

CJ & ASKJ:

M.F.A. No. 6390/2019
and connected matters

22.10.2020
(Through Video Conferencing)

COMMON ORDER

On the earlier occasion, we have heard Shri Dhyan Chinnappa, the learned Additional Advocate General on the issue of various types of objections raised by the Registry of this office which is not limited only to the group of matters which are before this Court today, but, in general, in relation to all the categories of cases filed before this Court.

2. While we do the exercise of going into the question of the nature of the objections raised by the Registry, we must have regard to a well settled principle of law laid down by the Apex Court in its decision in the case of ***SUSHIL KUMAR SEN v. STATE OF BIHAR***¹. In paragraph 6 of the decision, V.R.Krishna Iyer J., has observed thus:

“6. The processual law so dominates in certain systems as to overpower substantive rights and substantial justice. The humanist rule that procedure should be the handmaid, not the mistress, of legal justice compels consideration of vesting a residuary power in Judges to act ex

¹ (1975) 1 SCC 774

debito justitiae where the tragic sequel otherwise would be wholly inequitable. In the present case, almost every step a reasonable litigant could take was taken by the State to challenge the extraordinary increase in the rate of compensation awarded by the civil court. And, by hindsight, one finds that the very success, in the review application, and at the appellate stage has proved a disaster to the party. Maybe, Government might have successfully attacked the increase awarded in appeal, producing the additional evidence there. But maybes have no place in the merciless consequence of vital procedural flaws. Parliament, I hope, will consider the wisdom of making the Judge the ultimate guardian of justice by a comprehensive, though guardedly worded, provision where the hindrance to rightful relief relates to infirmities, even serious, sounding in procedural law. Justice is the goal of jurisprudence — processual, as much as substantive. While this appeal has to be allowed, for reasons set out impeccably by my learned brother, I must sound a pessimistic note that it is too puritanical for a legal system to sacrifice the end product of equity and good conscience at the altar of processual punctiliousness and it is not too radical to avert a breakdown of obvious justice by bending sharply, if need be, the prescriptions of procedure. The wages of procedural sin should never be the death of rights.”

(underline supplied)

This principle that ‘*procedural law is the handmaid of justice*’ has been followed by the Apex Court consistently in several cases. We may refer only to one decision in the case of

SAMBHAJI AND OTHERS v. GANGABAI AND OTHERS².

While reiterating the principle that all the rules of procedure are the handmaid of justice, in paragraph 10, the Apex Court has observed that the language employed by the draftsmen of procedural law may be liberal or stringent, but the fact remains that the object of prescribing a procedure is to advance the cause of justice. It is further held that in an adversarial system, no party should ordinarily be denied an opportunity of participating in the process of justice dispensation. It is further observed that the provisions of procedural law should not be construed in a manner which would leave the Court helpless. In paragraphs 12 to 14, the Apex Court has discussed the law elaborately. We, therefore, quote paragraphs 12 to 14 of the said judgment which read thus:

“12. The processual law so dominates in certain systems as to overpower substantive rights and substantial justice. The humanist rule that procedure should be the handmaid, not the mistress, of legal justice compels consideration of vesting a residuary power in the Judges to act ex debito justitiae where the tragic sequel

² (2008) 17 SCC 117

otherwise would be wholly inequitable. Justice is the goal of jurisprudence, processual, as much as substantive...

13. No person has a vested right in any course of procedure. He has only the right of prosecution or defence in the manner for the time being by or for the court in which the case is pending, and if, by an Act of Parliament the mode of procedure is altered, he has no other right than to proceed according to the altered mode. ...A procedural law should not ordinarily be construed as mandatory; the procedural law is always subservient to and is in aid to justice. Any interpretation which eludes or frustrates the recipient of justice is not to be followed....

14. Processual law is not to be a tyrant but a servant, not an obstruction but an aid to justice. Procedural prescriptions are the handmaid and not the mistress, a lubricant, not a resistant in the administration of justice."

3. These are the principles which will have to be borne in mind while we decide the issues before us. We have repeatedly noticed that in the cases filed in this Court, a large number of office objections are raised by the Registry. The

Courts have been granting time to rectify the same. The result is that disposal of the cases on merits is delayed.

4. It is true that the members of the Bar have to be careful and are duty bound to ensure that all the procedural compliances are made when they file the cases. We must note here that the cause of justice should not be allowed to suffer due to insignificant and irrelevant objections raised by the Registry. Such objections should not become instruments to delay the proceedings.

