

HIGH COURT OF MADHYA PRADESH (CONDITIONS OF PRACTICE) RULES, 2012

In exercise of the powers conferred by Section 34(1) of the Advocates Act, 1961 (Act No. 25 of 1961), the High Court of Madhya Pradesh hereby makes following Rules laying down the conditions subject to which an advocate shall be permitted to practice in the ¹[High Court of Madhya Pradesh and the Courts subordinate thereto.]

1. Nomenclature.- These rules shall be called "*The High Court of Madhya Pradesh (Conditions of Practice) Rules. 2012*".

2. Commencement.- These Rules shall come into force on the date on which they are published in the Official Gazette.

¹[**3. Definitions.-**

(1) In these rules unless there is anything repugnant in the subject or context-

- (a) **“Abstention from work”** means and includes calling for or participation in a strike, abstention from work in the Court or non-appearance in cases or a particular case or interruption in administration of justice in any manner by Advocates pursuant to a call issued by State Bar Council/Bar Association or any body of Advocates.

- (b) **“Bar Association”** means an Association of Advocates recognized as such by the State Bar Council of Madhya Pradesh.
 - (c) **“Court”** means the High Court of Madhya Pradesh and the Courts subordinate to it, under the jurisdiction of the High Court of Madhya Pradesh.
 - (d) **“Office Bearers”** means Executive Body elected by the Members of the Bar Association(s) including its Chairman/ President.
 - (e) **“State Bar Council”** means The State Bar Council of Madhya Pradesh.
 - (f) **“The Act”** means the Advocates Act, 1961.
- (2) The words and phrases not defined herein shall respectively carry the same meaning as assigned to them under the Advocates Act, 1961, the Code of Civil Procedure, 1908 or the High Court of Madhya Pradesh Rules, 2008, as the case may be.]

4. Vakalatnama or Memorandum of Appearance.- Save as otherwise provided for in any law for the time being in force, no advocate shall be entitled to appear, act or plead for any person in any Court in a:—

- (1) civil case, unless the advocate files an appointment in writing in either form I-A or I-B appended to these Rules, called Vakalatnama, signed by such person, his recognized agent or by some other person, duly authorized by or under a power of attorney to make such appointment and signed by the advocate, signifying acceptance thereof; except with the leave of the Court granted on an application made for the purpose along with a memorandum of appearance, or

- (2) criminal case, unless, the advocate files a vakalatnama or memorandum of appearance in the form prescribed by the High Court (Form No. 2 of ¹[xx] the High Court of Madhya Pradesh Rules, 2008);
²[(Appendix I-D)]:

Provided that notwithstanding anything in clauses (1) above, an advocate appointed for representing the Central Government or the Government of Madhya Pradesh may appear, act and plead on the strength of a memorandum of appearance in form No. 2 of the High Court of Madhya Pradesh Rules, 2008, signed by himself:

Provided that where an advocate has already filed a Vakalatnama in a case and a party or the advocate engages another advocate to appear in that case merely for the purposes of pleading, it shall be sufficient for such advocate to file a memorandum of appearance. However, such advocate may make a prayer of adjournment even without filing a memorandum of appearance:

Provided further that an advocate can act, appear and plead on behalf of a party in all such matters, as are mentioned in clause (3) of rule 4 of order III of the Code of Civil Procedure, 1908 (Madhya Pradesh amendment dated 18.10.1968) provided that he had filed vakalatnama for such party in the proceeding out of which such matter has arisen. However, in such a case, he shall file a memo of appearance in Form No. 1 of ¹[xx] the High Court of Madhya Pradesh Rules. 2008, ²[(Appendix I-C)] expressing that he had filed vakalatnama at any stage of the case:

1. Deleted by Notification published in M.P. Gaz 4(Ga), dt. 01.02.2019, Page 95

2. Inserted by Notification published in M.P. Gaz 4(Ga), dt. 01.02.2019, Page 95

Provided further that nothing herein contained shall apply to an advocate who has been requested by the court to assist the court as *amicus curie* in any case or proceeding:

Provided further that where an advocate has been appointed by the High Court Legal Services Committee or District Legal Services Authority to defend an accused person in a criminal case and the accused desires to replace him with an advocate of his own choice, he shall file a vakalatnama duly executed in favour of such advocate or a memorandum of appearance in lieu of Vakalatnama, if so permitted by the Court.

