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PART IV-C

Statutory Rules and Orders (Other than those published in Part I, I-A and I-L) made by Statutory Authorities other than the Government of Gujarat including those made by the Government of India, the High Court, the Director of Municipalities, the Commissioner of Police, the Director of Prohibition and Excise, the District Magistrates and the Election Commission, Election Tribunals, Returning Officers and other authorities, under the Election Commission.

BY THE HIGH COURT OF GUJARAT AT AHMEDABAD

Notification

No.C.3001/2016.

In exercise of the power conferred by Article 225 of the Constitution of India, Part X of the Code of Civil Procedure 1908 (5 of 1908) and all other enabling powers, the High Court of Gujarat hereby makes the following Rules, with regard to the Case Flow Management in the High Court of Gujarat:

1. These Rules may be called "The Gujarat High Court Case Flow Management Rules, 2016".
2. These Rules shall come into force from the date of their publication in the Official Gazette.

I. Division of Cases into different Tracks

3. **Writ Petitions.-** (1) The Court shall, while 'Issuing Notice before Admission' or at the stage of 'Admission', categorise the Writ Petitions, other than the petition for Writ of Habeas Corpus, into three Categories, depending on the 'Urgency' with which the matter should be dealt with: '*Fast Track*', '*Normal Track*' and '*Slow Track*'. The broad classification, as per the subject matter of Writ Petition, Appeal, Original Jurisdiction matters, Applications, etc. as per Schedule to these Rules.
- (2) All efforts shall be made to dispose of the Petitions in *Fast Track* in 6 months; *Normal Track* in 12 months (One Year) and Petitions in the *Slow Track*, subject to the pendency of other Cases in the Court, ordinarily in 24 months, from the date the 'Reply Affidavit' by Respondent OR a Rejoinder by the petitioner (if permitted by the Court on request made on valid ground), is filed. The Court may, for appropriate and justifiable reasons recorded in the order, extend the time-limit.
- (3) The Cases wherein 'an ad- interim' or 'Interim order' of 'Stay' or 'Injunction' is granted in respect of liability to pay tax, duty, royalty etc. or against action of demolition or eviction from Public Premises etc., & all matters involving 'Tenders' shall invariably be put in the Fast Track.
- (3) (a) The time limit for deciding the Cases shall, in respect of all types of cases, commence from the date when the reply affidavit is filed and the Case is listed by the Registry, on completion of pleadings in all respects, for hearing in appropriate cause list i.e. list of matters for 'Final Hearing', which, however, shall not be, as far as possible, beyond 1 week after completion of pleadings. If a rejoinder is permitted by the Court, the time limit shall be reckoned from the last date for filing of such 'Rejoinder' for which, ordinarily more than 10 days may not be granted.

