



*Extraordinary*  
**Published by Authority**

FALGUNA 15]

WEDNESDAY, MARCH 06, 2019

[SAKA 1940

**PART I** - Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

**HIGH COURT AT CALCUTTA  
APPELLATE SIDE**

**NOTIFICATION**

**No. 869-G**

**Dated, the 6<sup>th</sup> March, 2019.**

**THE CALCUTTA HIGH COURT (CIRCUIT BENCH AT JALPAIGURI) RULES, 2019**

Further to the Calcutta High Court (Establishment of Circuit Bench at Jalpaiguri) Order, 2019, the High Court at Calcutta frames the following rules:

1. These Rules may be called the Calcutta High Court (Circuit Bench at Jalpaiguri) Rules, 2019. It shall come into force immediately upon its publication in the Official Gazette.
2. Interpretation.- In these Rules, unless the context otherwise requires:
  - a. "case" includes appeal, application, petition and reference as well as applications under Articles 227 and 226 of the Constitution of India, excluding Public Interest Litigations;
  - b. "Chief Justice" means the Chief Justice of the High Court at Calcutta;
  - c. "circuit" means Judge(s) on movement to Jalpaiguri to preside over courts of the Circuit Bench;
  - d. "districts" mean the judicial districts of Cooch Behar, Darjeeling, Jalpaiguri and Kalimpong, and also includes the administrative district of Alipurduar;
  - e. "Principal Bench" means a Bench consisting of one or more Judges holding court in the main seat of the High Court at Calcutta, at Kolkata;
  - f. "Circuit Bench" means a Bench consisting of one or more Judges of the High Court at Calcutta, holding court at Jalpaiguri.
3. One or more Judges of the High Court at Calcutta, but not exceeding four Judges at a time, shall be on circuit to Jalpaiguri, whenever nominated by the Chief Justice to preside over court(s) of the Circuit Bench for such period(s) as may be specified from time to time by the Chief Justice: Provided that the Judges shall be on circuit at least once a month unless the Chief Justice otherwise directs.



4. All cases originating in the districts shall ordinarily be instituted in and decided by the Circuit Bench by the relevant court(s) according to determination fixed by the Chief Justice.
5. Notwithstanding anything contained in rule 4, ~
  - (a) an appeal under Clause 15 of the Letters Patent directed against the judgment or order of one of the Judges of the Circuit Bench and any application relating thereto  
and
  - (b) any urgent application either under Article 226 or Article 227 of the Constitution of India, and any urgent civil or criminal case, originating in the districts

may be instituted in the Principal Bench and heard by the appropriate Bench at Kolkata, if the Circuit Bench is not in session:

Provided, however, that such of those appeals and applications which have not been disposed of, shall stand transferred to the Circuit Bench for being heard and decided by the next Circuit Bench.

- (c) If all the parties in any case, which has been instituted in the Circuit Bench, request the Registrar of the Circuit Bench in writing for such case to be heard in the Principal Bench and the Chief Justice agrees to such request, the said case shall then be heard by the Principal Bench.
6. All cases that have originated in the districts but which are pending for decision in the Principal Bench on the date of publication of these Rules shall not stand transferred to the Circuit Bench, and shall be heard and decided by the Principal Bench:  
Provided, however, that the Chief Justice may assign any such case or classes of cases to the Circuit Bench for hearing and decision.
7. The Chief Justice shall appoint the Registrar, the Deputy Registrar and the necessary staff required for smooth functioning of the Circuit Bench.
8. The Registrar of the Circuit Bench at Jalpaiguri shall be the Taxing Officer of the Court, and the Chief Ministerial Officer of the Registry shall be the Stamp Reporter for all cases originating in the districts.
9. The duties allotted to the Deputy Registrar in the Appellate Side Rules of the High Court at Calcutta shall be performed by the Deputy Registrar of the Circuit Bench appointed by the Chief Justice.
10. In the event of absence of the Registrar when the Circuit Bench is in session or otherwise, save as hereinafter provided, the jurisdiction and duties of the Registrar shall be exercised and performed by the District & Sessions Judge, Jalpaiguri, who shall report daily to the High Court at Calcutta.
11. Preparation of Paper-Books in respect of any case originating in the districts, which in terms of these Rules is required to be heard and decided by the Circuit Bench, shall be in accordance with the provisions in Chapter IX of the Appellate Side Rules of the High Court at Calcutta, and reference to "the Officer-in-Charge of the Judicial Department", wherever it occurs in those Rules, shall be read as the Deputy Registrar, for the purposes of these Rules.
12. In respect of any other matter relating to a case originating in the districts, which in terms of these Rules is to be instituted in and decided by the Circuit Bench and for which specific provisions have not been made in these Rules, shall be governed by and/or dealt with in terms of the Appellate Side Rules of the High Court at Calcutta, as applicable to such matters, *mutatis mutandis*.

Sd/-

(BISWANATH SOMADDER)  
ACTING CHIEF JUSTICE