

¹THE KARNATAKA CIVIL RULES OF PRACTICE, 1967**NOTIFICATION****No. SPL. 1 of 1962, dated 1st June 1967****(KARNATAKA GAZETTE, dated 20.07.1967, Part-IV 2-D)**

(As amended by Notification Nos. ROC 2062/68, dated 1.5.1969 (KGD 8.5.1969); ROC 1058/68, dated 15.5.1969 (KGD 22.5.1969); ROC 3297/A/68, dated 15.7.1969 (KGD 24.7.1969); ROC 3466/68, dated 12/13.8.1969 (KGD 21.8.1969); ROC 3346/68, dated 4.12.1969 (KGD 18.12.1969); ROC 641/A/69, dated 4.12.1969 (KGD 18.12.1969); ROC 943/69, dated 4.12.1969 (KGD 18.12.1969); ROC 1318/1969, dated 21.2.1970 (KGD 5.3.1970); ROC 2648/1969, dated 12/15.6.1970 (KGD 25.6.1970); RPS 16/1983(1), dated 10.4.1984 (KGD 3.5.1984); LCA I/444/1982, dated 27.10.1984 (KGD 22.11.1984); RPS 134/1980, dated 22.3.1986 (KGD 3.4.1986); LCA IV-417/1980, dated 16.6.1986 (KGD 26.6.1986); LCA I/571/85, dated 28.2.1991 (KGD 7.3.1991); LCA I/49/92, dated 6.1.1993 (KGD 28.1.1993); LCA I/107/1986, dated 22.2.1993 (KGD 4.3.1993); LCA I/187/86, dated 2.3.1993 (KGD 18.3.1993); LCA I 313/91(2), dated 12.4.1993 (KGD 13.5.1993); LCA-I 471/92, dated 17.11.1993 (KGD 2.12.1993); LCA 571/85/OC/92, dated 16.12.1993 (KGD 6.1.1994); LCA I 471/92, dated 15.1.1994 (KGD 20.1.1994); LCA I 536/92, dated 6.1.1999 (KGD 28.1.1999); and LCA-I/108/1995, dated 19.4.2000 (KGD 15.6.2000) ; LCA/I/633/95 HCLC, dated 23/4/2001 (KGD dated 6-9-01); HCLC/5/2000 dated 24/8/2001 ; LCA/I/51/90/HCLC, dated 11/3/2003 ; **LAW/135/LAC/2003 dated 30/7/2003** and **LAW/08/LAC/2005, dated 06/04/2006.**)

In exercise of the powers conferred by Section 122 of the Code of Civil Procedure (Central Act V of 1908) and all other powers thereunto enabling, the High Court of Karnataka, with the previous approval of the Government of Karnataka, and in suppression of the Rules of Practice continuing in force by virtue of Section 119 of the States Reorganisation Act, 1956 (Central Act XXXVII of 1956) in different areas of the State, hereby makes the following Rules of Practice to have effect throughout the territories of the State with respect to the Practice and Procedure of the Civil Courts subject to the superintendence of the High Court of Karnataka, the same having been previously published for objections and suggestions in the Karnataka Gazette, dated 23rd May, 1963.-

1. Published in the Karnataka Gazette, dated 20-07.1967 vide No. SPL. 1 of 1962, dated 1-6-1967

CHAPTER I
PRELIMINARY

1. (1) These Rules may be called the Karnataka Civil Rules of Practice, 1967.

(2) These Rules shall come into force from such *[date] as may be notified in the Karnataka Gazette by the High Court.

***NOTIFICATION**

Notification No. SPL 1 of 1962 dated 5-10-1967

[Published in the Karnataka Gazette, dated 12-10-1967]

In exercise of powers conferred by sub-rule (2) of Rule 1 of the Karnataka Civil Rules of Practice, 1967, the High Court of Karnataka notifies the **1st day of November, 1967**, as the date from which the Karnataka Civil Rules of Practice, 1967, shall come into force.

2. The reference to Forms in these Rules shall be to the Forms mentioned in Appendix A hereto and the reference to Registers shall be to the Registers mentioned in Appendix B, unless specified otherwise.

3. (1) In, these Rules the word "**Code**" means the Code of Civil Procedure, 1908, as amended from time to time.

(2) "**Pleadings**" shall include plaints, written statements, memoranda of appeals, cross-objections, original petitions, applications, counter statements, replies, rejoinders and every statement setting out the case of a party in the matter to which the pleadings relate.

