

The portion of the documents or accounts required to be translated shall be initialed.

(ii) Where documents included in lists for private translation are not intended to be translated in whole, the parts intended to be translated shall be clearly indicated in the lists.

(iii) Notes for official translation filed by parties in person or Advocates who do not personally undertake to pay translation charges shall be referred to the Chief Translator for estimating translation charges including the charges for the requisite number of typed copies of the translations. Such party or Advocate shall) within 14 days from the date of the receipt of the intimation regarding the estimated charges from the Chief Translator, deposit the necessary estimated charges :

Provided that no such deposit shall be required to be made if any Advocate in his note for translation personally undertakes to pay the translation charges.

(iv) The work of translation shall not be commenced unless deposit is made or an undertaking is given.

8. Rules of translation charges; Official translations by Translators' Department or Special Translators; Payment of Translation charges.

— (i) All Official translations, except in the case of criminal petitions, when the accused is in jail and is not appearing by Advocate, shall be charged for at the rate of 75 paise per folio of 100 words. All official translations will be made, if possible, by the Translators Office and if that is not possible by retired Translators or by such Advocates as may be authorised by the Chief justice. In case there is congestion of work in the Translators Office and likelihood of delay in furnishing of translations, the Registrar may, instead of assigning the translation work to that office, assign in to the Special Translator (i.e. retired Translators or Advocates specially authorised by the Chief Justice) appointed by him on payment of the prescribed charges. The Registrar in such cases may further direct the work of translations shall be completed and the translations with necessary typed copies supplied within a stipulated time or date. The Translators' Office or the Special Translators, as the case may be, shall supply four typed copies of the translations for the rate of 75 paise per folio of 100 words provided for translations hereinabove. The typing shall be done neatly and legibly with double space left between consecutive lines; there shall be a two inch margin and every tenth line shall be numbered in the margin. The translations shall on no account be delayed by the Translation Department or by the Special Translators.

(ii) Payment for translations shall be made to the Translation Department where translations are made in that Department, or payment made in cash in the Nazir's office when translations are done by the special translators appointed by the

Registrar within one week after the Advocates or parties receive the intimation from the Translation Department or the Registrar's Office to pay the translation fees.

In default of such payment, the Chief Translator or the Civil Department, as the case may be, shall report the matter to the Registrar for orders, and the Registrar may extend the time for payment for a period not exceeding fourteen days.

(iii) The fees for translation paid by a party or his Advocate shall be credited to Government except where the fees are payable to special translators.

(iv) When any document is officially translated, any order of the Court endorsed thereon shall be typed or got typed by the Translation Department, or the Special Translators, as the case may be, on the translations, the party concerned being charged for the typing work at the rate of 25 paise per folio of 100 words for the four copies required to be supplied under sub-rule (i) hereof.

8-A. Where in any matter which is compromised between the parties, the terms of the compromise are filed in vernacular language and if such terms are required to be included in the decree or order, they shall be got officially translated by the office and the charges thereof shall be recovered proportionately from the Advocates concerned at the rates mentioned in the preceding Rule except where agreed translation is fixed by parties along with the non-English draft of consent terms.

9. Time for filing private translations; Supply of copies for use of Court and to opposite parties. — Except as otherwise provided in these rules, private translations in First Appeals shall be filed by the parties within two months of the date on which their respective lists are filed as provided in rule 6(i) above. In Short Notice and Expedited Matters, the translations shall be filed within 15 days, and in other cases within one month of the aforesaid date.

Such private translation shall be signed by the Advocate making them in token of their accuracy.

Private translations shall not be accepted for inclusion in the paper books after the stipulated period without the order of the Registrar who may extend the time for Filing such copies or translations or excuse delay for a period of two months, fourteen days and one month respectively in regular First Appeals, Short Notice and Expedited Matters, and other cases failing which translations shall not be accepted without the leave of the Court.

Two typewritten or printed copies of such translations shall be supplied to the Registrar's Office. One typewritten copy shall also be supplied to each party appearing on the opposite side or his Advocate. Where one Advocate appears for more parties than one, he will be entitled to receive only one copy of the translations.