- (3) (b) In Cases where order granting ex-parte stay/injunction order is passed, the further order after bi-parte hearing shall, ordinarily, be passed within four weeks from the last date for filing reply, otherwise reasons shall be recorded. The provisions and time limit prescribed under Article 226(3), of the Constitution of India shall apply.
 - (4) A Senior Officer of the High Court, nominated for the purpose shall, at interval of 3 weeks, monitor the stage, with reference to the respective category to which the matters are allocated, of each case likely to come up for hearing before each Bench (Division Bench or Single Judge) during the following month and/or on the Change of Roster and the details/data shall be placed before the concerned Judge.
 - (5) The data so prepared will be fed into the computer in such a manner that the data shall be available to the concerned Judge so as to instantly ascertain at any time the position and stage of every case of the subject assigned to the Judge as per the Roster. When the roster is changed, a complete list of all matters pending at the stage of 'admission' & 'final hearing' shall be placed before the concerned Judge, in Chamber, to enable the assessment for regulating the daily admission & final hearing list.
 - (6) The Court may shift the Case from one Track to another, depending upon the complexity urgency and other circumstances of the Case.
 - (7) Whenever the 'Roster' changes, the Judge concerned who is dealing with final hearing matters shall be supplied, by the Registrar (Judicial) a detailed Statement of all Cases according to the Roster assigned and such data shall also show the Track in which the Cases are placed and the 'Stage' at which the Cases are pending on the date of change in 'Roster' so as to enable the Judge to keep abreast about the 'Stage' of the Cases in various Tracks listed before him during every up-front week for the next 30 days. The 'Statement'¹, shall contain details of all Cases pending at 'admission' stage and 'final hearing' stage as per the Roster, arranged Year-wise seriatim, as also showing Subject-wise division (as per the roster for the concerned Court). The Statement shall also reflect the details of the stage of pleadings (particularly of the matters pending at admission stage) and the details of any injunction order/s.
 - (8) In all Petitions, First Appeals, Second Appeals, O.J. Appeals, Original Side Applications or Suits and all other Proceedings including all Civil and Miscellaneous Applications and Contempt Petitions, the petitioner-appellant/applicant, as the case may be, shall cause to file, a separate list, annexed to the Memo of the Application/Petition the list of the heirs/Legal Representatives of all petitioners/appellants/applicants and the Memo of Petition, Appeal, Application, Suit etc. shall further clearly declare that the Address mentioned in the Cause-Title of the Memo is correct, complete and the latest address of all parties arrayed therein.
 - (9) In all proceedings including A.O., First Appeals, Second Appeals, Civil Revision Application, Letters Patent Appeals, Misc. Applications, O.J. Appeals, the entire set of Paper-Book (complete pleading and all annexures/documents and exhibits on record) shall be filed alongwith the Memo and the copies for the opposite side shall also contain the entire set of Paper Book so that adjournments and delay caused in calling for Record and Proceedings from Trial/lower Courts, can be avoided.
4. **Other Matters.-** (1) Civil Appeals and other matters in the High Court shall also be divided into different Tracks on the line indicated above and the said clauses shall apply, mutatis mutandis, to the Civil appeals filed in the High Court.
- (2) Subject-wise division of the Appeals and Revision Applications, shall also be made for allocation into different Tracks, considering the complexity & nature of the issues required to be resolved in each such matter.

II. Writ of Habeas Corpus

5. When in a Writ of Habeas Corpus the person is alleged to be in custody under orders of the State Government or Central Government, the matter shall be listed for substantive hearing, within 48 hours from the date of filing of Petition. The said time shall also be applicable in other petitions seeking writ of Habeas Corpus. The time for returning the Notice-Process issued by the Court shall not be more than 72 hours, except in cases where, for appropriate reasons, more time is justified.

6. State Government or Central Government may file a brief return along with relevant documents to answer the allegations or to justify the detention, if the person is under detention.
7. The matter shall be listed again on the fourth working day after issuance of 'Notice/Rule', and the Court shall consider whether a more detailed return to the writ is necessary.
8. All efforts shall be made to dispose of a Writ of Habeas Corpus within a period of 3 weeks and it shall have preference over all other Fast Track Cases.

III. Mode of Advance Service

9. When interim orders are sought against Government or Public - Sector Undertakings, who have Standing Counsel, duly notified as representing them, an Advance Notice of 48 hours (Where the Seat of the Competent Officer is in Ahmedabad or Gandhinagar) and 72 hours in other cases, shall be given to such Counsel by hand delivery, together with copies of all documents annexed to the copy of the petition, submitted in the Registry. So as to ensure that an advance copy of the Petition /Appeal/ Application wherein injunction order is requested for, is duly served, while such Petition/Appeal/Application is presented for circulation and urgent hearing, the Public Sector Undertaking-Corporations, local bodies-authorities shall file, with the Registrar (Judicial) the list containing details of the names and addresses of their respective advocates. The Registrar (Judicial) shall cause publication of all such lists on the Notice Boards at all such places which may be considered appropriate.