¹(3) "**First Hearing**", in relation to a suit means the date on which the defendant is summoned to appear for settlement of issues or for final hearing and includes any other adjourned date for the above purpose.

(4) "**Legal Aid Board**" means the Board constituted under the Karnataka Legal Aid Board Act, 1981 (Karnataka Act 32 of 1981).

(5) "**Chief Ministerial Officer**" includes the Registrars and Deputy Registrar of the Bangalore City Civil Court and the Court of Small Causes, Bangalore.

(6) "**Judge**" or "**Presiding Officer**" means and includes the Principal City Civil Judge, Additional City Civil Judge, Chief Judge of the Court of Small Causes, Judge of the Court of Small Causes, District Judge, Additional District Judge, Civil Judge, Additional Civil Judge, Munsiff or Additional Munsiff appointed under the Bangalore City Civil Courts Act, 1979, the Karnataka Civil Courts Act, 1964, or the Karnataka Small Causes Courts Act, 1964.]

4. On the coming into force of these Rules all existing Rules, Orders, Circulars, Practice, Convention or the like governing any matter dealt with or covered by these rules shall stand repealed:

Provided that this repeal shall not affect or invalidate any action, decision or proceeding taken, any disposal made, any decree or order made or issued under the existing rules before the commencement of these Rules.

5. Description of the Proceedings.- (1) A suit instituted in any Court subordinate to the High Court, other than a suit cognizable by a Court of Small Causes, shall be designated an 'Original Suit' and indicated by the abbreviation "O.S.".

(2) A suit cognizable by a Court of Small Causes shall be designated a 'Small Cause Suit' and indicated by the abbreviation "S.C.".

(3) All proceedings in execution of decrees or orders shall be designated 'Execution Cases' and denoted by the abbreviation "Ex.C."

(4) Original proceedings other than Suits and Execution Cases shall be classified according to the nature of the subject matter and be designated as mentioned below and indicated by the abbreviation noted against each category:

- (a) Land Acquisition Cases - L.A.C.
- (b) Matrimonial Cases - M.C.
- (c) Guardians and Wards Cases - G. and W.C.
- (d) Probate and Succession Cases - P. and S.C.
- (e) Insolvency Cases I.C.
- (f) Arbitration Cases - A.C.
- ¹[(ff) Arbitration Suits - A.S]

1. Clause (ff) inserted by Notification No. LCA-1/444/1982, dated 27-10-1984, w.e.f. 22-11-1984

- (g) House Rent Control Cases - H.R.C.
- ²[(gg) Accident Claim Cases under the Motor Vehicles Act - MVC.
- (ggg) Company matter,-
 - (a) Company Petitions - COP.
 - (b) Company applications - COA.]

2. Clause (gg) and (ggg) inserted by Notification No. LCA-1/444/1982, dated 27-10-1984, w.e.f. 22-11-1984

- (h) Miscellaneous Cases (i.e. cases not falling under any of the above categories)- Mis.C.
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- (5) Appeals shall be classified as follows:-
- (a) Regular Appeals, that is, appeals against decrees in Original Suits - indicated by the abbreviation "R.A.";
 - (b) Execution Appeals, that is, appeals against original orders determining questions under Section 47 of the Code deemed to be decrees-indicated by the abbreviation "Ex.A.";
 - (c) Miscellaneous Appeals, that is, appeals against any other judgments or orders including any order as to costs only, made by a subordinate Civil Court in the exercise of its civil jurisdiction-indicated by the abbreviation "M.A.";
 - (d) House Rent Control Appeals - "H.R.C.A.";
 - ¹(e) Education Appellate Tribunal Cases. E.A.T]

1. Clause (e) inserted by Notification No. LCA 1/444/1982, dated 27-10-1984, w.e.f. 22-11-1984

- ²[(6) Revision petitions under any special enactment shall be designated as 'Revision Petitions' with a brief reference within brackets as to the nature of the case and indicated by the abbreviation 'REV' (Eg. Revision Petition under Rent Control Act to be designated as REV with the abbreviation (RENT).]²

2. Sub-Rule (6) inserted by Notification No. LCA-1/444/1982, dated 27-10-1984, w.e.f. 22-11-1984

6. Description of parties.- ³[(1)] The contending and opposing parties shall be described as Plaintiff and Defendant respectively in Suits Appellant and Respondent in Appeals, Decree-holder and Judgment-debtor in Execution Cases and Petitioner and Opponent in all other proceedings.]³

