

In exercise of the powers conferred by Sections 122 and 129 of the Code of Civil Procedure, 1908 and Section 7 of the Delhi High Court Act, 1966 (Act 26 of 1966) and all other powers enabling it in this behalf, the High Court of Delhi, hereby makes the following amendments in Rules 5, Chapter 1-A(a) and Rules 7 & 8, Chapter 1-F, the High Court Rules & Orders, Volume V published in Notification No.208/DHC/Rules dated 5th August, 1988, in Delhi Gazette, Part III dated 1st December, 1988 :-

In Chapter 1-A(a), the following shall be substituted for existing Rule 5 and be read as under :-

Rule 5(1) The Deputy Registrar/Assistant Registrar, In-charge of the Filing Counter, may specify the objections (a copy of which will be kept for the Court Record) and return for amendment and re-filing within a time not exceeding 7 days at a time and 30 days in the aggregate to be fixed by him, any memorandum of appeal, for the reason specified in Order XLI, Rule 3, Civil Procedure Code.

Rule 5(2) If the memorandum of appeal is not taken back, for amendment within the time allowed by the Deputy Registrar/Assistant Registrar, in charge of the Filing Counter under sub-rule (1), it shall be registered and listed before the Court for its dismissal for non-prosecution.

Rule 5(3) If the memorandum of appeal is filed beyond the time allowed by the Deputy Registrar/Assistant Registrar, in charge of the Filing Counter, under sub-rule (1) it shall be considered as fresh institution.

Explanation : The period of seven days or thirty days mentioned above shall commence from the date, the objections are put on the notice board.

Note: The provisions contained in Rule 5(1), 5(2) and 5(3) shall mutatis mutandis apply to all matters, whether Civil or Criminal.

In Chapter 1-F Rules 7 & 8 (added vide the aforesaid Notification) shall stand deleted.

The amendments shall come into force immediately.

By Order of the Court,
S.C. JAIN, Registrar