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INFORMATION

తెలంగాణ రాజ పత్రము
RULES SUPPLEMENT TO PART- II
EXTRAORDINARY OF
THE TELANGANA GAZETTE
PUBLISHED BY AUTHORITY

No. 1]

HYDERABAD, WEDNESDAY, JANUARY 20, 2016.

NOTIFICATIONS BY HEADS OF DEPARTMENTS, Etc.,

—X—
JUDICIAL NOTIFICATIONS

**HIGH COURT OF JUDICATURE AT HYDERABAD FOR THE STATE OF TELANGANA
AND THE STATE OF ANDHRA PRADESH**

INSERTION OF A NEW CHAPTER XXI IN CIVIL RULES OF PRACTICE AND CIRCULAR ORDERS,
1980.

Notification No.3/SO/2016

RULES

Roc.No. 1013/SO/2005.- Under the provision of Sec. 122 of Code of Civil Procedure, 1908 and upon obtaining approval of the Governor of the State of Telangana by G.O.Ms.No.57, Law (LA, LA&J-Home-Courts.B) Department, dated 14/12/2015 the Case Flow Management in Subordinate Courts Rules, 2012 shall be inserted after Chapter-XX as Chapter-XXI in Civil Rules of Practice and Circular Orders 1980.

In exercise of the rule making power under part X of the Code of Civil Procedure, 1908 (5 of 1908) and Sections 89, 122 and 126 of the Code of Civil Procedure, 1908, the High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh frames the following Rules.

Chapter XXI

1. Title, application and commencement.- (1) These Rules shall be called the **Case Flow Management in Subordinate Courts Rules, 2012.**

(2) These rules shall apply to the suits and other Civil Proceedings instituted or pending before the Civil Courts or Tribunals subordinate to the High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh.

(3) These Rules shall come into force from the date of publication in the Official Gazette.

(4) These Rules shall be supplemental to, and not to the exclusion of the existing provisions under different enactments and subordinate legislation; that have any bearing on the subject.

2. Definitions – In these rules, unless the context otherwise requires

(a) "Ministerial Officer" shall mean, the Senior-most Officer in the Andhra Pradesh Ministerial Service Rules functioning in the concerned Court, or the Tribunal, entrusted with the functions under these Rules through specific or general orders issued by the High Court.

(b) "Presiding Officer" shall mean the Judge functioning in the concerned Court, or the Chairman of the Tribunal, as the case may be.

(c) "Court" shall mean the Civil Courts established under the A.P. Civil Courts Act or the Tribunals constituted under the different enactments, which are subordinate to the High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh.

3. Categorisation of suits and other proceedings. - (1) The Presiding Officer of the Court shall categorise the suits and proceedings in his Court into Track-I, Track-II, Track-III and Track-IV, in the following manner.

(a) **Track-I:** Cases pertaining to (1) Maintenance, (2) Child Custody, (3) Appointment of guardian and wards, (4) Visiting rights, (5) Letters of Administration, (6) Succession Certificate, (7) Recovery of Rent, (8) Permanent injunction.

(b) **Track-II:** Cases pertaining to (1) Execution, (2) Divorce, (3) Eviction.

(c) **Track-III** Cases pertaining to (1) Partition, (2) Declaration, (3) specific performance, (4) Possession, (5) Mandatory Injunction, (6) Appeals, (7) Damages, (8) Easements, (9) Trade Marks, Copy Rights, Patents, (10) Intellectual Property Rights.

- (d) **Track-IV:** Such other matters as are not included in Track-I to III.
- (2) The Presiding Officer shall endeavour to dispose of the cases in Track-I within 9 months, the cases in Track-II within 12 months and the cases in Track-III and IV within 24 months from the date of appearance or deemed appearance of defendant-respondent, in the proceedings.
- (3) The Presiding Officer, at the request of the parties and for valid reason may dispose of the case earlier than the time stipulated above, irrespective of the Track norms prescribed.
- 4. Summons.-** (1) The Summons/Notices issued in suit or proceeding shall indicate the maximum period of 30 days, for filing written statement/objection from the date of service.
- (2) (a) The plaintiff/petitioner shall file copy of the plaint, Interlocutory application, list of documents for service on the defendant-respondent.
- (b) The Plaintiff/petitioner shall furnish the correct postal address of the parties in the pleadings, as required under rule 14A of Order VI C.P.C., and the Court shall strictly adhere to the steps indicated in that provision.
- (3) (a) When the State, or Union Government or Public Servants of State or Union Government, in official capacity are made parties to the suit or proceeding, the summons or notice shall be served on the Government Pleader, appointed to that Court.
- (b) Summons or notice to statutory bodies and Corporations owned or controlled by the Government, shall be served on the authorised agents/standing counsel, if any, representing the said Institution.
- (c) The summons or notice served on the Government Pleader or authorised agents/standing counsel, if any, as stated in the preceding provisions shall be deemed to be a valid service and no separate notice to the State or Union Government or public servant or statutory bodies or Corporations of the Government shall be necessary.
- (4)(a) The process for service whenever directed shall be paid within seven days from the date of order. In default, the case shall be posted in List-I, for dismissal for non-prosecution.

(b) If the process is paid in time, the case shall be posted not later than 21 days from the date of issuance of summons or notice, for appearance, in case the service is to be effected within the same district, in which the Court functions, and 30 days, for others.

(c) Proof of service of notice issued to the plaintiff/petitioner under Order V Rule 9(A) shall be filed before the Court with necessary acknowledgement of service, and affidavit.

(5) (a) The envelope of the Summons/Notice sent by Registered Post or Courier shall bear written or printed instructions to the server to deliver summons or notice to the party and in his absence, to any adult member of the family. The acknowledgement of service shall be submitted to the Court.