⁴[(2) The proceedings before appellate and revisional courts, the ranks held by the respective parties in the lower courts, shall be indicated within brackets in the cause title.]⁴

3. Original Rule 6 renumbered as sub-Rule (1) by Notification No. LCA-1/444/1982, dated 27-10-1984, w.e.f. 22-11-1984

4. Sub-Rule (2) inserted by Notification No. LCA-1/444/1982, dated 27-10-1984, w.e.f. 22-11-1984

CHAPTER II
PLEADINGS

(Read with Orders VI, VII and VIII of the Code)

7. (1) All pleadings, affidavits, memoranda or lists of documents and copies of documents presented to or filed in any Court shall be fairly and legibly written, typed or printed on durable white paper ¹[or azure laid paper of metric A-4 size (30.5 cms. long and 21.5 cms. wide), weighing not less than 4.9 Kilograms a ream in the case of pleadings and not less than 3.9 Kilograms a ream in the case of other documents with an outer margin 6.5 Cms., wide and an inner margin 2.5 Cms. wide] separate sheets being stitched together bookwise and pages numbered serially.

1. Substituted by Notification No. LCA-1/444/1982, dated 27-10-1984, w.e.f 22-11-1984.

(2) Every pleading shall be headed by a cause title disclosing the Court and the proceeding in which it is filed.

²[(3) Every Judge returning a plaint under Rule 10 or 10A of Order VII of the Code shall cause to be endorsed there on in red ink, under his initials and seal, particulars such as, (a)* the date of presentation of the plaint, (b) by whom presented, (c) the date of appearance, if any, of the defendants, (d) the date of decision for returning the Plaint, (e) a brief statement of reasons for ordering the return, (f) the name of the Court, if any, to which the plaintiff proposes to present the plaint after its return, by specifying such intention under sub-rule 2 (a) of Rule 10-A of Order VII, (g) whether the court has given notice to the parties to appear before such Court and if so, set for such appearance.

(4) The outer margins shall be used only for endorsements, of the Court and for amendments, if any, carried out with the leave of the Court. However, where any amendment cannot be incorporated in the outer margin, the same may be incorporated in a separate sheet and a note shall be made in the outer margin to the effect that a separate sheet incorporating the amendment is annexed. All amendments may be shown in red ink.

(5) The Court Fee labels shall be so affixed as to ensure, that when they are cancelled or punched, the contents of the documents are not obliterated.

(6) Every paper or set of papers presented shall be enclosed by an accurate list thereof prepared in triplicate in the following form, namely,-

2. Sub-Rules (3) to (7) inserted by Notification No.LAC-1/444/1982, dated 27.10.1984, w.e.f.22.11.1984.

In the Court of
 dated

Case No.

List of documents produced by Plaintiff/Appellant/Petitioner/
 Defendant/Respondent/Opponent.

No.	Description of documents	Whether original or copy	No. of pages of the document	Date, if any, which, document bears	Value of stamps affixed on document	Remarks

Place:

Date: Signature of Party/Pleader

Acknowledgement of receiving clerk 'Checked and Received'.

- (7) (a) It shall be the duty of the Receiving Officer to initial with date, check the papers with reference to the index sheet and also to comply with the requirements of Rule 12 relating to documents produced with pleadings, and to issue an acknowledgement on the presentation form.
- (b) Save in cases covered by Rule 3 of Order XXXIII or Rule 1 of Order XXIX of the Code, pleadings or other papers in Judicial matters shall be presented by the party in person or by his recognised agent or by his pleader or by a duly registered clerk of the Pleader to the Chief Ministerial Officer of the Court or such other officer as may be designated for the purpose by the Presiding Officer of the Court.]

(Read with Order VII, Rule 1 of the Code)

8. Dating of Pleadings.- Every pleading or other paper filed in a Court shall bear the date on which the signature of the party is affixed, the date of presenting it to Court and the date of its receipt in Court. When copies of such pleadings or papers are granted such dates shall also be copied by the copyist.

9. Presentation.- (1) No pleading or any other paper in a judicial matter shall be received, unless it is presented by the party in person or by his recognised agent or by his pleader or by a duly registered clerk of the pleader. Such presentation shall be made to the Chief Ministerial Officer of the Court or such other officer as may be designated for the purpose by the Presiding Officer of the Court.