5. The approach which we have indicated above is more relevant in the days of the pandemic of COVID-19. The offices of the Registry are situated in the basement floor of this building. If a large number of members of the Bar are permitted to enter the offices in the basement floor, it will lead to congregation and will lead to the spread of COVID-19. Therefore, the practice which is being followed for the last few months is to allow the members of the Bar to rectify the office objections by fixing a prior appointment. The files are taken to the Food Court Complex where arrangements are made in

such a manner that social distancing is maintained and the presence of the members of the Bar or their clerks does not lead to congregation.

6. As pointed out by the learned Additional Advocate General, there is a form called Form No.14 which is a part of the procedural Rules, to which we will be referring a little later. Form No.14 contains 42 items of compliances. Office objections are raised if it is found that any of these 42 items are not complied with. Form No.14 leaves a scope for additional objections to be raised by the Registry. Before we go into the nature of objections which are being raised by the Registry, a brief reference to the procedural Rules is necessary. With the assistance of the learned Additional Advocate General, we have gone through the relevant Rules.

7. The learned Additional Advocate General has assisted the Court by inviting the attention of the Court to a decision of a Division Bench of this Court in the case of **A.V.AMARNATHAN**

v. THE REGISTRAR, HIGH COURT OF KARNATAKA³. While dealing with a challenge to certain clauses in the note appended to the cause list in pursuance to the orders passed by the Hon'ble Chief Justice, the Division Bench had an occasion to trace the history of the legislations concerning the High Court of Karnataka. We are relying upon various factual details set out in the said judgment. We are going to refer to the same only for the limited purpose of dealing with the issue on hand.

8. There are two legislations concerning this High Court. The first is the Mysore High Court Act, 1884 (for short, "the said Act of 1884"), which was originally known as the High Court of Mysore Act, 1884. With the coming into force of the Karnataka High Court Act, 1961 (for short, "the said Act of 1961") with effect from the twenty fifth December, 1961, some of the provisions of the said Act of 1884 were repealed. Section 14 of the said Act of 1961 provides for repeal of certain Sections of the said Act of 1884. However, what is material for our

³ ILR 1999 KAR 478

consideration is that Section 19 of the said Act of 1884, under which the rule making power was exercised, was not repealed.

9. On 8th November, 1959, the High Court of Mysore Rules, 1959, were brought into force. The Rules were framed in exercise of the power conferred under Article 225 of the Constitution of India and Section 54 of the States Reorganization Act, 1956 read with Sections 122 and 129 of the Code of Civil Procedure, 1908 (for short, "the said Code") and Section 19 of the said Act of 1884. It appears that by virtue of the provisions of the Mysore State (Alteration of Name) Act, 1973, the High Court of Mysore Rules, 1959 were renamed as the High Court of Karnataka Rules, 1959 (for short, "the said Rules"). The said Rules were amended from time to time.

10. It is, therefore, necessary now to make a reference to the relevant provisions of the said Rules. Firstly, we may refer to the provisions of Chapter XII of the said Rules under the heading 'Presentation and Examination of Papers.' This Chapter is applicable to every memorandum of appeal or a

petition or an application and every affidavit and every other memorandum or list or paper other than the documents tendered in evidence presented to the High Court. That is apparent from the provision of Rule 1. The provisions of checking are incorporated in the said Chapter. The first check takes place at the stage of receiving the papers. A limited checking is contemplated by the receiving clerk in accordance with Rule 9. All that he has to verify is whether the papers are filed as per the list in the prescribed form as mentioned in Rule 8, and whether Court Fee is paid. Rule 8 provides that every appeal, petition, application or the like presented to the High Court shall be accompanied by a list in the prescribed form in duplicate setting forth all the papers filed therewith. As per Rule 9, after the verification of the documents is done as per the list, one copy of the list has to be returned to the person filing the case. The list which is returned must bear an acknowledgement and the date seal of the High Court. Thereafter, the papers are forwarded to the Appeal Examiner.

11. The relevant Rules are Rules 12 to 14 of Chapter XII. The papers are examined by the Appeal Examiner after they are forwarded to the Appeal Examiner's section. Rules 12 to 14 of the said Rules are relevant and they read thus:

“12. It shall be the duty of an Appeal Examiner to examine all papers allotted to him for examination with a view to see that the papers are presented within the time prescribed by law for their presentation, that proper court fee payable thereon has been paid, the papers are in proper form, that the enclosures required by law or by these Rules have been furnished and that the papers comply in all respects with the provisions of law and the Rules applicable to them.