IV. First Appeals to the High Court

10. The Appeal Memo, in all cases, shall have to be filed along with all documents, replies, etc. which formed the record before the Trial Court or the learned Single Judge (in case of intra-Court appeal) as the case may be, without which the appeal may not be duly registered.
11. **Service of advance copy of Appeal.-** If memorandum of appeal is presented as per amended Rule 9(1) of Order 41 of Code before the Court from whose decree, the appeal is preferred, advance Copy/notice in addition to the process for normal service as per the Code, shall simultaneously be given by the counsel for the party who files the Appeal, in accordance with the said provision read with the provision under Section 148(A). Such advance service of the appeal and/or the application (where appeal is already pending) shall be effected atleast 24

hours in advance. The copy so served shall be complete in all respect and with all annexures (i.e. not the memo alone).

This provision shall be equally applicable to all intra-Court Appeals as well. In the event the Advance copy is refused by the other side, an 'Affidavit' stating the fact, shall be filed.

12. **Printing or typing of Paper-Book.-** (1) Without prejudice to any provisions contained in the Gujarat High Court Rules, 1993 relating to printing, typing and preparation of Paper Books, after the service of notice is effected, Counsel for both sides may also agree on the list of documents and evidence and the Paper Book shall be made ready, duly printed or typed by the parties within the time limit fixed by the nominated officer/Registrar, in accordance with the High Court Rules, but having regard to the relevant Track to which the appeal is assigned.

(2) The Registry shall ensure that the Paper-Books, as per the Record and Proceedings, are ready within the time prescribed for the relevant Track pertaining to the Appeal and in any case 1 week before the appeal is required to be taken up for arguments.

A Default list shall be displayed containing details of the matter where Paper-Book are not made ready within prescribed time. The matters listed in such Default list, shall be entered into Regular list, only after objection are removed and costs, as per Court's Order, if any, is paid. The cases of default shall be dealt with as per High Court Rules.

13. **Filing of Written Submissions and time for oral arguments.-** (1) Both, the petitioners/appellants and the respondents, shall submit in advance their respective concise written submissions, mentioning the details, the relevant page numbers (as per the Court's record). The provisions regarding Written Submissions, applicable to Suits, shall also apply to the Petitions and Appeals/LPAs.

(2) The Cause List shall indicate whether Written Submissions have been filed or not. If the submissions are not filed, the Registrar (Judicial) shall direct that the same to be filed within such time as the Registrar (Judicial) may deem proper, in view of the time limit applicable and available as per the relevant Track, to which the Case is assigned.

(3) After the Written Submissions are filed, (with due 'Service' of copy to the other side), the matter shall be listed before the Registrar (Judicial), for the parties to indicate the time likely to be taken for arguments in the Appeal. Accordingly, the hearing of the matter shall be listed before the Judge, after getting confirmation from the Judge, on any clear date when the requisite extent of time may be available.

(4) The Court may direct the Registry to notify a Caution List, to meet with the eventualities when the listed case/s gets adjourned due to unavoidable reasons. In such eventuality the Cases notified on such Caution List of the Court, shall be taken up for hearing in seriatim.

14. Court may explore possibility of Settlement.- (1) At the first hearing of a First Appeal or any other Case, when both parties are present/are represented by their respective Advocates/Counselors, the Court may explore the possibility of a settlement. For the said purpose, with the consent of the parties/learned advocates, 21 days' time can be spared, which shall be outside the time limit prescribed for the case as per the Track in which the case is categorized. Furthermore, at any stage of the proceedings with the consent of the parties, the Court may entrust the Case for mediation, to Mediator(s), mutually agreed upon.

(2) If necessary, the process contemplated by Sec. 89 of CPC may be resorted to by the Appellate Courts, so that the hearing of the Appeal is not unnecessarily delayed.

(3) The Court shall before referring a Case for Mediation, fix a date for a Report by the Mediator(s) preferably within two months from the date of first sitting of such reference.