(2) No pleading shall be received unless it is accompanied by sufficient number of copies to be served on the opposite side, ¹[and where the State Government or an officer of the State Government is a party an additional copy on the Government Pleader attached to the court] except where the copies are already furnished to the opponent or opponent's pleader and acknowledgment therefor is produced. ²[Where the State Government or an Officer of the State Government is a party to the proceedings the Government Pleader attached to the Court shall be entitled to an additional copy of the pleadings.]

1. Inserted by Notification No. RPS 16 of 1983 (1), dated 10-4-1984 w.e.f. 3-5-1984

2. Inserted by Notification No. RPS 16 of 1983 (1), dated 10-4-1984 w.e.f. 3-5-1984

(3) The officer to whom such papers are presented shall endorse on the same in red ink the name of the person presenting the paper and the value of the stamp affixed, initial the same and note the date of presentation.

³(4) No pleading or other paper shall be received after 4 p.m. on working days by the Chief Ministerial Officer, or other officer designated in this behalf. However, where questions of limitation are involved, or in matters of great urgency, where the party or his pleader, with due diligence could not present the pleading before 4 p.m. such pleading may be presented thereafter before the Presiding Officer himself, if available. The Presiding Officer, save in cases involving limitation, may, in his discretion, refuse to receive the plaint or paper, and by an endorsement, direct that the same be presented during the working hours of the Court on the next working day. However, if he decides to receive the same he shall endorse the time and date of receipt, and if feasible, obtain below the endorsement, the signature of the person presenting the pleading and pass such orders as may be found practicable. To remove doubts, it is hereby clarified that all pleadings so received at or before mid-night shall be deemed to have been received on the corresponding date of the calendar.

3. Sub-Rules (4) to (7) inserted by Notification No. LCA-1/444/1982, dated 27-10-1984, w.e.f. 22-11-1984

(5) All pleadings and other papers presented shall be entered in a register, containing the following columns, by the Chief Administrative Officer, or any official authorised in this behalf.

Sl. No.	Presentation			Signature of		Remarks
	Date	Time	by whom	Receiving Officer	Case worker to whom referred	

(6) The Register shall be available for inspection by the pleaders or their clerks during the working hours of the Court.

(7) All pleadings/papers received shall be dealt with by the case worker, in the chronological order of receipt as endorsed on them, unless, a motion is made for consideration out of turn and the Presiding Officer grants such request.]

1[9-A (1) Every Vakalatnama submitted to the Court by the Advocate shall contain the Roll No. and address either in a printed form or affixed by a rubber stamp or written by hand.

(2) The Vakalatnama shall contain clearly the details as to the acceptance of the Vakalatnama by the advocate and his signature for having accepted the Vakalat.

(3) The details of Registration No. Address and also acceptance so furnished shall be recorded by the office in the Computer or shall be entered in the relevant register.

Provided that where Vakalatnama is being filed by more than one Advocate, it is sufficient if the address of the senior most among them is furnished.]

1. Rule-9A inserted by Notification No. HCLC-5/2000, dated 24-8-2001, w.e.f. 7-2-2002

10. Provision of Law.- Every pleading shall specify the provision or provisions of law under which the same is presented. Further, in the case of appeals under Rule 1 of Order XLIII of the Code, the particulars or relevant clause shall also be specified.

11. Proceedings in respect of immovable property.- ²[(1)] In proceedings in respect of immovable property every plaint and original petition, in which relief is sought with respect to immovable property shall contain a description of the property in such detail as to clearly identify the property. In cases where the value of the property is required to be estimated for the purpose of the Karnataka Court Fees and Suits Valuation Act, 1958, there shall be annexed thereto a statement, duly filled in and signed by the party, of the particulars mentioned in Form No.1.

³[(2) Whenever the plaint or written statement or a petition refers to tangible movable or immovable property, the descriptive details thereof shall be appended in the form of a schedule, annexed to the pleadings and it shall be thereafter sufficient to refer to such property as the 'plaint schedule property' or 'written statement schedule property', or the 'petition schedule property' as the case may be. If the properties include both movables and immovables, separate schedules may be given and the schedules be numbered serially as A, B, C, D, etc. All items of immovable properties shall be arranged in the ascending order of survey numbers or house numbers, village-wise.]³

2. Original Rule 11 renumbered as sub-Rule (1) by Notification No. LCA-1/444/1982, dated 27-10-1984, w.e.f. 22-11-1984

3. Sub-Rule (2) inserted by Notification No. LCA-1/444/1982, dated 27-10-1984, w.e.f. 22-11-1984

(Read with Order VII, Rule 3 of the Code)

12. ¹[(1)] When a document produced with any pleading appears to be defaced, torn, or in any way damaged, or where its condition or appearance requires special notice, a note of its condition and appearance should be made on the list of documents by the party producing the same and should be checked and initialled, if correct, by the Officer receiving the same.