Explanation. (1) A separate appointment or a memorandum of appearance shall be filed in each of the several connected proceedings, notwithstanding that the same advocate is retained for the party in all the connected proceedings.

(2) In this rule terms “Civil Case and Criminal Case” for the purpose of the High Court, shall respectively have the same meaning as has been assigned to them in rule 4(2) and (3) of the High Court of Madhya Pradesh Rules, 2008.

5. Outside Advocate not to Appear without a Local Advocate.- An advocate who is not ordinarily practicing in a particular court shall not appear, act or plead in such Court unless he files a Vakalatnama or a memo of appearance as the case may be, along with a local advocate.

6. Joint Vakalatnama or Memorandum of Appearance.- Where in a case, a party is represented by more than one advocate; they may file a Joint vakalatnama or memo of appearance, as the case may be.

7. Address of Advocate on Vakalatnama shall be the Address for the Purpose of Service.- The address, furnished by an advocate at the time of acceptance of his appointment in accordance with rule 5(3) of chapter VIII of the High Court of Madhya Pradesh Rules, 2008, shall be the address for service within the meaning of rule 5 of Order III of the Code of Civil Procedure, 1908.

8. Extent of Vakalatnama and Memorandum of Appearance in Civil Cases.- (1) The vakalatnama of an advocate in civil cases, unless otherwise restricted, shall be deemed to be in force to the extent provided in that behalf by clause (3) of rule 4 of order III of the Code of Civil Procedure, 1908, (Madhya Pradesh amendment dated 18.10.1968).

(2) In civil cases, the memorandum of appearance of an advocate shall be deemed to be in force:—

- (a) under rule 8 of chapter VIII of the High Court of Madhya Pradesh Rules, 2008, read with clause (3) of rule 4 of order III of the Code of Civil Procedure, 1908, (Madhya Pradesh amendment dated 18.10.1968); till the proceeding in which it is filed, is over and
- (b) under order 3 rule 4(5) of the Code of Civil Procedure, 1908, till the event for which the advocate was authorized, is over.

(3) Without prejudice to the generality of the foregoing sub-rule (1) and (2) above, a Vakalatnama filed in a writ petition from which a writ appeal lies, shall continue in force till conclusion of proceedings of the writ appeal unless the Vakalatnama is replaced by a fresh Vakalatnama in favour of another advocate.

9. Extent of Vakalatnama in Criminal Cases.- The vakalatnama of an advocate, in Criminal Cases, unless otherwise restricted, shall be deemed to be in force in following proceedings as well—

- (1) every inquiry, trial or proceeding before a Criminal Court whether instituted on a police report or otherwise;
- (2) an application for bail or reduction, enhancement of amount or cancellation of bail in the case in the same Court where such Vakalatnama or memorandum of appearance was filed;
- (3) an application for transfer of the case from one Court to another;
- (4) an application for leave to appeal against an order of acquittal in a case;
- (5) an appeal or petition for revision against any order or sentence passed in a case;
- (6) A reference arising out of a case;
- (7) An application to correct a clerical or arithmetical error in a judgment or final order;
- (8) An application for making concurrent, the sentences awarded in the case or in an appeal, reference or revision arising out of the case;
- (9) an application relating to or incidental to or arising in or out of any appeal, reference or revision arising in or out of the case;
- (10) an application or act for obtaining copies of documents or for the return of articles or documents produced or filed in the case or in any of the proceedings;
- (11) an application or act for withdrawal, refund or payment;
- (12) an application for the custody of or return, restitution or restoration of the property forfeited or confiscated in the case or an appeal, reference or revision arising from the case as per the final order;

