

इसे वेबसाईट www.govtpressmp.nic.in
से भी डाउन लोड किया जा सकता है.



मध्यप्रदेश राजपत्र

प्राधिकार से प्रकाशित

क्रमांक 22]

भोपाल, शुक्रवार, दिनांक 2 जून 2017—ज्येष्ठ 12, शक 1939

भाग ४

विषय-सूची

- | | | | |
|-----|------------------------|-------------------------------|----------------------------------|
| (क) | (1) मध्यप्रदेश विधेयक, | (2) प्रवर समिति के प्रतिवेदन, | (3) संसद में पुरःस्थापित विधेयक. |
| (ख) | (1) अध्यादेश, | (2) मध्यप्रदेश अधिनियम, | (3) संसद् के अधिनियम. |
| (ग) | (1) प्रारूप नियम, | (2) अन्तिम नियम. | |

भाग ४ (क)—कुछ नहीं

भाग ४ (ख)—कुछ नहीं

भाग ४ (ग)

अंतिम नियम

HIGH COURT OF MADHYA PRADESH

PRINCIPAL SEAT, JABALPUR

No. 02-OSD-Rules

Jabalpur, dated 22nd May 2017

ANNEXURE-A

THE MADHYA PRADESH HIGH COURT SUPERINTENDENCE OF TRIBUNALS RULES, 1998

At the end of Sub-Rule (1) of Rule 5, the following paragraph shall be added :—

“In discharge of such function it will be within the right of the Chief Justice, Administrative Judge or any nominated Judge of the High Court to take assistance from the District Judge (Inspection) or any Officer of Registry of High Court to inspect the Tribunal and collect information and send report thereon”.

ANNEXURE-B

THE HIGH COURT OF MADHYA PRADESH RULES, 2008

Amendment in Rule 2(7) Chapter IV of High Court of M.P. Rules, 2008 regarding following subjects :—

- (i) Rule [sub-rule 7(d) (3) to (10) of rule (2) of Chapter IV] is deleted and substituted by the following :—

Sub-rule 7(d) of rule 2 of Chapter IV—Any challenge to an interlocutory or final order passed by a Tribunal or Authority, whose chairperson is a former Judge or Chief Justice of any High Court shall be heard by a Division Bench.

- (ii) Chapter IV Rule 2(7)(j) is deleted and substituted by the following:—
(j) Challenging the orders or proceedings under the Prevention of Corruption Act, 1988.

IN CHAPTER IV AFTER RULE 2(7) (J) FOLLOWING SUB-RULES SHALL BE INSERTED

- (iii) (k) relating to State Bar Council/District Bar Associations/High Court Bar Associations/other Bar Associations.
(iv) (l) relating to mines & Minerals and Environment.
(v) (m) involving construction of National Highways.
(vi) (n) relating to Street Vendors/Vending.
(vii) (o) pertaining to Municipal Corporation/Municipalities/Other Local Bodies relating to encroachment, removal, hoarding, obstructions on public roads arising from the directions in the public interest litigation.
(viii) (p) Notwithstanding anything contained in these rules, any case or class of cases may be ordered to be placed before Division Bench as may be ordered by the Chief Justice from time to time.

Amendment in sub-rule 2 of rule 3 of Chapter IV

Between the words "rule 4(4)" and "of this chapter" insert "sub-rule 12 of rule 4". The amended rule-read as under :—

Criminal Revision—All criminal revisions except those specified in rule 4(4) and sub-rule 12 of rule 4 of this chapter.

Amendment in sub-rule 3 of rule 3 of Chapter IV

After the words "to another," add except those specified under sub-rule 12 of rule 4 of this chapter". The amended rule will be read as under :—

Transfer Application—An application for transfer of a criminal case from one subordinate Court to another except those specified under sub-rule 12 of rule 4 of this chapter.