1. Original Rule 12 renumbered as sub-rule (1) by Notification No. LCA-1/444/1982, dated: 27/10/1984, w.e.f. 22/11/1984

²[(2) Any pleader or party presenting an un-registered document in original, may of his own accord produce photostat/xerox copy of the same for facility of easy handling. In any other case the court may direct the party producing the document to produce one or more Photostat/Xerox copies of the same and in such an event, the cost shall abide the result.]¹

2. Sub Rule (2) inserted by Notification No. LCA-1/444/1982, dated: 27/10/1984, w.e.f. 22/11/1984

13. Delay.- All appeals or applications to which Section 5 of the Limitation Act applies, presented after the expiry of the time prescribed by law, must contain a statement of the period of delay. They must be accompanied by an application for condonation of the delay supported by an affidavit.

(Read with Order VII, Rule 6 of the Code

and Section 5 of the Limitation Act)

³[**14. (1)** On presentation of every plaint or original petition the same shall be entered in Register No. VIII and examined by the Chief Ministerial Officer of the Court, with reference to a check slip containing the following particulars:-

"CHECK SLIP"

- (i) Nature of the suit or Proceedings.
- (ii) Whether the plaint or petition comes within the pecuniary and territorial jurisdiction of the Court?
- (iii) Whether the cause of action or any part of it arises within the jurisdiction of the Court?
- (iv) Whether the valuation for purposes of Court Fee and Jurisdiction is correct? If not, what is the office objection?
- (v) Prima facie, is there any bar of limitation?
- (vi) Prima facie, is there any bar of limitation? law?
- (vii) The number of Interlocutory applications accompanying the plaint/petition and the provisions invoked in aid of the same?

3. Rule 14(1) substituted by Notification No. LCA-1/444/1982, dated: 27/10/1984, w.e.f. 22/11/1984

- (viii) Number of documents enclosed and their condition or state?
- (ix) Whether the copies of suit documents, duly compared have been produced?
- (x) Whether copies of the pleading, in sufficient number, for service on the opposite side, accompanied by necessary process fee and duly addressed envelopes, with postage and acknowledgement forms, have been produced?
- (xi) Does the Party or Advocate, presenting the papers, desire the case to be immediately called in Court for urgent interlocutory order?
- (xii) Has any caveat been filed in respect of the same matter by any one?
- (xiii) Are all certified copies and other documents sufficiently stamped?
- (xiv) Is leave/special leave of the Court sought for any particular purposes?
- (xv) Is there any other bar for registration of the suit or petition?
- (xvi) Signature of the Checking Officer?
- (xvii) Orders of the Presiding Officer or the Chief Ministerial Officer relating to admission of the plaint (or petition) or granting time for rectification of office objection.]

(2) Subject to the provisions of sub-rule (1) any non-compliance with these Rules or any clerical mistake may be required by the Chief Ministerial Officer to be rectified within such time as may be specified by him. Any rectification so effected, shall be initialled and dated by the party making the same and the Chief Ministerial Officer shall note the number of corrections in the margin, in red ink, and shall initial and date the same.

In the event of such rectification not being made within such time, the Chief Ministerial Officer shall place the matter before the Presiding Officer of the Court for orders.

- (3) This Rule shall apply *mutatis mutandis* to Memoranda of Appeals.

(Read with Orders IV and VII of the Code)

Note.- All rectifications must be made only in the presence of the Chief Ministerial Officer.

15. Addition and substitution of parties.- Whenever the Court orders that a party be added, substituted, or deleted, the cause title as well as the body of the plaint or memorandum of appeal shall accordingly be amended before the adjourned date of hearing. Such amendment shall be made in red ink.

(Read with Order I of the Code)

16. Party appearing by Agent.- (1) When a party appears by an agent, other than a pleader, the agent shall, before making or doing any appearance, application or act, in or to the Court, file in Court the power-of-attorney, (or a properly authenticated copy thereof) authorising him to do so.

(2) Any person claiming to be a recognised agent under Rule 2(b) of Order III of the Code, shall file an affidavit stating the residence of his principal, the trade or business carried on by the agent on his behalf and the connection of the same with the subject matter of the suit, and that no other agent is expressly authorised to make any such appearance or application or do such act.