- (13) an application for expunging remarks or observations on the record of or made in the judgment in the case or any appeal, reference, revision or review arising out of the case, and
- (14) an application or proceeding for sanctioning prosecution under Chapter XIV of the Code of Criminal Procedure, 1973, or any appeal or revision arising from and out of any order passed in such an application or proceeding:

Provided that where the venue of the case or the proceedings is shifted from one Court to another (subordinate or otherwise) except by way of transfer within the same sessions division, the advocate filing the Vakalatnama referred to in sub-rules (1) and (2) above in the former court shall not be bound to appear act or plead in the later Court unless he files or has already filed a memorandum signed by him in the later court that he has instructions from his client to appear, act and plead in that Court.

10. Cessation of Vakalatnama or Memo of Appearance.- The vakalatnama or memo of appearance, as the case maybe, of an advocate, unless otherwise restricted, shall be deemed to be in force until.—

- (1) determined with the leave of the Court, on an application signed by the party or the advocate, as the case may be, and filed in Court, or
- (2) the party or the advocate dies, or
- (3) the advocate is suspended or disbarred, or
- (4) all proceedings in that civil or criminal case have ended so far as regards the party.

11. Advocates not to appear, Act or Plead in Certain Circumstances.-

(1) An advocate who has, at any time, advised in connection with subject matter of a case, civil or criminal; or has drawn pleadings, or acted for a party shall not act, appear or plead for the opposite party, in that case:

Provided that on receiving such information, the concerned advocate may withdraw from the case, failing which, on proof of such conduct, the Court may not allow the advocate to appear in the case.

(2) An advocate who is not supposed to appear before a Judge for any reason, shall not—

- (a) file a Vakalatnama or memorandum of appearance, or
 - (b) appear act or plead with or without a Vakalatnama,
 - in a case in which an advocate is already appearing for the party and
 - (i) which is known to be likely to be listed,
 - (ii) hearing therein is about to commence, or
 - (iii) has already commenced
- before such Judge.

12. Frivolous, vexatious or motivated application or prayer for recusal/transfer.- No advocate shall make a frivolous, vexatious or motivated application or prayer for—

- (1) recusal made to a bench on judicial side or
- (2) transfer of a case or a class of cases from a bench, to the Chief Justice on administrative side.

13. Acceptance of Appointment by a Firm or a Partnership of Advocates.- (1) The acceptance of a Vakalatnama or memo of appearance, as the case may be, on behalf of a firm or partnership of advocates shall be indicated by a partner affixing his own signature and specifying that it is in his capacity as a partner of that firm or partnership of advocates.

(2) No such firm or partnership shall be entitled to appear, act or plead in any Court unless at least one of the partners thereof is entitled to appear, act or plead in such Court in conformity with rule 5 above.

(3) The vakalatnama of a firm shall not be filed in any Court unless accompanied by a separate sheet certified by the partner of the firm who has filed the Vakalatnama and containing the names and such other particulars as are required in a Vakalatnama in respect of all partners of the firm.

(4) In every case where a partner of a firm of advocates signs any document or writing on behalf of the firm he shall do so in the name of the partnership and shall authenticate the same by affixing his own signatures as partner.

(5) Neither the firm of advocates nor any partner thereof shall advise a party or appear, act or plead on behalf of a party in any matter or proceeding where the opposite party is represented by any other partner of the firm or by the firm itself.

¹**[13-A. Uniform of Advocates appearing before a Court.-** Advocates appearing before a Court shall wear the Uniform as prescribed in Chapter IV of PART VI of “The Bar Council of India Rules”.]

14. Advocate not to file Vakalatnama or Memorandum of Appearance in a Case in which an Advocate is already on Record.-

(1) No advocate shall be permitted to file a vakalatnama or memorandum of appearance in any proceeding in which another advocate is already on record of the case for the same party save with the consent of the former advocate already on record of the case or with the leave of the Court unless the former advocate has ceased to practice or has by reason of infirmity of mind or body or otherwise become unable to continue to act.