13. In connection with every set of papers presented and examined, the Appeal Examiner shall attach one or more sheets entitled the Examination Report in prescribed form. In the said report the Examiner shall record whether the papers comply with the requirements stated in the last preceding Rule or they are in any matter defective and if there are any defects, shall record the same in the report. He shall then place the report before the Registrar for his orders.

14. (1) The Registrar after reading the report of the Examiner and looking into the papers examined wherever necessary shall, if all the papers are in order, direct that the appeal petition or other matter be admitted to register and numbered. If there are any defects, the Registrar shall direct such amendments or corrections in the papers as may be

necessary, be carried out or direct that the papers be returned to the party presenting the same or his Advocate for rectification of the defects or for compliance with such requisitions as he may consider necessary in the circumstances of the case, fixing the time or period within which the papers should be re-presented after rectification of defects and compliance with the requisitions. The Registrar may, from time to time, extend the time or period allowed by him for representation of papers by such period or periods as may be necessary not exceeding six weeks in the aggregate.

(2) A list of papers directed to be returned shall be put up on the Notice Board giving the particulars of the same and name of party presenting the same or his Advocate. The time fixed by the Registrar for representations shall be counted from the date on which the list is so put up on the Notice Board."

12. At this stage, we may note that Form No.14 which is used by the Registry, to which we have made a reference earlier, had been appended to the Mysore High Court Rules, 1959. Therefore, it is a part of the said Rules. But somehow in the recent private publications of the said Rules, Form No.14 is not appended. The Form as appended to the High Court of Mysore Rules, 1959, had only seven items. Perhaps, Form

No.14 underwent amendments from time to time. Now, it has 42 items.

13. Before we go to the individual items listed in Form No.14 of the said Rules, we must examine the object of the examination done in accordance with Rule 9 onwards of Chapter XII of the said Rules. As can be seen from Rules 9 to 13, the object is to find out the defects in the papers presented. The defects are popularly called as 'office objections' raised by the Registry.

14. The objections will have to be categorized into two categories, viz., (i) essential objections and (ii) non-essential objections. The essential objections are the one which go to the root of the matter. Unless the same are rectified or satisfactorily explained, the Court will find it difficult to hear the matter. Rectification of the essential objections will have to be treated as mandatory. We can make an attempt to enlist some of the essential objections. The first one will be the objection regarding the bar of limitation. The second one will be regarding non-payment of Court Fees in accordance with law. The third

one will be with regard to maintainability of the proceedings. The fourth category will be of the jurisdiction of the Court to hear the proceedings. The fifth objection will be of the failure to implead the necessary parties. The sixth one will be in respect of a matter which is required to be heard by a Division Bench in which there is a failure to supply the second set of papers. These essential objections go to the root and unless the same are rectified or satisfactorily explained, as the case may be, the matter cannot be heard on merits. All the other objections may go into the second category of objections, that is, the category of non-essential objections.

15. The objections have to be raised only with the object of ensuring that the papers are filed in such a manner that the Court is able to effectively hear and deal with the matter. For example, in the case of a writ petition, the papers have to be paginated and they must be readable. The provisions in the said Rules regarding objections are clearly procedural provisions. Except for the objections of essential nature which we have specified above by way of illustration, the Court always

has a power to dispense with the objections raised by the Registry. If the Court finds that without rectification of a particular objection/objections, the case can be effectively heard, it will always be appropriate if the Court exercises the power for dispensing with those objections. The Court will have to always remember that procedural law is the handmaid of justice and therefore, if there are certain objections which are of such a nature that without rectification of the same, the case can be effectively heard, it is the duty of the Court to pass an order dispensing with such objections and proceed with the hearing on merits. If certain non-essential objections which do not come in the way of the Court effectively deciding a case are not waived or dispensed with, then it can be said that procedural law is allowed to overpower substantial justice. Therefore, in our view, the power of waiver or dispensation of non-essential objections always vests in the Court and the Court is duty bound to exercise such a power with a view to ensure that the technicalities do not delay the proceedings and the technicalities are not allowed to override substantial justice.