(Read with Order III of the Code)

**¹[CHAPTER II-A
APPLICATION FOR LEAVE**

(Section 92 of the Code)

(16-A).(1) An application, seeking leave of the Court to file a suit under Section 92 of the Code, shall be made by two or more persons having an interest in the trust.

(2) Such an application shall be accompanied by a copy of the plaint proposed to be filed.

(3) Such an application shall be treated as an independent and substantive application and be designated as miscellaneous petition.

(4) An application seeking leave to file a suit under Section 92 of the Code, shall, be disposed of by the Principal Judge or in his absence the senior most Judge of the Court after giving an opportunity of hearing to the applicants:

Provided that if the Court considers necessary to hear the opposite party also, the Court may order issue of notice to the opposite party and pass orders on the application after giving an opportunity of hearing to both the parties.

(5) When the leave is granted by the Court as sought for, the suit shall be deemed to have been instituted on the date of filing of Miscellaneous petition, provided persons who have obtained leave, pay the requisite Court Fee on the plaint within the time granted by the Court.]

1. Chapter II-A (Rule 16-A) inserted by Notification No. LCA-1 187/86, dated: 2/3/1993, w.e.f. 18/3/1993

**²[CHAPTER II-B
"CAVEAT PETITIONS"**

(16-B) Caveat petition filed under Section 148-A of the Code of Civil Procedure, 1908 shall be entered in a register in the form given hereunder.-

"Caveat Register"

1. Number of Caveat
2. Date of Lodging
3. Caveater's Name and Address
4. Name and address of the plaintiff/applicant in suit or proceedings.
5. Date of filing application in a suit or proceeding in respect of which Caveat is filed.
6. Suit or proceedings number if any (with reference to application) in which the application is filed.
7. Date of destruction of the Caveat Petition.
8. Remarks

1. Chapter II-B (Rule 16-B & 16-C) inserted by Notification No.LCA-1/471/1992, dated 17-11-1993 w.e.f. 2/12/1993.

16-C. (1) When the application in a suit or proceeding to which the caveat pertains is or has been filed, the caveat shall be kept in the records of that suit or proceeding and corresponding entry in the Caveat Register shall be rounded off and the caveat shall stand disposed off.

(2) In any case to which the above rule does not apply, when a caveat ceases to be in force in accordance with Section 148-A(5) the Code of Civil Procedure, 1908, the same shall be destroyed, after a lapse of one year from the date on which it has ceased to be in force. The date of destruction of the caveat shall be entered in the Caveat Register.]

CHAPTER III
INTERLOCUTORY MATTERS

¹[17. 'Interlocutory application' means an application to the Court in any Suit, Appeal or Proceeding already instituted in such Court other than an application for execution of the decree or setting aside the decree or final order made in such Suit, Appeal or Proceeding, or an application for review of judgment and includes every application seeking an order by way of aid pending final adjudication of the matter arising in the Suit. Appeal, or Proceeding or for re-admission of appeal dismissed for default.]

1. Rule 17 substituted by Notification No. LCA-1/444/1982, dated 27.10.1984, w.e.f 22.11.1984

18. (1) Every Interlocutory Application shall be indicated by the abbreviation "I.A." and shall be consecutively numbered in each suit, appeal or proceeding in which it is filed.

(2) All facts, on which an applicant relies for making the prayer or obtaining the relief sought in the application, shall be set out in an affidavit accompanying the application. Where, however, the facts on which the application is based appear from the records of the case in the Court or relate to any act or conduct of the applicant's pleader himself, the Court may permit a memorandum of facts signed by the applicant's pleader to be filed instead of an affidavit:

²[Provided that it shall not be necessary to file any affidavit but only a memorandum of facts signed by the pleader in interlocutory applications seeking any relief other than the relief's of temporary injunction, attachment, arrest, appointment of guardian or the appointment of receiver or amendment of a pleadings]²

2. Proviso added by Notification No. LCA-1/444/1982, dated 27.10.1984, w.e.f. 22.11.1984

(3) Every Interlocutory Application shall bear the cause title of the main matter in which it is made and shall set out the names of the applicants and the opponents and their respective ranks in the main matter, the provision of law under which it is made and the prayer or relief sought, in clear and precise terms.

(4) The application shall be signed by the applicant or his pleader, who shall enter the date on which such signature is made and in the date on which the application is made.