(2) The former advocate on record of the case may signify his consent for allowing the latter advocate to file a vakalatnama or memorandum of appearance for the same party, in the margin of the vakalatnama or memorandum of appearance.

(3) Where the former advocate refuses or neglects to accord such consent, the party or, the latter advocate may file an application, for leave of the Court concerned, to replace the former advocate and to take the vakalatnama or memorandum of appearance, as the case may be, on record.

(4) Such an application, where filed, shall be placed before the Court concerned, which may, in its discretion, allow or reject the same.

15. Disbarred or Suspended Advocate not to Act as a Recognized Agent.- No advocate who has been disbarred or suspended or whose name has been struck off the role of advocates, shall be permitted to act, as a recognized agent of any party within the meaning of Order III of the Code of Civil Procedure. 1908.

16. Advocate Guilty of Criminal Contempt of Court not to Appear, Act or Plead in a Court.- (1) No advocate who has been found guilty of criminal contempt of the High Court of Madhya Pradesh or of any Court subordinate thereto

shall appear, act, or plead in the High Court and any Court of District where the contempt was committed:—

- (a) if the contempt is of a nature which is capable of being purged, unless he has purged himself of contempt.
 - (b) if the contempt is of a nature which is not capable of being purged, for a period of 6 months from the date on which he is convicted of the contempt.
- (2) An order, holding that an advocate—
- (a) is guilty of contempt of Court; or
 - (b) has purged himself of the contempt;
- shall be placed before the Chief Justice for its circulation amongst the Judges of the State and the State Bar Council.

¹**[16-A. Procedure and Consequences of Breach.-** If the State Bar Council or the Bar Association issues a call for strike or abstention from the work without the prior consent of the Chief Justice or the District Judge, as the case may be, following consequences shall ensue:-

- (1) The Office Bearers issuing call on behalf of the State Bar Council or the Bar Association shall be debarred from appearing before any Court in the State of Madhya Pradesh for a period of 1 month from the date of issuance of the call.
- (2) In case a call is issued for going on strike or for abstention from work within 1 year from the last call, it shall result in debarment of the Office Bearers to appear in any Court in the State of Madhya Pradesh for a period of 2 months.

- (3) If during tenure of any Office Bearer, any further call for strike or abstention from work is made, the Office Bearers shall be debarred from appearing in any Court in the State of Madhya Pradesh for a period of 3 months from the date of issuance of the call.]

17. Repeal and savings.- (1) On coming into force of the Rules, the Rules framed by the High Court of Madhya Pradesh under section 34(1) of the advocates Act, 1961, and published in M. P. Rajpatra. Pt. 4(ga), dated 23rd August, 1968, p. 69 by Notfn. No. 1546-III-I-5-57 Ch. 18 dated 28th February. 1967; shall stand repealed.

(2) Notwithstanding that these Rules have come into force and repeal under sub-rule (1) has taken effect—

- (a) anything duly done or suffered; or
- (b) any right, obligation or liability; accrued, imposed or incurred; or any proceedings taken or to be taken, in respect of such right, obligation or liability;

under the repealed Rules, before such enforcement, shall not be affected.

18. Removal of Difficulties.- If any difficulty arises in giving effect to the provisions of these Rules, the Chief Justice may, by notification, make such provisions, as may appear necessary and expedient for removing such difficulty.

APPENDIX 1-A
FORMAT OF VAKALATNAMA
[Rule 4(1) of the Rules framed under the Advocates Act, 1961]

In the Court of

Case/Proceedings No.....