Amendment in sub-rule 6 of rule 3 of Chapter IV

After the words "Procedure, 1973" add the words "except those specified under sub rule 12 of rule 4 of this chapter". The amended rule will be read as under :—

Application invoking inherent powers—An application under section 482 of the Code of Criminal Procedure, 1973 except those specified under sub rule 12 of rule 4 of this chapter.

Amendment in sub-rule 12 of rule 4 of Chapter IV

Sub rule 12 of rule 4 in the Chapter IV is deleted and substituted by the following :—

Criminal Revision, Transfer Applications, Application invoking powers arising from corruption cases—
Criminal Revision, Transfer application, application invoking inherent powers arising from cases under the provision of Prevention of Corruption Act, 1988.

Amendment in sub rule 2 of rule 45 of Chapter X

Insert in between the words “order” and word “and” add the word “and if any annexure filed shall be certified as true copy by the filing advocate or by the party”. The amended rule will be read as under :—

- (2) Every such memorandum, petition or application, shall be accompanied by a certified copy of the impugned judgment or order **and if any annexure filed shall be certified as true copy by the filing advocate or by the party** and that of the judgement or order of the Court of first instance where the impugned judgment or order was passed in an appeal or a revision. Provided that the Court may dispense with the requirement of filing certified copy of the order of the Court of first instance at the stage of admission if a true copy thereof is filed on affidavit or a copy thereof is certified as true by the Counsel.

Amendment in rule 54 of Chapter X

After the word “crime number” add the word “and if any annexure filed shall be certified as true copy by the filing advocate or by the party”. The amended rule will be read as under :—

54. An application under section 438 and 439 of the Code of Criminal Procedure, 1973, shall, as far as possible be in the Format Nos. 13 and 14 respectively, and shall contain name of the police station and crime number and if any annexure filed shall be certified as true copy by the filing advocate or by the party.

Amendment in Chapter XV of High Court of Madhya Pradesh, Rules, 2008 regarding process fees.

CHAPTER XV PROCESS AND PROCESS FEES

1. At the time of presentation of a case, the process fee at the rate per respondent/non-applicant prescribed by notification by the High Court, shall be deposited and amalgamated with the Court fee.

2. Whenever notice is ordered to be issued to any party the party at whose instance the notice is to be issued, supply as many copies of memorandum of appeal, objection, petition or application, as the case may be, and any affidavit filed in support thereof and in case of a second appeal, the substantial question(s) of law on which the same is admitted, as there are persons to be served:

Provided that the time required for obtaining a certified copy of the order sheet containing the substantial question(s) of law on which the second appeal is admitted, shall be excluded:

Provided further that in all civil matters, notices to the Public Officers and Corporations shall be sent in the prescribed forms by registered or speed post or approved courier service-acknowledgement due.

3. No party to a proceeding other than the State of Madhya Pradesh shall be exempt from the payment of process fee.

4. If the necessary documents are not filed, the case shall be posted as a defective case before the Registrar who may in his discretion, either grant further time for filing the documents or may direct that the proceedings be placed forthwith before the appropriate Bench for orders:

Provided that where an interim relief has been granted by the Court in favour of the defaulting party, the case shall forthwith be placed before the appropriate bench for orders.

5. (1) The process application shall be made in Form No. 27. The application shall state the number and class of the proceeding, the value of the claim in suit and/or appeal, details of the processes to be issued, and particulars and full address of the parties on whom the notices are to be served. If the address so given is registered address within the meaning of Order VII, rule 19 and Order VIII, rule 11 (both Madhya Pradesh amendments) of the code of Civil Procedure, 1908, the letters "R.A." shall be placed before the address.

(2) A party desirous of an acknowledgement of the process application shall file the same in duplicate for the purpose.

(3) The application, referred to in sub-rule (1) above, may be filed in the presentation centre within the period allowed or may be sent by registered post, addressed to the Registrar, in time to reach the Court within the period allowed.