³[(4) (a) The order sheet shall contain a separate column indicating the number of interlocutory applications pending on the date of each hearing and the Bench Clerk shall note the numbers of undisposed of interlocutory applications; and the Presiding Officer shall endeavour for disposal of such applications expeditiously.]

3. Sub-rule (4) (a) inserted by Notification No. LCA-1/444/1982, dated 27.10.1984, w.e.f. 22.11.1984.

(5) The order recorded in the order sheet shall disclose clearly the serial number of the Interlocutory Application, if it relates to any such application.

19. (1) Every Interlocutory Application shall, after presentation, be numbered and posted before the Court for orders:

Provided that, when any party likely to be affected by it has already entered appearance by pleader, no such application shall be so posted, unless such pleader has been served with notice of the application by delivering to him a copy of the application together with a copy of the supporting affidavit or memorandum of facts, and the written acknowledgement over the signature of each such pleader or his registered clerk is taken either by an endorsement on the application or otherwise and is filed into Court along with the application.

(2) If, however, the applicant's pleader makes an endorsement on the application that such service on pleader was either refused to be accepted or could not be effected in spite of due diligence, the Court may direct that the application be numbered and posted.

(3) Whenever it is intended to move the application as an emergent application, the copy of the application served on every pleader under this rule shall contain an endorsement stating that the application is intended to be moved as an emergent application on the day specified in the endorsement.

20. An order passed by the Court on an Interlocutory Application before service of notice on the opponent shall not be issued to the party affected by it or the concerned authority or the subordinate Court, unless the applicant has filed into Court a memo in Form No. 2 for service of notice of the application on parties to whom notice has to be given or is directed by the Court, with the appropriate amount of process fee affixed thereto in court-fee labels together with as many plain paper copies of the application and supporting affidavit or memorandum of facts as there are parties to be served, except where the applicant himself has served such notice and produces into Court proof of such service.

Where service of an order of injunction or like order is required to be made on a party, the fee prescribed for such service shall also be paid before the order is issued.

21. (1) Except in cases in which it is otherwise provided by these Rules, notice of an application shall issue only when ordered by the Court.

(2) Unless the Court orders otherwise, notice of an Interlocutory Application need not be given to a party who having been served with the notice in the main suit, appeal or other proceeding, has not entered appearance or to a party to whom notice in the appeal has been dispensed with under the provisions of Rule 14 of Order XLI of the Code.

22. Where notice of an application has to be given, the applicant shall, within three days from the date of the order directing notice, file into Court a memo in Form No.2 for service on parties to whom the notice has (or has been directed) to be given with the appropriate amount of process fee affixed thereto court-fee labels together with as many plain paper copies of the application and the supporting affidavit or memorandum of facts as there are parties to be served:

Provided that where the party to be served is represented by a pleader in the main suit, appeal or other proceeding, notice of the application may be served on the pleader in the manner prescribed in the Code.

23. There shall be a separate application in respect of each distinct prayer. When several prayers are combined in one application, the Court may direct the applicant to confine the application only to one of such prayers and to file a separate application in respect of each of the others.

CHAPTER IV
AFFIDAVITS

(Read with Order XIX of the Code)

24. Every affidavit for use in a Civil Court shall set forth the cause title of the proceeding or matter in which it is sought to be used and, in the case of an affidavit in an Interlocutory Application, also the cause title of the Interlocutory Application.

25. Every person making an affidavit shall be described in the affidavit in such manner as will be sufficient to identify him clearly.

26. An affidavit shall be confined to statement of facts and avoid arguments.

27. When an affidavit contains statements of facts not within the deponent's personal knowledge but based on the information received by the deponent, he shall state so, and shall also state that he believes the same to be true and shall give the source of such information wherever possible and the grounds of his belief, if any.

28. Affidavits intended for use in the Civil Courts may be made before and attested by any of the following persons, hereinafter called attesting officers, who, for the said purpose, are hereby empowered to administer oath or solemn affirmation:-

- (a) any Judicial Officer, Magistrate, or other Presiding Officer of Civil, Criminal or Revenue Court;
- (b) any Registrar or Sub-Registrar under the Indian Registration Act;
- (c) the Registrar, Deputy Registrar, or Assistant Registrar of any High Court;
- (d) the Chief Ministerial Officer of any Civil Court by whatever name called, including any officer in charge of the duties of the Chief Ministerial Officer for the time being;

¹[dd) Assistant Registrars and Sheristedars of the Bangalore City Civil Court and the Court of Small Causes, Bangalore;]

1. Clause (dd) inserted by Notification No. LCA-IV-417 of 1980, dated 16.6.1986, w.e.f. 26.6.1986

- (e) any Notary appointed under the Notaries Act (Central Act LIII of 1952).

