

PART B.—JURISDICTION OF A SINGLE JUDGE
AND OF BENCHES OF THE COURT.

Cases
ordinarily
to be
heard by
single
Judge.

1. ^[1]Subject to the provisions hereinafter set forth the following classes of cases shall ordinarily be heard and disposed of by a Judge sitting alone :—

- (i) a motion for the admission of First Appeal against decree of subordinate court, Regular First Appeal under the Land Acquisition Act, Regular Second Appeal, First Appeal against orders, First Appeal against order under Central or State Acts, unless otherwise provided in the Act, Execution First Appeals, Execution Second Appeals, Second Appeal against orders, Second Appeal against order under Central or State Acts unless otherwise provided in the Act, Civil Revision Petitions and any other application or petition under Code of Civil Procedure or under any Central or State Act, unless otherwise provided in the Code or Act.]

^[3](a) ^[2]*Explanation*:-The preliminary hearing for the admission of Letters Patent Appeals, Civil Appeals (Contempt), Company Appeals, Sales Tax Cases and Gift Tax Cases shall be before a bench of two judges.]

^[3](b) *Explanation*.— Appeals against the decree or order passed under Hindu Marriage Act, 1955 and under Guardian and Wards Act, 1870 shall be heard and disposed of by a bench of two Judges or more.]

^[4]Provided that the appeals against the orders of the Company Law Board for the purpose of preliminary as well as final hearings shall lie before the Company Judge exercising original jurisdiction of the High Court.]

- (ii) A Regular First appeal irrespective of the value of the subject matter;
- (iii) a second appeal irrespective of the value of the subject matter;
- (iv) an appeal from an order under the Code of Civil Procedure and from an order passed in the execution of a decree;
- (v) a civil appeal, application or reference under any Act of the Central or State Legislature other than the Code of Civil Procedure and other than the Indian Divorce Act, if such appeal, application or reference is not otherwise expressly provided for;

1. **Rule 1(i), substituted vide Correction Slip no. 81 Rules/II.D.4, dated 28.3.1984.**
 2. **Substituted vide Correction Slip no. 118 Rules/II.D.4, dated 31.1.2007.**
 3. **Inserted vide Correction Slip no. 151 Rules/II.D.4, dated 20.08.2011.**
 4. **Added vide correction slip No.119 Rules/II.D.4, dated 16.04.2007.**

- (vi) an appeal under the Land Acquisition Act irrespective of the value of the subject matter;

Explanation.—Nothing in sub-rule 1 (b), (ii), (iii) and (vi) shall prevent a Judge sitting alone to refer any appeal to a larger Bench with the approval of the Chief Justice.

- (vii) appeal relating to costs only;
- (viii) an application, under section 22 or 23 of the Code of Civil Procedure, for an order determining in which of several Courts having jurisdiction a suit shall be heard, and an application for an order for the transfer of a case from one subordinate court to another;
- (ix) an application under Order I, Rule 8, 10 or 11 read with section 107 of the Code of Civil Procedure;
- (x) an application for an order extending the time for, or directing any particular method of service of notice on a respondent ;
- (xi) an application for the withdrawal of an appeal or application, or for a consent decree or order;
- (xii) a motion to admit an application and an application when admitted, for an order, under Order XXXII, Order XXXIX, Order XL, or Order XLI, Rule 5 or 6 of the Code of Civil Procedure, a motion to admit an application for an order under Order XXII or under Order XLI, Rule 10, and in a case in which the appeal is within the jurisdiction of a Judge sitting alone an application when admitted, for an order under Order XXII or under Order XL, Rule 10 ;
- (xiii) a motion to admit an application, and in a case in which the appeal is within the jurisdiction of a Judge sitting alone, an application when admitted, under Order XLIV , Rule I of the Code of Civil Procedure for permission to appeal in *forma pauperis* ;
- (xiv) an application under Order XLV of the Code of Civil Procedure, other than an application for a certificate under Order XLV, Rule 2 in a case disposed of by a Division Bench ;
- (xv) a motion to admit an application, and an application, when admitted, under section 44 of the Punjab Courts Act or under Section 25 of the Provincial Small Cause Courts Act, 1887, or under the first proviso to sub-section (1) of Section 75 of the Provincial Insolvency Act, 1920 or under Article 227 of the Constitution of India ;

(xvi) any other application-

(a) which under these rules is not expressly required to be made to a Bench of two or more Judges ; or