16. We may state a few examples:

(a) In a given case, there may be an objection regarding failure to maintain proper margin on the memorandum of a writ petition. If the contents of the writ petition can be easily read without rectification of the said objection, the Court will be duty bound to waive such an objection.

(b) If a petition/document is placed before an Hon'ble Judge who knows Kannada language, the English translation of the documents in Kannada language is a non-essential objection and can always be dispensed with.

17. In short, considering the principles laid down by the Apex Court and especially in the case of *SAMBHAJI* (supra), it is the duty of the Court to adopt a liberal approach when it comes to waiver of non-essential objections. The Court should ensure that the procedural technicalities are not allowed to overpower substantial justice.

18. In the light of these principles, now we go to the updated version of Form No.14. The learned Additional Advocate General has placed on record a chart in which he has identified the essential objections. Before we go to Form No.14, in the facts of these cases, some of the objections which are raised by the Registry are quite strange. These appeals arise out of the awards passed by the Civil Court in references made under Section 18 of the Land Acquisition Act, 1894. One of the objections raised is that a copy of the award passed by the Land Acquisition Officer under Section 11 of the Land Acquisition Act must be furnished. There is absolutely no basis for raising such an objection. Another objection raised by the Registry is that a copy of the execution petition is not furnished in support of the application for stay of the impugned judgment and award. This, again, is a strange objection. There is no law which provides that in a substantive appeal against a decree or award, an order of stay cannot be granted by the Court if an execution petition for execution of the impugned decree is not filed before the Executing Court. There was absolutely no reason for the Registry to have raised the

aforesaid two objections. In several cases, we have come across, such irrelevant objections are being raised which are not warranted at all. We must note here that the Appeal Examiner cannot be on a fault finding mission. He has to examine the papers rationally and raise only appropriate objections which really arise.

19. Perhaps, the need of the hour is to give proper training to the members of the staff who discharge the duties of Appeal Examiner. The Registrar (Judicial) will have to look into this aspect and ensure that proper training is imparted to them within two months from today.

20. Now, we go to the items in Form No.14. It must be borne in mind that Form No.14 is not the list of objections which can be raised. It is a check list which helps the Appeal Examiner to scrutinize a case filed. Merely because some of the non-essential items in the list are not complied with, that does not mean that the Court cannot hear the case on merits. Perhaps, the first ten items do not face any problem. Item No.11 is whether the details of both the parties are stated correctly as

per the cause title of the Trial Court (name, age, address, etc.). The objection raised is about failure to mention the age of the parties. We have carefully perused the said Rules. Firstly, we refer to Chapter VI concerning appeals. Rule 2 provides what should be the contents of a memorandum of appeal. This Rule does not require the age of the party to be stated. The reason appears to be that the age of a party is relevant only in two cases: (i) when the party is a minor and (ii) when a party is a senior citizen and he seeks to claim the benefits available to senior citizens. By virtue of the provisions contained in Chapter VI-A (Original Side Appeals), the rules which are applicable to the appeals in Chapter VI are also applicable to original side appeals. Now, we go to Chapter VII concerning petitions which are applicable to all the categories of matters other than appeals, references and applications of interlocutory nature. Even in the said Chapter, there is no requirement that the age of the party has to be mentioned. Chapter VIII contains special rules regarding writ petitions. Even the said Chapter does not incorporate the requirement of stating the age of a party. As far as writ petitions are concerned, there is a special set of rules

known as the Writ Proceedings Rules, 1977 (for short, “the said Rules of 1977”). It contains the Rules which are applicable to writ proceedings in addition to the said Rules. We have carefully perused the said Rules of 1977. Even the said Rules of 1977 do not require the age of the party to be mentioned. At this stage, we may refer to Rule 1 of Order VII of the Code of Civil Procedure, 1908. Even the said provision does not contain the requirement of mentioning the age of a party. We are conscious of the fact that Form No.14 forms a part of the said Rules. However, procedural rules are never mandatory and therefore, this Court can always examine the items in Form No.14 and decide whether compliance with any of the items is mandatory or not. As far as item no.11 of Form No.14 is concerned, we must hold that it is not mandatory to mention the age of the parties in the cause title. Therefore, such an objection cannot be raised. The only requirement is to mention whether the party is a minor or a major. When a litigant who is a senior citizen wants to claim the benefits available to the senior citizens, he will have to state his name and age.