V. Appeals to Division Bench

15. Appeals from the Order/ Judgment of Single Judge of High Court.-

(1) In case of Appeals from Orders/Judgment' of the Single Judge, Advance notice of the appeal shall be invariably given to the opposite side or its counsel (who appeared before the Single Judge), along with the complete set of Appeal alongwith entire Paper-Book containing all documents, Reply Affidavits, etc. on the record of the case, before the Single Judge. If the Judgments of other High Courts or of Supreme Court or of some foreign countries are to be relied on, a complete list thereof shall be supplied to the Court in advance. Any reply/rejoinder to other sides' Written Submissions shall not be permissible.

(2) If all parties appear at the first hearing, it shall not be necessary to serve the Notice/Process of Rule to the opposite party (who appear at first hearing), by normal process, and the Court may at its discretion record the action to be taken, by the parties, by the next date of hearing.

(3) After the Appeal against interlocutory order is listed for hearing, all steps shall be taken to decide the Appeal against interlocutory orders within period of 30 days.

16. The *practice, procedure and requirements* with regard to and applicable to First Appeals shall mutatis mutandis apply in respect of Letters Patent Appeals and Original Side Appeals.

VI. Second Appeals

17. At the stage of Admission hearing, in addition to the questions of law, a brief 'Synopsis' and Written Submissions as regards each of the propositions, shall also be filed.

18. The Notice shall invariably contain an intimation to the Respondents to file their Written Submissions not later than 10 days from the service of the Notice.

VII. Civil Revisions

19. The practice and direction in regard to the Letters Patent Appeals and First Appeals to the High Court shall mutatis mutandis apply in respect of Revision Applications-Petitions. Except for unavoidable circumstances and for reasons to be recorded, endeavor should be made to decide the CRA, wherein stay order is passed, within 5 weeks and in other cases within the time prescribed under the relevant Track. The applicant, while filing CRA, shall supply sufficient copies of the entire Paper Book and record for all defendants and an Advance notice to the opponent or to the counsel who appeared in the Trial Court, shall also be given by the applicant with a copy of the Memo of CRA and entire record, to avoid adjournments.

VIII. Criminal Appeals

20. **Categorisation of Criminal Appeals into Tracks.**- (1) The Registry shall classify Criminal Appeals related to cases of:-
- (a) Capital punishment, Rape, Sexual offences, Dowry-death, in *Track-I*
 - (b) Other Cases where the accused is not granted bail and is in Jail, in *Track-II*;
 - (c) Cases which affect large number of persons such as the Cases of Mass-cheating, Economic offences, liquor tragedy, Food adulteration Cases, offences of sensitive Nature etc. in *Track-III*;
 - (d) Cases tried by special courts such as POTA, TADA, NDPS, Prevention of Corruption, etc. in *Track-IV*;
 - (e) Other matters like cases where bail is granted or acquittal matters, into *Track-V*.
- (2) All endeavor shall be made to dispose Track I Cases in Six (6) Months; Track II Cases in Nine (9) Months; Track III Cases in Twelve (12) Months, and Track IV and V cases in 15 months.
21. **Paper-Books in Appeal by State or persons in Jail:**- Whenever an Appeal is filed by a person in Jail, and also when Appeals are filed by the State, *the Court may, order in consultation with the Counsel for the State that the complete Paper-Books including evidence, shall be filed by the State within Three Weeks, after 'Notice' is issued to the other side.*
22. **Legal Aid Counsel in Acquittal Appeals:**- In Appeals against acquittals, *the Court may appoint State Legal Aid Counsel, in respect of the accused who do not have a lawyer of their own, or may direct that the steps shall be undertaken by the Registry or State Legal Services Authority as the case may be, immediately after completion of three weeks of service of Notice if the accused has not appointed a counsel.*

IX. Note

23. Whenever there is any inconsistency between these Rules and the provisions of either the Code of Civil Procedure, 1908 or the Code of Criminal Procedure, 1973 or Civil Manual and Criminal Manual or any Special Act or any Other Statute, and the Rules framed thereunder, the provisions of the Civil Procedure Code or Criminal Procedure Code or such other Statutes, as may be relevant and applicable, shall prevail.