6. Where the Court has admitted a writ petition for final hearing, the petitioner shall, for issuing notices to the respondents, deposit the duly filled notice forms and requisite number of copies of paginated petition, annexure, index and file-sized envelopes.

7. True copy of the writ petition together with annexure and affidavit, duly attested by the petitioner or his advocate, shall be served with the notice.

8. The Section Officer shall, having regard to the state of the file, fix a date to be entered in the notice for appearance and reply of respondents within the period prescribed by the Court and where the time is not prescribed by the Court, the date to be so fixed, shall not be beyond eight weeks.

9. If the following criminal cases are admitted for final hearing, notice of the same shall be issued to the Advocate-General :—

- (1) an appeal by an accused person against the decision of a Court of Session;
- (2) a petition by a private person for revision of a judgement or order a court of Session;
- (3) proceedings regarding the transfer of a case;
- (4) an appeal or a reference for confirmation of capital punishment in murder cases;
- (5) in all cases of enhancement of sentence when the Court considers that there is a prima facie case therefor.

10. In criminal cases, involving offences punishable with capital sentence but the same has not been imposed a notice shall issue to the Advocate-General for considering whether an appeal against acquittal or an application for enhancement of sentence be filed. Cases in which such notice has been given, shall not be posted for disposal until expiry of two weeks from the date of issue of such notice. If in such a case, the Government gives a notice of an appeal within the said period of two weeks, the appeal originally filed by the accused and the appeal or application filed by the Government shall be posted for analogous hearing.

11. (1) Where a notice in a Writ Petition has been issued by registered post-acknowledgement due, prepaid and properly addressed and neither the envelope containing the notice nor the acknowledgement has been received back, for a period of 30 days from the date of issue of notice, the office shall presume that notice has been duly served.

(2) In such a case, after expiry of aforesaid period of 30 days, the concerned Dealing Assistant shall submit a report to Deputy Registrar (judicial), who shall after verifying as to whether the envelope, containing the notice or the acknowledgement has been received in the office and in case it is not so received, shall certify that the notice has been duly served. Such certification in following format shall be placed before the Court-

“The notice has been duly served, as it was sent by registered post-acknowledgement due, pre-paid and properly addressed and neither the envelope, containing the notice nor the acknowledgement has been received back after a period of 30 days from (the date of issue of notice.)”

ANNEXURE-C

THE HIGH COURT OF MADHYA PRADESH FAMILY COURT RULES, 1988

After Rule 9(2), following shall be inserted.

Rule 9(3)—

- (a) Whenever any fresh suit or proceedings is presented before a Family Court, the Family Court, after registration as per sub-rule (1), at the first instance, shall issue a notice without a copy of application or petition, as the case may be, to respondent to appear and explore the feasibility of amicable settlement. The notice shall mention the relief claimed only.
- (b) The Family Court, on appearance of respondent, shall proceed with the procedure laid down under sub Rule 2 of Rule 6.
- (c) If all efforts to arrive at amicable settlement do not yield positive results, the Family Court shall cause to be delivered a copy of application or petition, as the case may be, to the other party at the expense of the applicant or petitioner.

No. 3-OSD-Rules

Jabalpur, dated 22nd May 2017

Regarding errors in the publication of amendment in the High Court of Madhya Pradesh Rules, 2008.

Under the subject cited above it is stated that there are topographical/clerical mistake in the amended High Court of Madhya Pradesh Rules, 2008 published in Official Gazette on 30th December 2016.

In this connection it is submitted that the amendment notified in Chapter IV after Rule 5 as Rule 5 A has been notified as approved by the Hon'ble Committee but due to topographical/Clerical mistake it has been notified “to be added after Rule 5 of Chapter IV as 5A” rather it should be as “Sub-Rule 5(a) of Rule 4 of Chapter IV”.

Therefore, you are requested to further notify the aforesaid Rule at correct place.

SATYENDRA KUMAR SINGH,
Principal Registrar (Vig.)
for Registrar General.