21. Now, we go to item no.12 of Form No.14 which says: *'Whether the impugned order with full cause title is furnished to verify the parties' name?'* This objection will apply only when the impugned order contains a full cause title. If the certified copy of the impugned order produced does not contain full cause title, such an objection cannot be raised. The Registrar (Judicial) will ensure that the objection regarding non-compliance with item no.2 is not raised.

22. Then, we go to the other items of Form No.14. As regards item nos.19, 20 and 22, the issue will have to be dealt with separately. The issue is regarding correctly stating the valuation of the appeal for the purposes of Court Fees and jurisdiction. In this order, we are not dealing with the said issue.

23. Now, we go to item no.29 which reads thus:

“Whether permission for filing memorandum of facts are taken from the Deputy Registrar?”

In the said Rules, there is no provision to obtain the permission of the Deputy Registrar to file the memorandum of facts. As pointed out by the learned Additional Advocate General, Rule

18(2) of Chapter III of the Karnataka Civil Rules of Practice, 1967 specifically lays down a scenario in which the memorandum of facts can be filed. Therefore, we direct that the objection in terms of the said clause should not be raised.

24. Then we go to item no.35. It is regarding production of a copy of the death certificate where an application is made for bringing on record the legal representatives of a deceased petitioner/applicant/ appellant/respondent. The said Rules lay down the manner in which such an application should be made. Chapter X deals with interlocutory matters. Sub-rule (2) of Rule 1 of Chapter X provides that all applications presented including the applications for impleading the parties as legal representatives of the deceased party shall be filed in the form of an Interlocutory Application (I.A). Rule 2 of Chapter X provides that every I.A shall be supported by an affidavit. The only exception to the said Rule is, where the facts on which an application is based appear from the records of this Court or in relation to any act or conduct of the applicant's advocate himself. In such a case, the Registrar has a discretion to permit

the memorandum of facts to be signed by the applicant's advocate instead of filing the supporting affidavit. This exception will normally not apply when an application is made for bringing on record the legal representatives of the deceased party. In a case where a death certificate of a party to the proceedings is placed on record, the said exception will apply provided there is no delay in making the application.

25. Therefore, in a case where a respondent has died, the fact that the respondent has died has to be supported by an affidavit in support of the interlocutory application unless a true copy of the death certificate is already on record. The same is the case when an application is made for bringing on record the legal representatives of the deceased appellant/applicant/petitioner. When the appellant/applicant/petitioner dies, such application reporting death will have to be supported by an affidavit of the proposed legal representatives that their predecessor has died. Where the respondent dies, the appellant/applicant/petitioner will have to make a statement on oath in the supporting affidavit that the particular respondent

has died. If the applicant had a knowledge about the date of death of the deceased party, he must disclose the date either in the application or in the supporting affidavit.

26. In a given case, a party applying for bringing on record the legal representatives may not be aware of the precise date of the death of the deceased party. Therefore, it will be impossible for him/her to mention the specific date of death. However, the fact that a party has died will have to be supported by an affidavit. For example, in the case of an appeal, if the respondent has died, it may not be possible for the appellant to get the precise date of death, or to get a copy of his death certificate. Rule 10A of Order XXII of the Code of Civil Procedure imposes a duty on the pleader of a deceased party to report to the Court the death of a party. The said Rule 10A does not require the pleader to communicate the date of death of his client.

27. The date of death will be material to ascertain whether the application is filed within the period of limitation. The applicant will have to state in I.A that either that he is not aware

of the date of death or that he will have to state the precise date of death.

28. But, there is no requirement laid down either in the said Rules or in the said Code that the applications for bringing on record the legal representatives of a deceased party should be accompanied with a copy of the death certificate of the deceased party. The factum of death can be proved by the parties by filing an affidavit in support of the I.A. In the given case, an application made by the legal representatives of the appellant can always be contested by the respondents by pointing out that the appellant is not dead. In any case, when the Court entertains a genuine doubt about the correctness of the facts stated, the Court always retains a discretion to direct the applicant who makes the application for bringing on record the legal representatives, to produce a copy of the death certificate. Therefore, the objection as specified in item No.35 of Form No.14 cannot be raised as there is no requirement laid down by law to produce a copy of the death certificate. However, it is necessary that either the date of death of the

party is specifically stated in the application or in the supporting affidavit, or that a statement is made that the applicant is not aware about the precise date of death of the party. Therefore, we hold that the objection specified in item No.35 of Form No.14 can never be raised.

