

CHAPTER VIII: LISTING

81. First Listing: All cases shall be listed for admission within __ days of the filing of pleadings.

82. Preliminary Listing in a Writ Appeal:

- (1) Every writ appeal, after it has been registered and numbered, shall be posted before a Bench consisting of not less than two Judges, other than the judge from whose order the appeal is preferred, for a preliminary hearing. Upon hearing the appellant or his Advocate, the Court may dismiss the appeal or direct issuance of notice to the respondent.
- (2) Upon directing the issuance of notice to the respondent, the Court may, if it thinks fit, grant such interim relief to the appellant, upon such terms as it may consider just and proper.

83. Second Listing: Cases shall be listed for the second time only when the notices to all the respondents have been served, and the time provided to the respondents to appear before the Court has lapsed.

84. Hearing: Cases are said to be ready for hearing when the respondents have submitted their objections/counter-statements and the records called for from the Lower Court have been received.

85. Ex-parte Orders:

- (1) A party against whom an ex-parte order has been made shall be entitled to apply to the Court to discharge or vary the said order, after giving notice to the party or parties who are likely to be affected by such order of discharge or variation. Such notice may be served on the Advocate for the parties.
- (2) Every application made under Sub-Rule (2) shall be posted for orders before the Court as early as possible, but not later than __ days from the date of presentation.
- (3) Whenever an ex-parte interim order made in a writ petition is required or directed to be served on any person or authority not impleaded as a party to the petition, a copy of the order to be so served shall be accompanied by a copy of the petition, affidavit and the annexures thereto.
- (4) An ex-parte order passed by the Court in an interlocutory application before service of notice on the respondents to the application, shall not be communicated to the Subordinate Court or the authority or the party affected by it, unless the applicant has paid the process fee and provided all the addresses of the respondents to indicate that the service of notice is being attempted.

86. Cause List:

- (1) There shall only be one cause list per court hall. The cause list shall be categorised stage-wise and shall adhere to the prescribed stages only.

- (2) The stages in all types of cases are laid down in a standardised format with their meaning in the High Court's Practice Directions. No new categories shall be created within the cause list apart from these prescribed stages.
- (3) After each hearing, the case shall be provided with a specific date for the next hearing, which will be available on all dashboards. The Bench may also provide a specific time slot for the case to be heard on the date given, as far as possible.
- (4) The cause list shall continue to be automatically generated for each courtroom as per the date and/or time provided for each case.
- (5) If a case listed on a specific date is not heard, the Bench shall provide the next date of hearing, and the case shall be heard on priority of that date.
- (6) The cause list shall contain the names of the parties in each case, the names of the Advocates as they appear in the vakalatnama, the names of any Senior Advocate arguing on a particular day, and a link to the case information on the Court's website.
- (7) When an Advocate has issued a no objection certificate vakalat 'to engage any other counsel' or has issued a blank 'no objection' to engage any other counsel, their name should not be shown in the cause list.
- (8) The cause list shall contain links to the video conferencing for each court hall.

87. Prioritisation of Cases:

- (1) The Court shall develop and prescribe a detailed framework in its Practice Directions to prioritise certain types of cases. This framework shall provide how often cases are listed and the sequencing of hearings.
- (2) All other cases, apart from those accorded priority, shall be listed periodically in the order of their filing, following a first-in, first-out principle.
- (3) The Court shall also prescribe a detailed framework to dispose of cases pending for over ten years.

88. Listing of Part-Heard Matters:

- (1) All cases which remain part-heard at the end of any day shall be posted before the same Bench which originally heard the arguments. Such matters shall be listed on priority.
- (2) When a part-heard case is not taken up for a period of __ days or more, in urgent cases, an application may be filed, citing reasons, requesting that the matter be listed before another Bench with the leave of the Chief Justice.

89. Listing of Certain Criminal Cases:

- (1) All matters arising out of the same crime, or where the accused is the same, shall be listed before the same Bench. This is to be strictly adhered to with respect to petitions under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.
- (2) Bail applications under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 shall be listed before the same Bench which decided any earlier bail application in the same First Information Report.

Provided that if such a Bench is unavailable, it shall go to the next Bench that handled such applications. If such a Bench is not available, the case will be heard by the regular Bench as per the roster.

90. Exchange of List of Authorities: Before the date of hearing, counsel shall exchange lists of authorities they propose to cite and file a copy thereof into Court, and, unless the Court approves it, no authority other than those appearing in the lists shall be cited.

91. Disposal of interlocutory applications: Interlocutory applications shall be posted for disposal within __ days from the day fixed for appearance once the notice is served.

92. Adjournments:

- (1) In the event an Advocate wants a hearing adjourned, they shall request the Registrar for an adjournment, with reasons provided in writing, at least 24 hours before the matter is to be heard in Court.
- (2) The Registrar shall grant the adjournment if Advocates from both sides have requested one. The case shall not be listed in such circumstances.
- (3) If the adjournment is requested by the Advocate of only one party, the request shall be forwarded by the Registrar to the Bench. The case shall continue to be listed in such circumstances, and the Bench shall decide on the adjournment in the open court. If an adjournment is granted, the Bench shall give the next date of hearing.
- (4) More than two adjournments sought consecutively by an Advocate for a party may lead to ex-parte hearing or a penalty for the Advocate.

93. Rule Nisi in Writ Proceedings:

- (1) At the first hearing, if the Court is satisfied, it may issue a *rule nisi* calling on the respondent to show cause why the requested order should not be made and adjourn the case for hearing.

Provided that the Court may first issue a notice asking the respondent to show cause why a *rule nisi* should not be issued, and may also require the filing of objections and documents. If such a notice is issued, the Court may dispense with issuing a *rule nisi* and decide the case on merits.

- (2) The notice to be issued to the respondents upon the making of the order of *rule nisi* shall be in the prescribed format. This notice shall be served through email, as prescribed in Rules 55 and 72. The respondents shall, if directed, produce in Court on the date of appearance all the records, orders and documents concerning the matter in question which are in their custody or power.
- (3) The response, if any, to the *rule nisi* showing cause against such petition shall be made by filing in Court objections supported by an affidavit, within ___ days after the expiry of the time fixed for appearance, or such earlier time as the Court may direct. The petitioner may file a reply to the objections supported by an affidavit within __ days of the objections being filed, or such earlier time as the Court may direct. The reply shall not raise any new ground in support of the writ petition. No further statement or affidavit shall be filed by any party except with the leave of the Court.
- (4) The Court may, in its discretion, at any time before a final order is made on the petition, order the *rule nisi* to be served on any person who, in the opinion of the Court, is likely to be affected.
- (5) A petition seeking the issue of a writ in the nature of habeas corpus shall be posted before a Bench of two Judges for a preliminary hearing. Upon hearing the petitioner or his Advocate, the Bench, if satisfied, shall direct a *rule nisi* to issue to the respondent against whom the order is sought. The Bench shall call upon the petitioner to appear on a date to be fixed therein to show cause why the order sought should not be made and may also further direct them to produce in Court the person or persons alleged to have been illegally or improperly detained, to be dealt with according to law.
- (6) On the date fixed for hearing or on any subsequent date to which the hearing thereon may be adjourned, the Court shall dispose of the petition. An order for release made by the Court under the preceding Rule shall be sufficient warrant to any jailor, public authority or other person for the release of the person under restraint.

94. Written Arguments:

- (1) Each party shall submit written arguments supporting their case once the case is ripe for arguments and before oral arguments are made in the court.
- (2) Advocates shall try to restrict their oral arguments to only the most significant aspects of the case and any additional points that have not been covered in the written arguments.