

FAQ – APPEAL EXAMINERS SECTION

1. What are the documents to be filed in the typed set ?

It should contain all the relevant papers neatly typed i.e., copy of plaint, written statement, copy of petition, affidavit in I.A., I.A. And the order/Judgment, Decree, copy of grounds and any other relevant papers as the counsel feels necessary.

2. Court fees to be affixed in the Vakalat?

In Vakalat Court fee of Rs.10/- advocate welfare fund stamp for Rs.30/- and Advocate clerk welfare fund stamp of Rs.2/- to be affixed.

3. What is the time limit to file cases before this Hon'ble Court?

It differs from case to case but generally 90 days for the appeals or revision filed against the order of the lower court. But no time limit for CRPs filed under Article 227 of constitution of India and 30 days for the Appeal from the orders of the High Court.

4. What is the procedure for a third party to challenge a Judicial Order?

The third party has to obtain leave from this Hon'ble Court to challenge the order passed by a lower Court.

5. How to categorise the CRP cases as PD or NPD?

Depending upon the pendency and disposal of the suit PD/NPD will be marked in CRPs.

6. Who can attest the affidavits and vakalats?

Affidavits and vakalats intended for use on the Appellate Side of the Court may be attested by any person authorised under the rules to attest a vakalatnama.

7. How to categorise the cases as single or Bench?

Depending upon the value of the appeal single/bench will be marked. If the value is Rs.15,00,000/- and above, the matter will be posted before the Hon'ble Division Bench in AS and CMAs.

8. Who can take returned case bundles on behalf of the counsel on record?
Juniors and registered advocate clerks of the counsel on record can take the returned bundles.

9. Provision of laws for CMA, AS, SA, CRP, CMSA & Miscellaneous Petitions

Main Cases :-

First Appeal (AS)

- (a) U/s 96 of CPC
- (b) 54 of Land Acquisition of Act

Second Appeal (SA)

- (a) Under Section 100 of CPC (No SA will be in the suit for recovery of money if it is 25,000/- and below
- (b) Under Section 13 of Tamil Nadu Land Acquisition for Harijan Welfare if the amount by prescribed authority >50,000/-

CMA

- (a) Under Section 173(1) of MV Act
- (b) Under Section 19 of Family Court Act
- (c) 82(2) of ESI Act
- (d) 47(10) of the Stamp Act
- (e) Under Section 55 of Divorce Act
- (f) Sec 104 and 43(1) of CPC
- (g) Sec 28 of Hindu Marriage Act
- (h) Sec 30(1) of Workmen's Compensation Act.

CMSA

- (a) Under Order 21 Rule 58(4) of CPC
- (b) 21 Rule 103 of CPC
- (c) Under Section 28 of Hindu Marriage Act ->CMA ->CMSA

CRP

- (a) Under Section 115 of CPC
- (b) Article 227 of Constitution of India
- (c) Under Section 25 of Tamil Nadu Building (Lease and Rent Control Act)
- (d) Under Section 173(2) of MV Act if the value is <10,000/-
- (e) Under Section 13 of Tamil Nadu Legal Authority if Award is <50,000/-
- (f) Sec 83 (9) of Wakf Act

TCA

- (a) 260(A) of Income Tax Act (with question of Law)
- (b) TNGST Act Appeal under 37(1) of the Act agt Order of Jc u/s 34

TC(Rev)

- (a) 38 (1) Agt Order under 3,3A(a) or 6 of Section 36 of the Act
- (b) 38 (A) – General power agt the order of Aac-DC & JC or STAJ

STA

- (a) 51 (1) of Tamil Nadu Estates (Abolition and conversion into Ryotwari Act)
- (b) 46(1) of Tamil Nadu inam Estates (Abolition and conversion into Ryotwari) Act
- (c) 32 (1) of Tamil Nadu Leaseholds (Abolition and Conversion into Ryotwari Act)
- (d) 30 (1) TN minor inams (Abolition and conversion into Ryotwari Act)

Company Appeal (Com. Apel)

- (a) Under section 10F of the Companies Act order of Company Law Board.

Contempt Appeal (Cont. A)

- (a) Sec 19(1) of Contempt of Court Act from any order or decision of the High Court to punish for contemp.

