

వినియోగపాక్కు

E-mail:

viniyogahakku@gmail.com viniyogahakku

ఎడిటర్-డివి. లక్ష్మీనారాయణ

consumers news website

సెల్ - 9948774542

www.viniyogahakku.com

అక్టోబరు

2018

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కోర్టులలో సర్టిఫైడ్ కాపీలు పొందేవారు వినియోగదారులే

జాతీయ వినియోగదారుల వివాదాల పరిష్కార కమీషన్ (నేషనల్ కమీషన్) సుదీర్ఘ విచారణ జరిపి, కోర్టులో నకలు కొరకు దరఖాస్తు చేసి ఫీజు చెల్లించిన వారు చట్ట ప్రకారం వినియోగదారులుగా పరిగణింపబడతారని నిర్ధారించింది. అలాగే ఫీజు తీసుకుని నకళ్లు జారీచేయటం సేవల క్రిందకు వస్తుందని ఉత్తర్వు జారీ చేసింది. ఇక నకళ్ళు జారీచేయటం న్యాయ వరమైన విధులు కాదని, (జూడిషియల్ ఫంక్షన్) వరిపాలనా వరమైన విధులని (ఎడ్మినిస్ట్రేషన్ ఫంక్షన్) తీర్పు వెలువరించింది. కాబట్టి పరిపాలనా వరమైన విధులలో సేవలోపాలు చట్టం వరిధిలోపస్థాయని స్పష్టంచేసింది. ఆ వేరకు రివిజనపీటిషన్ నంబరు 2135/2000 కేసులో (2002 (3) సిపిఆర్(160 ఎన్సి)) నేషనల్ కమీషన్ వెలువరించిన ఆ తీర్పు ఇప్పటికీ అమలులో ఉంది. కోర్టులలో సర్టిఫైడ్ కాపీలు పొందటం ఇలా

CIVIL RULES OF PRACTICE AND CIRCULAR ORDERS

CHAPTER -XV

Copies and Copyist Establishment Certified Copies

188. Persons entitled to apply for copies--(1) Any party to a suit or proceeding shall be entitled to obtain copies of judgments ,decrees,or orders made or of any documents exhibited in such suit or proceeding on payment of charges in the manner prescribed under these rules.

2) Any person who is not a party to a suit or proceeding requiring,copies of judgments,decrees or orders made or of any documents exhibited in such suit or proceedings ,may apply to the court for grant of such copies by duly stamped petition supported by an affidavit stating the purpose for which the copy is required.

Provided that,in cases of doubt whether,the copy applied for should be furnished,the application shall be placed before the judge for his decision.If the application is refused by the judge it shall be returned to the applicant with the order of judge en-

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dorsed on it.

189. Copies of confidential papers- Nothing in these rules shall entitle a person to a copy of (a) judge's notes or minutes, (b) Correspondence not strictly judicial and (c) confidential Correspondence.

190) Application for certified copy--(1) A person entitled to obtain a copy or who has obtained an order of court under these rules may present an application therefor to the superintendent of the copyists or where there is no such officer, to the Chief Ministerial Officer either in person or by his Advocate or the latter.'s authorised clerk between the hours of 11.00 a.m. and 3.30 p.m. If the proceeding or document has been sent,to another court the application may,at the opinion of the applicant,be forwarded to the said court for compliance,or be returned to him,for presentation to the said court.

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(2) The application shall be in Form No.51 and shall set out the name of the applicant and when he is a party to the suit or proceeding his position in the suit or proceedings and description of the document of which a copy is required. An application, which is not in proper form, shall be returned for amendment.

(191) Defective applications--When an application is returned for amendment a time limit of 7 days shall be fixed for its representation. A defective application, which is not taken return of by the applicant and not represented within the period specified above shall be struck off.

