

## CHAPTER XI

### JUDGMENT AND DECREE

<sup>1</sup>[**1. When judgment to be taken as ready.** — (i) Where Judgment has been reserved in a case heard by a Division or Special Bench consisting of two or more Judges, and all of them are not available for sitting together at one place, such judgment may be pronounced by any of the Judges, who heard the case after the transcript or the transcripts of the Judgment has or have been initiated by all the Judges who had heard the case.

(ii) A Judgment delivered by this Court, when initialed by the Judge pronouncing it, either on the transcript of the Judgment or on the approval sheet attached to it shall be the final judgment of which copies could be supplied to the parties or their Advocates unless the Judge delivering it desires that he wants to have a fair copy of the Judgment for approval. In the latter event, the Judgment shall be considered to be final when the fair copy is approved and initialed by the Judge.]

1. Substituted by Notification No. P 3601/1992, Dt. 27-5-1992.

**2. Procedure when Advocate wishes to keep judgment before the Court for speaking to minutes.** — Whenever an Advocate wants a judgment to be kept before the Court for speaking to the minutes, he shall file a note in the Office showing the points on which he wants to speak to the minutes and he shall also serve a copy thereof on the Advocate for the other side.

**3. Procedure for preparation of decrees.** — (i) The Office shall prepare the draft of the decretal order on the Farad and the bill of costs. The draft of the decretal order and the bill of costs together with the copy of the judgment shall be sent to the Advocates' Room for the approval of the Advocates concerned and notice in that behalf shall also be put up in the Advocates' Room.

(ii) If the draft decretal order and the bill of costs prepared by the Office is approved by the Advocates, the Advocates shall attest them in token of their correctness.

(iii) If the Advocates do not approve the draft decretal order or the bill of costs or require any clarification or correction in the judgment of the Court, they shall put in their notes slating specifically the grounds of their objection and the clarification or correction they require, and serve a copy thereof on the other side.

(iv) If the Advocates, fail to attest the draft decretal order or the bill of cost or to suggest any clarification or correction in the judgment within seven days from the date on which the matter was sent to the Advocates' Room and notified as above, the Deputy Registrar shall sign the decree and the Taxing Officer and the Deputy Registrar shall sign the bill of costs.

(v) No amendment to the decree or the bill of costs shall be made after the decree is signed by the Deputy Registrar except upon a regular application in that behalf. The Deputy Registrar may, however, correct any clerical or arithmetical mistakes in decrees or orders which are brought to his notice.

**4. Objections to draft decretal order and bill of costs.** — Objections to the draft decretal order shall be decided by the Deputy Registrar and objections to the bill of costs by the Taxing Officer, after hearing the Advocates or the parties, if necessary. An Advocate or party dissatisfied with the decision of the Deputy Registrar or the

Taxing Officer shall immediately file a note for placing the matter before the Court for revision of the impugned order. When such a note is filed, the decree shall not be signed until the decision of the Court.

**5. Date on decree.**— The decree shall ordinarily bear the date on which the judgment of the High Court was pronounced, The decree shall also show the date on which it is signed by the Deputy Registrar,

**6. Supply of Stamp paper for decree which is required to be engrossed on such paper.** — (i) All matters in which the question of liability of the decree for payment of stamp duty is likely to arise shall be referred by the Office to the Taxing Officer. The Taxing Officer shall decide whether the decree is liable for stamp duty and also determine the quantum of stamp duty payable. If in the opinion of the Taxing Officer, there are no sufficient materials on record to determine the stamp duty or if the Collector to whom reference for adjudication has been made under sub-rule (ii) below requires any particulars or evidence for determining the stamp duty, the Taxing Officer may require any party to furnish by affidavit or otherwise such particulars or evidence as he or the Collector, as the case may be, require for determining the stamp duty. Such particulars or evidence shall be furnished by the party, directed to do so, within one month from the date of the receipt of the letter asking for the same.

(ii) When the Taxing Officer decides that the decree is liable to payment of stamp duty and also decides the quantum of stamp duty payable the party liable to pay the stamp duty or his Advocate shall supply the necessary stamp paper for engrossing the decree within one month from the date of the decision of the Taxing Officer. If the decision of the Taxing Officer is disputed, the party disputing it shall, within 14 days from the date of the decision of the Taxing Officer, deposit the prescribed fee for obtain in adjudication from the Collector.

(iii) In matters which are referred for adjudication of the Collector, the necessary stamp paper shall be supplied by the party liable to pay the stamp duty within one month from the date of Intimation given by the Office of the receipt of the adjudication from the Collector.

(iv) Any party interested in the decree may pay the entire stamp duty by supplying in full the necessary stamp paper. If the party so requires, the matter may thereafter be placed before the Court for orders or directions regarding apportionment of the stamp duty and the payment of the proportionate shares to the party who has supplied the said stamp paper. Such orders or directions shall, unless otherwise directed by the Court, be incorporated in the decretal order of the proceeding.

(v) The Registrar may extend the time prescribed in sub-rules (i) and (ii) above or excuse delay for a period not exceeding 14 days in respect of adjudication and one month in respect of supply of stamp paper or necessary information or evidence.

(vi) If the adjudication fee or stamp paper, for the decree being drawn up, or the particulars or evidence, required by the Taxing Officer under sub-rule (i) above, are not supplied within the time prescribed above or within such time as may be allowed by the Registrar, the papers shall be filed without any decree being drawn up.