

THE PESHAWAR HIGH COURT, PESHAWAR

NOTIFICATION

Peshawar, dated the 2019.

NO. 192- J : In exercise of the powers conferred by section 3 of the Destruction of Record Act, 1917, the Peshawar High Court, Peshawar, with the approval of the Provincial Government is pleased to direct that in Volume-V, Chapter-V, Part-C of the High Court Rules and Orders, the following amendments shall be made, namely:

AMENDMENTS

(1) After the existing rule 1, the following new rule shall be added namely:

“1-A. Destruction of Records retained in electronic form. – Notwithstanding any period of preservation prescribed in these Rules, any judicial record, book or paper, may be destroyed after being retained in electronic form, and such electronic form has a legal recognition under Section 3 of Electronic Transaction Ordinance, 2002”.

(2) In rule 5, after sub-rule (b), the following new sub-rule (c) shall be added, namely;

“(c) In writ petition cases----

- (1) the Tablak or cover containing particulars of the cases and a brief abstract of orders in English;
- (2) the index;
- (3) the order sheet;
- (4) the grounds of writ petition, together with any schedule annexed thereto, and all documents, whether original or copies filed with the petition;
- (5) the replication/comments of respondents along with annexure;
- (6) application of parties who are stranger with the Court’s order thereon;
- (7) instruments of withdrawal, compromise or confession of judgment;
- (8) the final Judgment;
- (9) application for the restoration of writ petition dismissed in default;
- (10) application for re-hearing of writ petition decided ex-parte;
- (11) application for review of judgment; and

- (12) applications for substitution, addition or striking out of names of parties or for substitution of the names of the heirs of deceased petitioner or respondents.”
- (3) In rule 7, after sub-rule (b), the following new sub-rules (c) shall be added, namely;“(c) In criminal miscellaneous application---
- (1)- The index;
 - (2)- Grounds of application with annexure;
 - (3)- Affidavit;
 - (4)- Order sheets; and
 - (5)- Final order and bail bonds, if any.”
- (4) In rule 9,-
- (a) under the heading “Civil Cases” in sub-rule (5);-
 - (i) the word “and” appearing after the words “court below” shall be substituted with a “comma”; and
 - (ii) after the words “in the High Court” appearing at the end, the words “and the grounds of writ petition” shall be inserted.”; and
 - (b) under the heading “Criminal Cases”,-
 - (i) after sub-rule (2), the following new sub-rule shall be inserted, namely:

“(2-A) Final order on criminal miscellaneous application alongwith bail bonds, if any.”; and
 - (ii) in sub-rule (5), the word “and” appearing after the words “court below” shall be substituted with a “comma” and after the words “in the high court” appearing at the end, the words “and the grounds of writ petition” shall be inserted.”.
- (5) In rule 10, after the existing sub-rule(5), the following new sub rule shall be inserted, namely:
- “(5-A) Part A in all the writ petitions.”.

- (6) After the existing rule 12, the following new rule shall be added, namely:
"12-A. Records to be preserved for two years.--- Subject to the provisions of rule 9, the following record shall be preserved for two years, namely:

Part A of the record in criminal miscellaneous applications."

BY ORDER OF CHIEF JUSTICE & JUDGES,


for Registrar

Endst: No. 15342-15462/14/19 Dated Peshawar, the 22/07/2019

Copy forwarded to the:

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4. The Addl: (Judl), Peshawar High Court, Peshawar.
5. All the District & Sessions Judges in Khyber Pakhtunkhwa.
6. All the Senior Civil Judge in Khyber Pakhtunkhwa.
7. The Addl: Registrar of all the Benches of this Court.
8. The President, Peshawar High Court Bar Association.
9. All the Presidents, High Court Benches Bar Associations in Khyber Pakhtunkhwa.
10. The all the Presidents, District Bar Associations in Khyber Pakhtunkhwa.


Registrar