(192) Copies of proceedings of high Court -- An application for copy of a p l a i n t , w r i t t e n statement, memorandum of appeal, judgement decree or other proceedings of , or in the custody of the High court may be made by any party to such proceeding to the court of first instance, or to the lower appellate court and shall be transmitted by the said court to the High Court for disposal. The copy, if granted, shall be transmitted by the high court to the former court, and on payment of the prescribed fees, shall be delivered to the applicant. No copy of any proceedings of the high court shall be

granted by a subordinate court. An applicant by a person not party to the proceeding shall be made directly to the High court.

193. Notice as to stamp papers --(1) Every day a list showing the applications in which there records have been received, and the number of stamp papers required in each case shall be prepared and affixed to the notice board of the court between the hours of 3.30 p.m. and 5.00 p.m. Such lists shall remain on the board for three clear working days. Application upon which the requisite stamp papers have been deposited shall be struck off from the list. After the expiry of the period prescribed for the deposit of the stamps, the list shall be taken down and filed in the record for 12 months and shall then be destroyed.

(2) If the required stamp papers have not been deposited by 3.00. p.m. on the fourth working day counting from and including that on which the lists were first affixed the application shall be struck off and, unless it is restored on an application made to the court for the purpose, copy shall be granted only on a fresh application.

(3) The above procedure shall apply for collecting additional stamp papers when the number first supplied has been found to be insufficient.

Provided that, where

the additional stamp papers called for are not deposited but the stamp papers originally deposited are sufficient for the preparation of complete copies of one or more of the documents applied for, the application shall be struck off only as regards the documents which cannot be prepared by reason of the insufficiency of the stamp papers supplied. In such cases, the superintendent of the copyists of such other officer as the judge may appoint in this behalf, shall decide which document shall be copied and the decision shall be final.

194. When stamp papers not available--It shall be open to the parties after obtaining the previous order of the judge in this behalf, to furnish white foolscap size paper of durable quality with the requisite court fee stamps affixed on each sheet in lieu of stamp papers, and the papers so stamped shall for all purposes, be deemed, to be stamp papers.

195. Order in which applications should be complied with--The preparation of the copies of documents applied for or such of them as admit of being copied in full on the stamp papers deposited shall, as far as possible, be undertaken in accordance with the serial order of the copy applications.

Provided that copies of decrees and judgments, if any, comprised in an appli-

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2వ పేజీ తరువాయి cation shall have precedence over copies of other documents included in the application. A special order for precedence as regards any particular application shall be made only on a separate application duly stamped under the court fee Act and praying for such an order.

196. Pasting of list of copies ready for delivery--A list of copies ready for delivery shall be pasted on the notice board of the court at 11 a .m. each day and shall remain thereon for three clear working days. The copy and any unused stamp papers shall be delivered to the applicant between the hours of 10.30 and 11.30 a.m and 3.00 pm. and 5.00 p.m. and if the copy is not claimed by the applicant within 12 months from the date of posting the said list, it shall be destroyed.

(2) Immediately after the copies are delivered to the applicant concerned the entries relating there to shall be struck off the list.

197 . Disposal of incomplete copies and unused stamp papers--(1) Where an application is struck off in whole or in part, the applicant shall not be entitled to the incomplete copy of any document prepared on his behalf. The incomplete copy shall be destroyed after twelve

months from the date on which the application was struck off.

(2) Where an applicant has furnished the required number of stamp papers, remain unused owing to the copyists writing too closely, the presiding officer of the court shall forward the unused stamp papers to the local or the nearest treasury officer.

(3) Where stamp papers have been furnished in excess of the requirements or where an insufficient number of stamp papers has been furnished and the applicant fails to furnish the requisite number of additional stamp papers within the prescribed period, it shall be noticed on the notice board that the unused stamp papers will be held at his disposal for a month from the date of affixture of such notice and will be sent to him by registered post if within the above period he remits the cost of despatch which shall be stated in each case. If the amount be not remitted and no arrangements made to take delivery within the period fixed, the unused stamps, shall be treated as cancelled and sent to the local or nearest treasury officer.