29. Item Nos.37 and 40 of Form No.14 can be taken together. Item No.37 is '*whether a xerox copies or typed copies are attested by the counsel as a true copy.*' Item No.40 is '*whether the documents filed along with the appeal memo are attested as a true copy.*' We have already referred to the provisions of Chapter VI of the said Rules dealing with the appeals. Rule 4 provides that every memorandum of appeal shall be accompanied by enclosures required by Orders XLI, XLI-A, XLII or XLIII of the said Code or Section 419 of the Code of Criminal Procedure, 1898 (now Section 382 of the Code of Criminal Procedure, 1973).

30. None of the Rules forming a part of Chapter VI require attestation of the documents filed along with the appeal as a true copy. Chapter VIII of the said Rules incorporates special

rules regarding writ petitions. Rule 2 provides that every petition seeking to issue a writ in the nature of *Certiorari* shall be accompanied by a certified copy or an authenticated copy of the order sought to be quashed. In case where a writ of *Prohibition* is claimed, as per Rule 3, the memorandum of petition must be accompanied by the original copies of the proceedings, if served to the petitioner, or a certified copy or an authenticated copy thereof. Rule 4 of the said Rules requires that for issue of a writ of any other nature, or an order or a direction, the memorandum of petition shall be accompanied by the orders or proceedings in original, or a certified copy or authenticated copies of the same which are the subject matter of the petition.

31. We may note here that as per the provisions of Rule 2 of Chapter VII of the said Rules, every petition under Section 482 of the Code of Criminal Procedure, 1973 and every petition under Articles 226, 227 and 228 of the Constitution of India shall be supported by an affidavit. That is the reason, why perhaps, neither in Chapter VII nor in Chapter VIII of the said

Rules, there is a provision that photo copies/typed copies of the documents annexed should be attested by the counsel as a true copy. When a petitioner files a petition, he is required to file an affidavit in support thereof. Filing an affidavit in support of the petition, in a way, is an authentication of the documents which are produced along with the writ petition or the application, as the case may be. If the documents annexed to a case filed in this Court are not genuine, the party filing the case takes a grave risk and stringent action can be taken against such a party. Therefore, in our considered view, the objections specified in item nos.37 and 40 of Form No.14 cannot be raised. In the light of the aforesaid discussion, the Registrar (Judicial) will issue necessary directions on the basis of the law which we have laid down above.

32. As far as objection No.36 of Form No.14 is concerned, in a given case if a readable/legible photocopy of the documents is annexed, the Court will always have a discretion to dispense with the said objection of filing typed copy of all the manuscripts.

33. As stated earlier, the issues concerning the items regarding valuation of the appeal for the purposes of jurisdiction and Court Fees shall be dealt with on the next date. In the meanwhile, we direct the Registrar (Judicial) to formulate draft guidelines regarding making compliances with the provisions regarding valuation for the Court fee and jurisdiction so that appropriate directions can be issued by this Court. A date will be notified for consideration of the objections regarding valuation. In the meanwhile, the time granted to rectify the objections in all the cases with which we are dealing with, is extended by a period of six weeks from today. Hence, the summary of the conclusions is as under:

(i) The Registry shall not raise an objection (item no.11 in Form No.14) regarding failure to mention the age of a party in the cause title so long as the parties are described either as “major” or “minor.” If a party wants to claim the benefit of being a senior citizen, he/she must state the age;

(ii) The objection regarding non-compliance of item no.12 in Form No.14 shall not be raised;

(iii) The objection regarding item no.35 in Form No.14 shall not be raised if I.A for bringing on record or a supporting affidavit contains a statement either mentioning the date of death of a party, or that the applicant is not aware of the date of death;

(iv) The objection regarding item no.29 in Form No.14 shall not be raised;

(v) The objection regarding item nos.37 and 40 of Form No.14 shall not be raised;

(vi) When a case can be heard without a party rectifying a particular non-essential objection, it is the duty of the Court to waive such objection and proceed to hear the case on the merits.

34. In the light of the aforesaid discussion, the Registrar (Judicial) will issue necessary directions to the Appeal

Examiners and other staff members in the light of what we have laid down in this decision.

Sd/-
CHIEF JUSTICE

Sd/-
JUDGE

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List No.4, Sl. No.1