

### CHAPTER III: POWERS OF REGISTRAR

#### 8. Powers of the Registrar: The Registrar shall have the power to:

- (1) Receive all election petitions presented to the Court.
- (2) Decline the registration of a clerk, who in his opinion, is not sufficiently qualified, or is otherwise unsuitable to be registered as such, by providing reasons in writing, or may remove from the name of any clerk from the record after giving him and his employer an opportunity to show cause against such removal. Intimation of every order of removing a clerk from the register shall be given to the Secretary, Advocates' Association.
- (3) Be the final authority on
  - (a) all defects found during scrutiny and
  - (b) on disputes amongst the Advocates or parties-in-person and the scrutiny officers or authorised technological tools regarding any defect found in the pleadings filed in a case.
- (4) Allow an Advocate additional time, not exceeding \_\_\_ days, to rectify defects found in the pleadings of a case filed.
- (5) Allow an Advocate additional time to pay the process fee for the notice to be reissued due to unsuccessful delivery, not exceeding \_\_\_ days, as prescribed in these Rules.
- (6) Dismiss a case if an Advocate does not resubmit the rectified pleadings after scrutiny or does not pay the process fee within the prescribed period.
- (7) Decide whether notice is to be issued or the appeal is to be posted before the appropriate Bench for admission in appeals against original orders of the Subordinate Courts under enactments other than the Code of Civil Procedure, where an appeal lies as of right both on facts and on law.
- (8) Post before a proper Bench for admission, appeals against appellate decrees and orders of Subordinate Civil Courts, and original orders under any enactment which gives a right of appeal against such orders only upon specified conditions or restrictions.
- (9) Fix the date of return of any notice subject to the directions of Court, if any.
- (10) Dispense with service of notice to respondents, other than minors, under the provisions of Order XLI Rule 14 of the Code of Civil Procedure.
- (11) Fix the date of hearing of any matter subject to the directions of the Court.
- (12) Postpone or adjourn cases ready for hearing on the written request of parties or their Advocates, with notice to other Advocates appearing in the case.

(13) Decide on the following applications:

- (a) Dispensation of production of annexures as required by these Rules
- (b) Return of documents in disposed matters;
- (c) Permission to take documents from the custody of the Court in pending matters;
- (d) Issue of certified copies for a third party, if they request for documents other than the judgment, decree or orders in a case;
- (e) Application regarding extension for collecting printed certified copies.
- (f) Inspection or search of records of any matter pending in the High Court;
- (g) Change or revocation of vakalat or for withdrawal of appearance;
- (h) Withdrawal of a case before notice is issued to the opposite party, provided such withdrawal is without liberty to file a fresh case on the same cause of action;
- (i) Substitution, except where the substitution would involve setting aside an abatement or where the period of limitation, if any, has expired;
- (j) Change or discharge of the Advocate on record;
- (k) Deposit of judicial deposits into Court and their refund;
- (l) Extending the returnable date of warrants;
- (m) Appoint or discharge a next friend or guardian of a minor or a person of unsound mind and direct amendment of the record in this regard;
- (n) Amendment of pleadings with the consent of all the appearing parties, or where the other side has not appeared;
- (o) Uncontested interlocutory applications (for example, correction of memorandum of appeals/description of parties/, amendment of cause title; amendment of record except in cases in appeal to the Supreme Court, etc.);
- (p) Imposing costs on the party in default of the Registrar's orders;
- (q) Uncontested applications regarding the dispensation of the need to translate a document into English;
- (r) Whether an empanelled courier agency shall be removed or not based on the recommendations of the Committee formed for such purpose by the High Court.

- (s) to decide an application for engaging a translator or interpreter from the panel approved by the Chief Justice;

Provided that the Registrar may in their discretion refer any proceeding before them for the decision of the Court.

## **9. Official Seal of the High Court**

- (1) The official seal to be used in the Court shall be kept in the custody of the Registrar.
- (2) Subject to any general or special directions given by the Chief Justice, the seal of the Court shall not be affixed to any document save under the authority of the Registrar.

**10. Delegation of Powers:** The Registrar may, with the prior approval of the Chief Justice, delegate any of their powers under these or other Rules to the Additional Registrar, Joint Registrar, Deputy Registrar, or the Assistant Registrar.

This shall be prescribed in detail in the Practice Directions that are to be read with these Rules.

**11. Quasi-Judicial Functions of the Registrar:** The Registrar while exercising his powers under this Chapter shall be deemed to be performing quasi judicial functions within the meaning of Section 128(2)(i) of the Code of Civil Procedure, and shall have the power of correction under Section 152 of the Code of Civil Procedure for all orders passed by them in exercise of their powers.

**12. Appeal against Order of Registrar:** Any party dissatisfied by an order or direction of the Registrar made or given in the exercise of powers under these Rules may require that the matter be placed before a Judge for further consideration, with reasons for such an appeal provided in writing.