

CHAPTER VII
REFERENCE TO A FULL BENCH

1. Whenever one Division Court shall differ from any other Division Court upon a point of law or usage having the force of law, the case shall be referred for decision by a Full Bench.

2. If the question arises in an appeal from an appellate decree, the Court referring the case shall state the point or points upon which they differ from the decision of a former Division Court and shall refer the appeal for the final decision of a full Bench.

3. If the question arises in an appeal from an original decree, the questions of law shall alone be referred, and the Full Bench shall return the case with an expression of its opinion upon the points of law for final adjudication by the Division Court which referred it and in case of necessity in consequence of the absence of any or either of the referring Judges, for the ultimate decision of another Division Court.

4. If the question arises in any matter coming before a Division Court in the exercise of its civil revisional jurisdiction, the point or points shall be stated as provided in R. 2, and the matter shall be referred for the final decision of a Full Bench.

5. If the question arises in any case coming before a Division Court as a Court of criminal Appeal, Reference or revision, the Court referring the case shall state the point or points on which they differ from the decision of a former Division Court and shall refer the case to a full Bench for such orders as to such Bench may deem fit.

In making the reference, the referring Judges may recommend to the Chief Justice, where they so think fit, that a full Bench of five Judges be constituted.

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6. Every decision of a full Bench shall be treated as binding on all Division Courts, and Judges sitting singly, upon the point of law or usage having the force of law determined by the full Bench, unless it be subsequently reversed by a Bench, specially constituted, consisting of such number of Judges as in each case shall have been fixed by the Chief Justice, or unless a contrary rule be laid down by the Supreme Court.

Note 1: The second para of R. 5 was deleted by Correction Slip No. 74 and before deletion it read as follows —

“if a full Bench consisting of three Judges cannot come to an unanimous decision they shall instead of disposing of the matter, refer it to the Chief Justice, for Constitution of a larger Bench”.