

THE HIGH COURT OF JUDICATURE AT BOMBAY**ORIGINAL SIDE***Notification*

No. G./Amend/12878.— In exercise of the powers conferred Under Article 229 of the Constitution of India and Under Section 122 of the Code of Civil Procedure, 1908 the Honourable the Acting Chief Justice and Judges of the Hon'ble Bombay High Court is hereby pleased to direct that the following amendments shall be made to the "Bombay High Court Original Side Rules, 1980 ."

(A) Insert the words "**subject to removal of the office objections, if any**" after the words "**in a list called the General List of suits**" in **Rule 57 Chapter IV** of the Bombay High Court Original Side Rules, 1980,

(B) Delete the Chapter IX - "Chamber Work"

Delete the Chapter X - "Notice of Motion"

Insert the new "**Chapter IX-A – Interim Applications**" between **Chapter VIII and Chapter XI**.

Chapter IX-A – "Interim Applications"

Rule 121 IX-A *Interim Applications.*— All applications for interim relief in any matter shall be filed and numbered in the registry as Interim Applications in the main proceedings. Every such application, after description of parties, shall state in bold letters as to under which provisions of law the Interim Application has been filed.

Rule 122 IX-A *Interim Applications to appear on Board.*— All interim Applications shall be listed on the date assigned by the Registry provided that the Court may, in its discretion and on an application made by precipe specifying the urgency and need for urgent reliefs, direct such Interim Application to be taken up on any earlier date. At least 48 hours' notice shall be given by the party seeking such urgent reliefs to the opposite parties. Nothing in the rule shall preclude any Curt from passing an *ex parte* order in appropriate cases.

Rule 123 IX-A *Applications in Execution, etc.*— Applications for confirming sales in execution, or under a decree, whether held by the Sheriff or by the Commissioner for taking Accounts or by the Receiver shall also be by way of Interim Applications.

Rule 124 IX-A *Interim Applications to be heard by Court hearing principal matter.*— All Interim Applications be heard by the Court to which the principal matters are assigned.

Rule 125 IX-A *Form of Interim Applications.*— Every Interim Applications shall be in the same form as a petition setting out therein a brief statement of the relevant facts, the grounds in support of such application, a specific reference to the provision of the Code of Civil Procedure, 1908, these Rules or any other law under which it is made, prayers in the form of reliefs sought; and shall be signed, verified and affirmed in the same manner as a petition. No separate Affidavit in Support of such Interim Application shall be required.

Rule 126 IX-A *Signed undertaking required.*— Every Interim Application shall, in addition to the above, contain, in the body of the Interim Application, a signed statement of the party making such Application undertaking to pay such sum by way of damages or costs as the Court may award as compensation in the event of a party affected sustaining prejudice by any order that might be made on such Interim Application. The Court may, in its discretion, while making the order on the Interim Application dispense with undertaking.

Rule 127 IX-A *Notice to opposite party.*— Notice of any Interim Application shall be given by the party making the application to the opposite party and shall be not less than seven days before the returnable date of such Interim Application, unless otherwise provided by the Court.

- Rule 128 IX-A *Filing of reply by the Opponents/Respondents named in the Interim Application.*— The Opponent(s)/Respondent(s) shall file his/their Affidavit or Affidavits in Reply, if any, together with copies of documents on which they rely no later than three days prior to the date fixed by the Court in the notice or on any subsequent dates to which the proceedings have been adjourned with the leave of the Court.
- Rule 129 IX-A *No Affidavit in Rejoinder without leave.*— No Affidavit in Rejoinder shall be filed without leave of the Court.
- Rule 130 IX-A *Procedure at the hearing of the applications.*— All the applications under these rules be decided on the basis of affidavits of the parties.
- Rule 131 IX-A *Powers of Officer designated by Registrar-General to decide Interim Applications.*— The High Court may by general or special notification confer the power of the Court to decide certain interim applications on the Registrar – General.
- Rule 132 IX-A *Adjournment of matter to Court.*— Any party desiring to have any question to be decided by the Registrar-General, whether disputed or not, adjourned to Court, may apply to the Registrar-General for such adjournment within 15 days from the passing of the order. If the application is within time, the Registrar-General shall adjourn the matter and list it before the Court assigned to hear such matters. If the party makes the application after the said period of four days, the Registrar-General may adjourn the matter to Court if he is satisfied that the party had sufficient cause for not making the application in time. The Registrar-General may also *suo-motu* adjourn any matter to Court.
- Rule 133 IX-A *Interlocutory orders passed not to be drawn up.*— Orders made on interim applications shall not be drawn up.
- Rule 134 IX-A *Drawing up of orders required to be drawn up as decrees.*— (a) The provisions of the Code of Civil Procedure, 1908 relating to drawing up of decrees shall apply *mutatis mutandis* to orders required to be drawn up as decrees.
- (b) Drafts of such drawn up decrees shall be posted on the High Court Website under the Case Status section and shall also be emailed to the Advocate on Record or the Party concerned to the email address provided and shall also be put up on the notice board of the decree department.
- (c) Any Advocate or party may inspect such draft in the Decree Department on an oral application.
- (d) If no objection is raised by the Advocate or party concerned to the form or contents of the drawn up decree or order within the time fixed for the same, the draft shall be settled and finalized by the officer designated for that purpose.
- (e) Any Advocate or party dissatisfied with the finalized drawn up decree or order may apply to the Registrar-General within one week of the date of finalization to have the same placed before Court, failing which the finalized and settled draft shall be deemed to have been accepted. If the draft is so placed before the Court, any variation made by the Court shall forthwith be incorporated in the draft.
- (f) All final drawn up decrees and orders shall be signed by the Registrar (OS)/ Prothonotary & Senior Master or by a designated officer, and shall bear the seal of the Court.
- (g) Orders passed by a Court which have not been signed by the Judge and which have been ordered to be drawn up; and all orders passed by the Registrar-General and ordered to be drawn up, shall be signed by the Registrar-General and shall bear the seal of the Court.