198. Delivery by post :- The applicant may, in his application for a certified copy, apply that

199. Sealing and certificate- All copies furnished by the court shall be certified to be true copies, and shall be sealed with

the seal of the court. The superintendent of copyists or other officer appointed by the judge, shall initial every alteration and interlineation in the copy, and shall sign a certificate at the foot thereof that the same is a true copy, and shall also state the number of alterations and interlineations made therein.

200-- Endorsements as to dates :- Every copy shall bear an endorsement showing the dates on which :-

- (1) the application was made ;
- (2) the application was returned;
- (3) the application was represented';
- (4) the stamps were called for;
- (5) the stamps were deposited';
- (6) the additional stamps were called for
- (7) the additional stamps were deposited;
- (8) the copy was ready, and;
- (9) the copy was delivered.

The copy application (C.A) number shall also be noted on every certified copy.

201. Copy applications struck off;.. (1) Any copy application struck off under Rule 193 supra may be restored by the court on a petition supported by an affidavit preferred for that purpose. The petitioner may deposit the required copy stamps along with the petition for restoration of the application for copies.

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(2) Every certified copy furnished after such restoration of the application for the copies, shall bear an endorsement showing, in addition to the details specified in Rule 200 supra.

(a) The date on which the application was struck off;

(b) The date on which petition was filed to restore the application and ;

(c) The date on which the application was restored to file.

202. Drafting of formal orders ;- (1) When an application is received for a copy of a judicial order for purpose of appeal or revision, the court shall draft a formal decree and furnish a copy of the same after collecting necessary charges.

(2) To avoid inconvenience to the appellate court in reading the typed papers, the court shall furnish the first written copy of judgment, decree or order to the parties requiring them for the purpose of appeal or revision.

203. Copying charges ;- (1) One copy stamp paper shall be furnished for every 350 words or part thereof. In the case a copy for which Article 21 of Schedule 1-A of the Indian Stamp Act, 1899 As amended and the rules made thereunder require the production

of non - judicial stamp paper of a particular value, the stamp paper or papers supplied for the purpose shall be used for copying and shall be written on in the same manner as if they were copy stamp papers. Copy stamp papers shall be furnished to make up the deficiency in the papers required to complete the copying.

(2) Not more than 175 words shall be written on each page. Four figures shall be taken as equivalent to one word.

(3) The copying fee for each page shall be (Rs 1/) or such fee as the government may prescribe from time to time. Where the value of the stamp paper is less than the prescribed fee, the deficiency shall be made good in the shape of adhesive court fee stamps. When the copy is written on non -judicial stamp paper, adhesive court fee stamp of the prescribed fee shall be affixed to each page on which the copy has been made. The copying fee shall not be collected in cash.

(4) The cost of copying maps, plans, genealogical trees, tabular statements or other matter requiring special skill shall be fixed by the judge and shall be deposited in cash in court. Notice of such amount shall be pasted on the notice board of the court and the Provisions of Rule 193 shall apply to the payment of such

amount.

(5) Except in a case requiring special shall, copying charges for the preparation of execution petitions, diglott registers sale proclamations, books of account or other matters, including lines and columns shall be levied with reference to the space occupied, provided that not more than 175 words shall ordinarily be copied on or computed as the equivalent of one page.

203-A. (1) On an application by the party, the court may grant copy of a proceeding or document filed in or in the custody of the court by getting it reproduced mechanically on payment of Rs.2-00 per page by means of affixture of court fee labels to the application for copy or in cash through lodgment schedule within such time as the court may grant.

(2) The same Rules as are applicable to certified copies to be taken out on copy stamp papers will also apply mutatis mutandis to copies taken by mechanical reproduction'.

204. Costs of typing or copying :- Costs of typing and/or copying may be taxed and dealt with as costs in the cause.

he same may be delivered to him through the post at a specified address; and in such case, the copy shall be forwarded accordingly, and if the applicant so requires, by registered post.