(b) which is made in any matter within the jurisdiction of a Judge sitting alone and which is not otherwise expressly provided for ;

(xvii) a reference under Order XL VI of the Code of Civil Procedure or under section 99 or section 100 of the Punjab Tenancy Act ;

(xviii) a suit coming before the Court in the exercise of its extraordinary original civil jurisdiction ;

(xix) ¹[(a) Application or petition under Article 226 of the Constitution of India for the issue of any directions, orders or writs in the nature of *mandamus*, *prohibition*, *quo warranto* or *certiorari* or for the enforcement of the fundamental rights conferred by Part III of the Constitution of India or for any other purpose except the hearing of such application or petition in respect of :-

(i) Public Interest Litigation;

(ii) Green matter;

(iii) Petitions against orders of Central Administrative Tribunal;

(iv) Tax Matters;

(v) Petitions challenging Compulsory Acquisition of Land/Immovable Property *including matters in respect of the Change of Land use* ²*except those challenging valuation of the acquired land or apportionment of compensation*;

(vi) Writ Petitions questioning the vires of any statutory provision;

(vii) Election matters challenging the Election process in relation to Parliament, Legislative Assemblies, Municipalities and Panchayats; disqualification of Members of the Legislative Assembly and Parliament;

(viii) Tender matters;

(ix) Matters in respect of resumption of land/plot or building under the Urban Development Laws of the States of Punjab, Haryana and Chandigarh;

1. Amended vide Correction Slip no. 147 Rules/II.D.4 dated 12.07.2011.
2. Inserted vide Correction Slip no. 195 Rules/II.D.4 dated 06.03.2024.

- (x) The matters challenging the action of the Financial Institutions under the State Financial Corporations Act, 1951 & the Recovery of Debts due to Banks and Financial Institutions Act, 1993 & Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002;
- (xi) All Service matters of the Judicial Officers;
- (xii) The Petitions in respect of the rights in Mines and Minerals, Village Common Land and Consolidation of Land Holdings; and
- (xiii) Any other matter with the orders of the Chief Justice.

shall be before a Bench of two Judges.]^[1]

- (b) A proceeding of a civil nature under a special Act of the Central or State Legislature coming before the Court in the exercise of its original jurisdiction, e.g., under the Indian Trusts Act, 1882, the Companies Act, 1956, the Inventions and Designs Act, the Indian Divorce Act, the Indian Succession Act, the Guardians and Wards Act or the Banking Companies Act, 1949 ;

^[2]~~(xx)~~ A motion to admit and finally dispose of an appeal or a petition for revision or any other application or reference under the Code of Criminal Procedure or any Central or State Act, unless otherwise provided in the Code or Act other than-

- (a) an appeal or reference or a petition for enhancement of sentence in a case in which a sentence of death or of imprisonment for life has been passed ;
- (aa) an application by the complainant, under section 378(4) of the Code, for the grant of special leave to appeal from an order of acquittal ;
- (b) an appeal under section 378 of the Code from an order of acquittal ;]

^[3] [Provided that such an appeal from an order of acquittal in a case of an offence punishable with imprisonment not exceeding ten years shall be heard finally by a single Judge.]

1. Amended vide Correction Slip no. 147 Rules/II.D.4, dated 12.07.2011.
 2. Substituted vide Correction Slip no. 81 Rules/II.D.4, dated 28.3.1984.
 3. Added vide correction slip no 24 Rules/II.D.4, dated 11.08.1995.

- (c) a case in which notice has issued to a convicted person who has been sentenced to imprisonment for a term of seven years or more to show cause why the sentence should not be enhanced ;
- (d) A case in which notice has issued to a convicted person requiring him to show cause why his conviction should not be altered to one of any offence punishable only with death or imprisonment for life ;
- ^[1][(e) An appeal against the conviction wherein the sentence of more than 10 years imprisonment or death has been awarded.]

Explanation.—Preliminary hearings for admission of-

- (i) a petition for enhancement referred to in sub-clause (a); and
- (ii) an application for grant of special leave to appeal under sub-clause (aa); and
- (iii) an appeal under section 378 referred to in sub-clause (b).

^[1][(iv) An appeal against the conviction wherein the sentence of more than 10 years imprisonment or death referred to in the sub-clause (e) has been awarded.] shall be before a Bench of two Judges.

^[2][Provided that an appeal from an order of acquittal in case of offence punishable with imprisonment not exceeding 10 years shall be heard by a Single Bench.]