..... Plaintiff/Appellant/Claimant /Petitioner/ Applicant

Versus

..... Defendant/Respondent/ Non-applicant

I/We the *Plaintiff/Appellant/Claimant/Petitioner/Appellant or Defendant/Respondent/Non-applicant named below do hereby appoint, engage and authorize advocate(s) named below to appear, act and plead in aforesaid case/proceedings, which shall include applications for restoration, setting aside of *ex-parte* orders, corrections, modifications, review and recall of orders passed in these proceedings, in this Court or in any other Court in which the same may be tried/heard/proceeded with and also in the appellate, revisional or executing Court in respect of proceedings arising from this case/proceedings, as per agreed terms and conditions and authorize him/ them to sign and file pleadings, appeals, cross objections, petitions, applications, affidavits or other documents as may be deemed necessary or proper for the prosecution/defence of the said case in all its stages and also agree to ratify and confirm acts done by ¹[him]/ them as if done by me/us:

In witness whereof I/we do hereunto set my/our hand to these presents, the contents of which have been duly understood by me/us, this day of 201

1. Inserted by Notification published in M.P. Gaz 4(Ga), dt. 01.02.2019, Page 96

Particular (in Block Letters) of each Party Executing Vakalatnama

¹ [Name & Father's/ Husband's Name and age]	Registered Address	E-mail Address (if any)	Telephone ² [/Mobile] Number (If Any)	Status in the case	Full Signature/ **Thumb Impression
(1)	(2)	(3)	(4)	(5)	(6)
(1)					
(2)					
(3)					
(4)					
(5)					

Accepted:

Particular (in Block Letters) of each Advocate Accepting Vakalatnama

Full Name & Enrollment No. in State Bar Council	Address for Service	E-mail Address (if any)	Telephone ² [/Mobile] Number (If Any)	Full Signature
(1)	(2)	(3)	(4)	(5)
(1)				
(2)				
(3)				
(4)				
(5)				

* Score out whichever is not applicable.

** The thumb impression shall be attested by a literate person giving above particulars.

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1. Substituted by Notification published in M.P. Gaz., Part 4(Ga), dt. 28.03.2025, Page 127

2. Inserted by Notification published in M.P. Gaz., Part 4(Ga), dt. 28.03.2025, Page 127

परिशिष्ट 1—ख
वकालतनामे का प्रारूप
[अधिवक्ता अधिनियम, 1961 के अंतर्गत विरचित नियमों का नियम 4(1)]

समक्ष न्यायालय

प्रकरण/कार्यवाही क्रमांक

. वादी/अपीलार्थी/दावाकर्ता/प्रार्थी/आवेदक

विरुद्ध

. प्रतिवादी/प्रत्यर्थी/अनावेदक

मैं/हम अधोनामित *वादी/अपीलार्थी/दावाकर्ता/प्रार्थी/आवेदक अथवा प्रतिवादी/प्रत्यर्थी/अनावेदक एतद्वारा अधोनामित अधिवक्ता(गण) को उपरोक्त प्रकरण/कार्यवाही, जिसमें पुनर्स्थापन, एकपक्षीय आदेश का निरस्त करने, सुधार, संशोधन, पुनर्विलोकन तथा इन कार्यवाहियों में पारित आदेशों को वापस लेने हेतु आवेदन-पत्र सम्मिलित हैं, इस न्यायालय में अथवा किसी अन्य न्यायालय में, जिसमें इसका विचारण/श्रवण/कार्यवाही की जानी हो तथा अपीलीय, पुनरीक्षण अथवा निष्पादन न्यायालय में भी इस प्रकरण/कार्यवाही से उद्भूत कार्यवाही में, तय किये गये निबंधनों एवं शर्तों के अनुसार उपस्थित होने, कार्य करने, अभिवचन करने तथा उक्त प्रकरण में जैसी आवश्यकता हो अथवा उसके उचित अभियोजन/बचाव हेतु सभी प्रक्रमों पर अभिवचन, अपील, प्रत्याक्षेप, याचिका, आवेदन-पत्र, शपथ-पत्र अथवा अन्य ऐसे दस्तावेजों, जो कि उस प्रकरण अथवा कार्यवाही के उचित अभियोजन अथवा बचाव हेतु आवश्यक समझे जाए, पर हस्ताक्षर करने अथवा प्रस्तुत करने हेतु नियुक्त करता, लगाता तथा अधिकृत करता हूँ /करते हैं एवं उसके/उनके द्वारा किये गये कार्यों की पुष्टि एवं अनुसमर्थन मेरे/हमारे द्वारा किये गये कार्यों के रूप में भी करने हेतु सहमत हूँ/हैं.