(b) If notice/summons issued to defendant/respondent are returned with endorsements, indicating refusal or non-availability of the addressee, the Court shall order issuance of summons or notices through Court, or direct substituted service.

(c) If the service of summons/notice through courier is refused, and an affidavit, to that effect, sworn to by the serving agent of the courier is filed, the Court may set the defendant or the respondent ex-parte.

(6) The party lodging caveat under Section 148A, shall furnish in the petition, the registered address for service of summons or notice and the name and address of the Advocate on whom the copy of the summons/notice is to be served.

5. Calling of cases.- (1) The stages of the suit or proceedings in a Court shall be as follows:-

(a) Steps for service of summons/Notice.

(b) Appearance of the parties.

(c) Filing of Written Statement or cross-objections.

(d) Hearing of Interlocutory Application.

(e) Reference to "Arbitration, mediation and Lok Adalaths.

(f) Framing of issues (for suits).

(g) Recording of Evidence.

(h) Arguments.

(i) Judgment.

- (2) The Presiding Officer shall cause preparation of two cause-lists of the cases for the call work, every day.
- (3) The cases at the stages, of hearing Interlocutory Applications, making of reference to arbitration or mediation or Lok Adalath, recording of evidence, arguments and judgment shall be listed in cause list No.1.
- (4) The cases at the stage of steps for service of summons/notice, appearance, filing of written statement or cross-objections or rejoinder shall be listed in cause list No.II.
- (5) The case at the stage of appearance and other similar steps may be posted in List-I for necessary orders for expeditious service of summons/notice, if a report in this behalf is made by the party or his Advocate.
- (6)** (1) The cases listed in cause list No.I shall be called in Open Court by the Presiding Officer.
- (2) The Ministerial Officer shall attend to the cases listed in cause list No.II.
- (3) The record of the cases posted in List No.II shall be made available to the Advocates or Party for doing the needful, during the working hours of the court.
- (4) Filing of vakalath, written statement or objection or rejoinder and taking of the related steps shall be before the Ministerial Officer.
- (5) The Ministerial Officer may extend time for filing written statement for a maximum period of 90 days from the date of service of summons. Thereafter, the case shall be posted in List-I for necessary judicial orders.
- (6) Whenever the Advocate/Party fails to take steps or do the needful in the case posted in List-II and does not seek extension of time or whenever such extension is refused, the case shall be posted in List-I for necessary judicial orders.
- (7)** (1) The cases to be posted in List No.I for cross-examination and arguments shall be normally, be 10 and 4 respectively, and shall on the basis of month-wise and year-wise seniority.
- (2) List of cases, to be taken up for evidence and arguments shall be displayed 30 days in advance on the Notice Board of the Court.

(3) The Court, the Advocates, and the parties shall ensure that the cases are proceeded with, as per schedule.

8. Procedure regarding Interlocutory application and interim order:-

(1) In a suit or proceeding, an application filed for interlocutory orders shall be posted for hearing in the List-I immediately on the appearance of the defendant/respondent, whether or not an ex-parte interim order is passed therein.

(2) The ex-parte interim order granted shall not be communicated to the other side, nor a certified copy of the order shall be issued until the party complies with the provisions of rule 3 of Order XXXIX.

(3) The Interlocutory Applications shall be disposed of within 30 days from the date of appearance of the other side.

(4) Subsequent Interlocutory Applications in cases in List No.I may be filed on the date of hearing or earlier thereto, before the Ministerial Officer, duly serving notice on other side. Such Applications shall be posted in List-I for consideration, by the Judge.

9. Reference of cases to mediation, conciliation and Lok

Adalath.- (1) After written statement or counter is filed, the Presiding Officer shall explore the possibility of a Settlement between the parties, and if he finds that there exists such possibility, he shall proceed under Section 89 of the Code for reference to the Alternate Dispute Resolution Forum in the manner prescribed in the Andhra Pradesh (Alternate Dispute Resolution) Rules, 2005.

(2) Where a matter is referred to for arbitration or conciliation or Lok Adalath or for judicial settlement, it shall be dealt with in accordance with the provisions of the Arbitration and Conciliation Act, 1996 and the Legal Services Authority Act, 1987 as the case may be.

(3) When a matter is referred for mediation and the mediator submits the terms of settlement entered into between the parties, in writing in accordance with the Andhra Pradesh Civil Procedure (Mediation) Rules, 2005, the Court shall render judgment in terms of the settlement, provided that the terms of settlement shall not be opposed to law.

(4) If the matter is not settled through conciliation or mediation or by the Lok Adalath or judicial settlement, and it is referred back to Court, the Court shall proceed to dispose of the same on merits, in accordance with law.

10. Recording of Evidence.- (1) Recording of cross-examination of Witness shall be by the Court, and permission to record the same through Commissioner may be granted on being satisfied with the reasons furnished by the party.

(2) The Court shall fix the time limit for completing the recording of evidence by the Commissioner, wherever appointed.

(3) The Court may hand over such copies of the file, as may be necessary to the Commissioner, for recording of evidence, and under no circumstances, the original file shall be handed over to the Commissioner.

(4) In case any objection is raised by a party before the Commissioner, as regards marking of documents in the evidence, the Commissioner shall place the same before the Court, for decision on the objection.

(11) The cases in which recording of evidence is completed, shall be posted for arguments on a date not later than 15 days from the date of completion of the evidence. It shall be open for the parties or their counsel to deliver written arguments.

(12) On conclusion of the arguments, the Court shall reserve the matter for judgment and the judgment shall be pronounced on a day not later than two months from the date on which it is reserved.

Hyderabad.
19-01-2016.

CH. MANAVENDRANATH ROY,
*Registrar General,
High Court of Judicature at Hyderabad,
for the State of Telangana and the State of
Andhra Pradesh.*