- (xxi) A case coming before the High Court in the exercise of its ordinary or extraordinary original criminal jurisdiction (including a case under Article 226 of the Constitution of India).

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1. **Added vide correction slip No. 81 Rules/II.D.4, dated 28.03.1984.**
 2. **Substituted vide Correction Slip no. 118 Rules/II.D.4, dated 31.1.2007.**
 3. **Explanation to sub-rule (xxi) deleted vide Correction Slip No. 125 Rules/II.D.4. dated 22.10.2008**

Provided that-

- (a) a Judge may, if he thinks fit, refer any matter mentioned in any of the clauses of this rule other than clauses (x), (xviii) or (xx), and with the sanction of the Chief Justice, any matter mentioned in clauses (xvii) and (xx) to a Division Bench of two Judges,
- (b) a Judge before whom any proceeding mentioned in clause (xviii) is pending, may, with the sanction of the Chief Justice, obtain the assistance of any other Judge or Judges for the hearing and determination of such proceeding or of any question or questions arising therein.

^[1][(xxii) the appeals filed before the High Court under :-

- (a) Section 35 of the Foreign Exchange Management Act, 1999;
- (b) Section 42 of the Prevention of Money-laundering Act, 2002 and
- (c) Section 49 of the Prohibition of *Benami* Property Transactions Act, 1988

shall be placed before the Bench of two Judges.]

Bench in cases of misconduct of Advocates.

2. (i) Every case for professional or other misconduct against an Advocate shall be laid before the Honourable the Chief Justice or a Judge nominated in this behalf for an order under section 10(2) of the Indian Bar Councils Act, 1926, as to whether it be rejected summarily or whether an inquiry be held. If an inquiry is ordered, the case shall, after receipt of the findings of the Tribunal or the District Judge, be heard by a Bench of three Judges.

Bench in cases of misconduct of Pleaders.

(ii) A disciplinary case against a Pleader, under the Legal Practitioners Act, in which the Honourable the Chief Justice or a Judge nominated in this behalf considers that there are grounds for proceeding further shall be heard by a Bench of two Judges.

Bench for review of orders in such cases.

(iii) An application for the review of an order, passed in a case of misconduct against an Advocate or Pleader shall be laid before the Bench which made the order under review :

Provided that if, for any reason, a member of the Bench is unable to sit on the Bench for the reconsideration of its order, the Honourable the Chief Justice may nominate another Judge in his place.

3. Except in a case which the law requires to be heard by a Bench of two or more judges, a single Judge whilst acting in the long vacations as a Vacation Judge/s, may exercise the original and appellate jurisdiction vested in the Court-

Jurisdiction of a Vacation Judge sitting singly.

- (i) in any criminal case other than one mentioned in exceptions (a), (b), (c) and (d) of clause (xx) of Rule 1 ;
- (ii) in any civil matter ;
- (iii) in any matter connected with, relating to or arising out of a writ petition under Article 226 of the Constitution including the preliminary hearing for the admission or disposal of such a petition ; and
- (iv) in any miscellaneous business, which in his opinion requires immediate attention.

4. Save as provided by law or by these rules or by special order of the Chief Justice, all cases shall be heard and disposed of by a Bench of two Judges.

All cases to be disposed of by a bench of two Judges save as provided by law or these rules.

5. ¹[In cases not provided for by Order XLVII, Rule 5, an application for a review of a decree or order shall be heard by a Bench consisting of as many Judges as the Bench the review of whose decree or order is applied for.]

Hearing of review applications.

6. A full Bench shall ordinarily be constituted of three Judges, but may be constituted of more than three Judges in pursuance of an order in writing by the Chief Justice.

Constitution of Full Bench.

7. The Chief Justice shall nominate the Judges constituting a Full Bench.

Judges of full Bench shall be nominated by the Chief Justice.

8. The Judge or Judges of a Bench by whom any question or case is referred shall ordinarily be members of the Division Bench or Full Bench, as the case may be, appointed to consider such question or case.

Judge or Judges who refer a case shall ordinarily sit on the Bench which considers the reference.

9. If a majority of a Full Bench of three Judges so determine, by order in writing at any time before final decision, the Full Bench for the decision of any question or cases referred to a Full Bench of three Judges shall be constituted by four or more Judges according to such direction.

Case when a Full Bench shall consist of 4 or more Judge.