If owing to want of translations it becomes necessary for either party to obtain an adjournment after the hearing has begun, such adjournment shall, unless

otherwise specially ordered, be subject to payment of cost of the day which will be Rs.60.

The cost of such translations and their copies together with the costs necessitated by an adjournment, under that rule, if any, shall be shown in the bill of costs. The information as regards the number of folios of such translations shall be furnished by the Advocates concerned at the time of filing the translations, and the rate of such translations shall be the same as that fixed for official translations.

The costs of the translations and their copies shall be included in the bill of costs only if the Advocates concerned have filed the necessary information as regards folios at the time of filing the translations and their copies as required above or within such further time as the Registrar may grant on a written application made to him in that behalf. If no such application is made before the hearing of the appeal, the costs of such translations shall not be shown in the bill of costs, unless otherwise directed by the Court, at the hearing of the appeal.

10, Filing of copies of English documents and supply of the same to opposite parties.— The last preceding rule shall extend and apply to copies of English documents included, or intended to be included, in paper books, and the rate shall be 25 paise per folio of 100 words for four copies.

11. Copies of map or plan to be supplied for translation. — Any party applying for official translation of the entries on a map or plan shall furnish to the Office at least four copies of tracings made to scale of such map or plan omitting only the entries to be translated. Such copies will on application be prepared and furnished by the Office and may be obtained on payment of Rs.2 per copy.

Preparation in the High Court of items Nos. (2). (5) and (6) of sub-rule (i) of Rule 1.

12. Procedure etc. for preparation of Paper Books in the High Court. — Where items Nos. (2), (5) and (6) of sub-rule (i) of Rule 1 are or are required to be, prepared in the High Court instead of in the District Court, the procedure and the rates hereinafter mentioned shall be applicable to such work:

- (i) The work shall be done at the expense of the appellant.
- (ii) Four typed copies of each one of the items mentioned above shall be prepared.
- (iii) The charges for translation shall be the same as provided in sub-rule (i) of Rule 8.
- (iv) The charges for typing English Documents shall be 25 paise per folio of 100 words for four copies inclusive of costs of paper.
- (v) As soon as the Record and the Proceedings are received in the office, the office shall estimate the costs of the work on the basis of the above rates and issue a notice in writing calling upon the appellant or his Advocate to deposit the estimated costs in the office of the Nazir of this Court within one month from the date of the

service of the notice and also calling upon the appellant or his Advocate to give an undertaking to pay the excess amount if the actual costs exceed the estimated amount. The work of typing or translation shall not be undertaken unless the amount estimated is deposited and the undertaking as stated above is given.

(vi) The Registrar or the Deputy Registrar may, for good reasons, extend the period of one month fixed under sub-rule (v) above by a period not exceeding 15 days on a note and by a further period of 15 days on a properly stamped application. If the estimated amount is not deposited and the undertaking as stated in sub-rule (v) above is not given within the time fixed under sub-rule (v) above, or within the time extended under this sub-rule, the matter shall be placed before the Court for orders for non-prosecution.

(vii) If the amount is deposited and the undertaking is given within time, the office shall execute the work as expeditiously as possible and after the completion of the work calculate the actual amount payable by the appellant or his Advocate for the work done and shall refund the excess amount to the appellant or his Advocate, if there is any excess. If, however, there is a deficit the office shall by a written notice call upon the appellant or his Advocate to make good the deficit within 15 days from the receipt of the notice and on his failure to make good the deficit within time, the matter shall be placed before Court for orders for non-prosecution.

(viii) The typing shall be done neatly and legibly with double space left between consecutive lines; there shall be a two inch margin and every tenth line shall be numbered in the margin.

(ix) The paper book should have at the beginning an index showing the serial number of the item, the description of the item, the Exhibit number of the item, if any, and the number of the page where the item begins.

(x) The Superintendent-in-charge of the preparation of the paper books shall endorse on each of the four copies of the paper books a certificate showing therein the costs of the preparation of the paper book. showing the costs of typing and the costs of translations separately. He shall also maintain a diary in which he shall copy down such certificates from day to day showing the number of the proceedings and the name of the party who paid the costs of the preparation of the paper book.

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