इसकी साक्ष्यस्वरूप मैं/हम इस प्रपत्र पर, जिसकी विषय-वस्तु/अन्तर्वस्तु को मैंने/हमने भली भांति समझ लिया है, आज दिनांक माह 201 को अपने हस्ताक्षर करता हूँ/करते हैं.

वकालतनामा निष्पादित करने वाले प्रत्येक पक्षकार का विवरण

नाम पिता/पति का नाम	पंजीकृत पता	ई-मेल पता (यदि कोई हो)	फोन नं० (यदि कोई हो)	प्रकरण में हैसियत	पूर्ण हस्ताक्षर अथवा अंगुष्ठ चिन्ह**
(1)	(2)	(3)	(4)	(5)	(6)
(1)					
(2)					
(3)					
(4)					
(5)					

स्वीकृत :

वकालतनामा स्वीकार करने वाले प्रत्येक अधिवक्ता का विवरण

पूर्ण नाम तथा राज्य अधिवक्ता परिषद में नामांकन क्रमांक	निर्वाह हेतु पता	ई मेल पता (यदि हो तो)	फोन नं० (यदि हो तो)	पूर्ण हस्ताक्षर
(1)	(2)	(3)	(4)	(5)
(1)				
(2)				
(3)				
(4)				
(5)				

* जो लागू न हो उसे काट दें.

** अंगुष्ठ चिन्हों को उपरोक्तानुसार विवरण प्रस्तुत करते हुए किसी साक्षर व्यक्ति द्वारा अनुप्रमाणित किया जावेगा.

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¹[APPENDIX 1-C
Form No. 1

**IN THE HIGH COURT OF MADHYA PRADESH
PRINCIPAL SEAT AT JABALPUR /BENCH AT INDORE /
BENCH AT GWALIOR**

**Memo, of Appearance
(Civil)**

Class of Case..... No. of 20..... fixed for / /20.....

Appellant :
Applicant :
Petitioner :

Versus

Respondent :
Non-applicant :

1. The undersigned has been authorized, instructed and engaged by Shri/Sushri (Appellant/ Petitioner/ Respondent, Applicant/ Non-Applicant) to plead on his/her behalf, in the above proceeding in terms of order III Rule 4 (5) C.P.C.

or

The undersigned has been authorized, instructed and engaged by Shri/ Sushri (Appellant/Petitioner/Respondent, Applicant/Non-Applicant) to appear, act and plead on his/her behalf, in the above proceeding in terms of Rule 8 of chapter VIII of the Rules.

PLACE:

DATE :

(Signature)
Advocate for
Name & Address]

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¹[APPENDIX 1-D
Form No. 2

**IN THE HIGH COURT OF MADHYA PRADESH
PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE /
BENCH AT GWALIOR
Memo of Appearance
(Criminal)**

Class of Case No..... of 20..... fixed for / /20

Appellant :
Applicant :
Petitioner :

Versus

Respondent :
Non-applicant :

1. The undersigned has been authorized, instructed and engaged by Shri/Sushri (Appellant/Petitioner/Respondent. Applicant/Non Applicant) to appear, act and plead on his/her behalf, in the above proceeding.
2. The said instruction/authorization is contained in the annexed letter/ document issued by the said party, or by son/daughter/ wife of resident of who has stated that he /she has been authorized by the party to engage an Advocate on his /her behalf.

or

The undersigned undertakes to produce such letter/document authorizing him/her to appear in the proceeding, within three weeks.

PLACE:

DATE:

(Signature)
Advocate for
Name & Address]

- - - - -