High Court of Gujarat
Sola, Ahmedabad-380060.

18th April, 2016.

(Sd)/- Illegible,
I/c. Registrar General,

**BROAD CLASSIFICATION OF MATTERS FILED IN THE HIGH COURT FOR CASE FLOW
MANAGEMENT**

SCHEDULE: 1-A Part-I (Civil)

No.	Subject	FAST TRACK	NORMAL TRACK	SLOW TRACK
[I] SERVICE MATTERS (Writ Petitions)				
	Subject involving:			
i	Suspension	6 Months		
ii	Transfer	6 Months		
iii	Recruitment / Appointment	6 Months		
iv	Termination / Dismissal		12 Months	
v	Departmental Enquiries		12 Months	
vi	Promotion			36 Months
vii	Other Pay Scale matters			36 Months
[II] NON-SERVICE MATTERS				
	Under Article 226			
i	(Election / Contract / Tender / Licence / Demolition / Eviction Matters)	6 Months		
ii	Under Article 227 (Where stay is granted)	6 Months		
iii	Other matters including OJ Matters			24 Months
[III] INTERLOCUTORY APPLICATIONS				
	Civil Application for:			
i	Condonation of Delay	6 weeks		
ii	Early Hearing	10 days		
iii	Substitute Service	6 weeks		
iv	Bringing Legal Heirs on Records	3 Months		
v	For Stay / Interim Relief		4 Months	
	Misc. Civil Application for:			
i	Restoration	3 weeks		
ii	Clarification	2 Months		
iii	Directions	2 Months		
iv	Review	3 Months		
[IV] DIVISION BENCH MATTERS				
i	Letter Patents Appeal References Special Civil Applications Appeals/OJ Appeals		12 Months	
[V] FIRST / SECOND APPEALS				
	First Appeals:			
i	Hindu Marriage Petition / Workmen Compensation/ Gratuity etc.		12 Months	
ii	Motor Accidents Claim Petition / Land Acquisition Cases	} When claimant's Application Rejected		24 Months
	Second Appeals:			24 Months

(VI) REVISIONAL JURISDICTION				
i	CRAs	U/S 115, CPC Under Bombay Rent Act	6 Months	
ii	AOs		6 Months	

**BROAD CLASSIFICATION OF MATTERS FILED IN THE HIGH COURT FOR CASE FLOW
MANAGEMENT**

SCHEDULE :1-A Part-II(Criminal)

No.	Subject	FAST TRACK	NORMAL TRACK	SLOW TRACK
1	Bail (Temporary/Regular) / Parole/ } Applications Furlough }	3 Months		
2	Cancellation of Bail Applications	6 Months		
3	Quashing (Where Stay is granted)		12 Months	
4	Special Criminal Applications (Where Stay is granted)	6 Months / 12 Months		
5	Criminal Appeals			
	(i) Where imprisonment is less than 7 yrs. wherein Bail is not granted. (Single Judge)	6 Months / 12 Months		
	(ii) Where imprisonment is less than 7 yrs. wherein Bail is granted. (Single Judge)	In due Course		
	(iii) Section 138, Negotiable Instrument Act	6 Months		
	(iv) Where imprisonment is more than 7 yrs. wherein Bail is not granted. (Division Bench)		12 Months	
	(v) Where imprisonment is more than 7 yrs. wherein Bail is granted. (Division Bench)			2 Years
6	Acquittal Appeals	In due Course		
7	Revision Applications	6 Months / 12 Months		
INTERLOCUTORY APPLICATIONS				
8	Misc. Criminal Application for:			
i	Condonation of Delay	3 Months		
ii	Early Hearing	3 Months		
iii	Bringing Legal Heirs on Records	3 Months		
iv	For Stay / Interim Relief		6 Months	
v	Restoration	3 Months		
vi	Clarification	3 Months		
vii	Directions	3 Months		