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**In the High Court of Judicature for Rajasthan
Jaipur Bench**

**Civil First Appeal No.11/1992
State of Rajasthan *Versus*
Shri Krishanlal & Ors.**

Date of Order : 09/03/10

***Hon'ble Mr. Justice Ajay Rastogi
Hon'ble Mr. Justice Mahesh Chandra Sharma***

Mr. Dinesh Yadav, AAG, for appellant
Mr. Prem Kumar Sharma, for respondents

The question, referred to by learned Single Judge for consideration before us vide order dt.25th September, 2008, is ad infra:

“Whether in civil first appeal, preparation of paper book is necessary or not as per provisions of Chapter-13 of the High Court Rules ?”

It has been brought to our notice that R.176 of Rules of the High Court of Rajasthan, 1952 (*“High Court Rules”*) has been amended vide Rules of the High Court of Rajasthan (Amendment), 2009 w.e.f. 15th October, 2009, which reads ad infra:

“2. Amendment of sub-Rule (1) of Rule 176.- Following punctuation and words be inserted in between words “First Appeal shall” and “consist of” in sub-rule (1) of Rule :-
“if required”.

R.176(1) duly amended (supra) being relevant reads ad infra:

"176. Paper book in First Appeal. -

(1) The paper book in a First Appeal shall, *if required*, consist of a fly sheet, an index and copies of the following papers, namely :-

- (a) plaint;
- (b) written statements;
- (c) further pleadings, if any;
- (d) statements of parties or their pleaders recorded under rules 1 and 2 of Order X of the Code;
- (e) judgment under appeal;
- (f) decree under appeal;
- (g) memorandum of appeal;
- (h) such evidence, oral or documentary papers as the appellant may wish to refer to;
- (i) memorandum of cross-objection, if any; and
- (j) such other evidence, oral or documentary or other papers as the respondent may wish to refer to."

Sub-rule (2) to R.176 was also substituted vide Rules of the High Court of Rajasthan (Amendment) 2009 w.e.f. 15th October, 2009, ad infra:

(2) Unless otherwise ordered, no paper book shall be required in first appeal to be heard by a single judge."

In view of amendments made in R.176 of High Court Rules (supra), it is for the Court to decide as to whether paper book in first appeal is required or not; and that being so,

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it is not mandatory for submitting paper book in first appeals to be heard by a Single Judge unless otherwise ordered under Chapter XIII of High Court Rules. Amendment made in R.176 (supra) is a complete answer to the issue having been referred to before us for consideration, which is accordingly answered.

Matter may now be placed before regular bench hearing first appeals.

[MAHESH CHANDRA SHARMA], J.

[AJAY RASTOGI], J.