Miscellaneous petitions :-

<i>Sl.No.</i>	<i>Nature of Petition</i>	<i>Provision of law</i>	<i>Limitation</i>
1	Condone delay in filing Revision	U/s 5 of limitation Act	As per the Act
2	Condone delay in filing Appeal	Sec 5 of Limitation Act r/w O.41 R3A of CPC	
3	Condone delay in representation of Revision, Appeal or petition	O.II R4 (20) of rules O.IV R.9(4) of AS rules r/w sec.148 of CPC	If it is 90 days & less if more than 90 days
4	Condone delay in payment of deficit court fee	O.II R.4(19) of AS rules sec. 149 of CPC	If 90 days & less If more than 90 days
5	Dispense with Carbon Copy of Judgment or decree	Sec.151 of CPC	

<i>Sl.No.</i>	<i>Nature of Petition</i>	<i>Provision of law</i>	<i>Limitation</i>
6	Dispense with Carbon Copy of Judgment on the ground that such copy was filed in the connected case	O.II R.4(15) of Rules	
7	Dispense with production of printed copies of judgment	O.II R4(16) of AS Rules.	
8	To permit the petitioner to use the common typed set for one SR if filed in another SR	O.II R4(12) of AS Rules.	
9	For leave to file appeal as an indigent person	O.44 R.1 of CPC	60 days (130A) of limitation Act.
10	For stay	AS Sec 151 of CPC	
11	For stay of execution of decree	O.41 R.5 of CPC	
12	To vacate stay	Sec 151 of CPC	
13	For injunction	O.39 R 1 & 2 CPC	
14	To vacate injunction	O.39 R.4 of CPC	
15	To appoint receiver	O.40 R.1 of CPC	
16	To discharge the receiver	Sec 151 of CPC	
17	For directions	Sec 151 of CPC	
18	To raise additional ground	O.41 R.2 of CPC	
19	To receive additional documents	O.41 R.27 of CPC	30 days
20	To set aside the order of dismissal for non appearance of Appellant	O.41 R.19 of CPC	30 days
21	To set aside an ex parte decree or to rehear an appeal heard ex parte	O.41 R.21 of CPC	
22	To implead or to strikeout parties	O.1 R.10(2) of CPC	
23	To bring on record Legal Representatives (LRS) of deceased appellant	O.22 R.3 of CPC	90 days from the date of death

<i>Sl.No.</i>	<i>Nature of Petition</i>	<i>Provision of law</i>	<i>Limitation</i>
24	Bring on Record LRS of deceased respondent	O.22 R.4 of CPC	90 days from the date of death
25	To set aside the abatement	O.22 R.9(2) of CPC	150 days from the date of death
26	C/d in filing set aside abatement	U/s 5 of limitation Act	>150 days
27	To appoint guardian for minors	O.32 R.3(4) of CPC	
28	To appoint court guardian	O.32 R.3(10) of CPC	
29	To declare major and discharge guardian	O.32 R.12(2) of CPC	
30	To transpose the respondent	O.23 R.1(A) of CPC	
31	To appoint a commissioner	O.26 R.9 of CPC	
32	To review Judgment	O.47 R(1) of CPC r/w 114 of CPC	30 days
33	To amend judgment, decree or order if any clerical or arithmetical mistakes found	Sec 152 CPC	
34	To pass a decree in terms of compromise	O.32 R.7 of CPC	
35	To pass a decree in terms of compromise if the petitioner is minor	O.23 R.1 of CPC	
36	To fix an early date	U/s 151 of CPC	
37	To revoke Vakalat	OIII R.5 r/w O II R4 (3) of AS rules.	
38	To amend the plaint	O VI R.17 of CPC	
39	Set aside the order of dismissal by plaintiff by defendant	O 9 R.7 of CPC O 9 R.9 of CPC O 9 R.13 of CPC	30 days from the date or order/knowledge
40	To order Substituted service	O.II R.4(10) of AS rules r/w OVR. 20 of CPC	

<i>Sl.No.</i>	<i>Nature of Petition</i>	<i>Provision of law</i>	<i>Limitation</i>
41	To withdraw and transfer the case from one court to another	Sec 24 of CPC	
42	Direct to refund of full Court fees	U/s 66(1) of Tamil Nadu Court Fees (TNCF) & suits valuation Act.	
43	Refund of half of Court fees	66(2) of TNCF Act	
44	Refund of fee paid by mistake or inadvertence	70 of TNCF Act	
45	To restore copy Application	O.XII R.7 of AS Rules	
46	To return the admitted documents in pending cases	O XIII R.9 CPC r/w O II R.4 (14) of AS rules	
47	Condone the defect in the affidavit	O II R.4 (26A) of AS rules.	

10. Whether xerox copies can be filed in the typed set?

Clean typed copies alone can be filed in the typed set.