²**28-A** ³(1) The High Court may also appoint Advocates as Oath Commissioners for the purpose of administering Oath or Affirmation in case of affidavits intended for use in the Civil Courts. The number of Oath Commissioners to be appointed for Bangalore and other places in the State may be as fixed by the High Court from time to time. Advocates who have put in practice of not less than

2. Rule 28-A inserted by Notification No. LCA 1/571/85, dated 28.2.1991, w.e.f. 7.3.1991

3. Sub-rule (1) of Rule 28-A substituted by Notification No. LCA-I/108/1995, dated 19.4.2000, w.e.f. 15.6.2000

two years and not more than four years are eligible for appointment as Oath Commissioners. The appointment as Oath Commissioners shall be initially for a period of three years and may be extended for a period till the completion of practice of seven years. However, the appointment as Oath Commissioners may be cancelled at any time by the High Court.]

¹[Provided that no person who has attained the age of thirty five years on the last date fixed for filing application shall be appointed as "Oath Commissioner".]

1 Proviso inserted by Notification No. LCA-1 571/85/OC/92, dated 16.12.1993, w.e.f. 6.1.1994

(2) The Oath Commissioner will be entitled to a fee of Rs.5.00 only per affidavit. He shall keep and maintain a register in the form prescribed below in which particulars of all affidavits shall be entered. The Oath Commissioner shall pass a written receipt to the deponent for the fee received in the form prescribed as hereunder. The receipt shall be in a printed form consisting of a foil and a counterfoil, the foil being handed over to the deponent and the counterfoil, the foil being handed over to the deponent and the counterfoil being preserved by the Oath Commissioner for production at an inspection.

Note-1. The Oath Commissioner will be entitled to an additional fee of Rs.10.00 from a deponent when he is required to attend the deponent's residence.

Note-2. With a view to ensure that particulars of all the affidavits which are attested are duly entered in the register and receipts for the fee received are given, the Oath Commissioner, shall send a report within 15 days of the end of every three months about the total number of affidavits attested and the amount of fee collected during the previous quarter to the Registrar or any other authorised officer of the High Court of Karnataka, Bangalore. The Registrar or the authorised officer may make such periodical inspection of their registers and receipt books containing counterfoils, as may be considered necessary.

Note-3. Every oath Commissioner shall have and use, a seal of such form and design as may be prescribed and supplied by the High Court on payment of prescribed fee.

Note-4. Every Oath Commissioner shall handover the Seal, Register and Receipt Books kept and maintained by him/her to the Registrar or the authorised Officer, High Court of Karnataka, after he/she ceases to be an Oath Commissioner.

FORM OF REGISTER OF AFFIDAVIT

Sl. No.	Name & Address of the person tendering affidavit	Date of Administering Oath or affirmation	Signature or Thumb Impression of the Deponent	Name of the Court in which the affidavit is intended to be filed	Name, address and signature of the person identifying the deponent who is personally known to the Oath Commissioner	Signature of the Oath Commissioner

1	2	3	4	5	6	7

FORM OF RECEIPT

(Both Foil and Counterfoil)

Receipt No.

Date :

Place :

Serial No. in the Register of Affidavits.

Received a sum of Rs. (in words)
from towards fee for administering Oath in respect of an
Affidavit.

[Signature of Oath Commissioner.]

¹**29.** A deponent of an affidavit shall sign or make his mark at the foot of every page of the affidavit and also at the end of it. The attesting officer shall authenticate every correction, alteration or interlineation by placing his initials near it and also enter at the foot of every page, the number of such authenticate corrections, etc., or enter the word 'nil' if there is none and initial such entry and sign his name and enter his designation at the end of the affidavit and affix thereto his official seal of his court together with the date. The fact of the Oath having been administered or the solemn affirmation having been made in his presence and the contents of the affidavit having been explained in the language known to the deponent, and translated wherever necessary to the deponent, shall be recorded by the attesting officer before he affixes his signature.]¹

1. Rule 29 substituted by Notification No. LCA-1/444/1982, dated 27-10-1984, w.e.f. 22-11-1984.

30. If the deponent is not personally known to the attesting officer, he shall be identified by a person known to the attesting officer and the fact of such identification together with the name and description of the person making the identification shall be noted at the end of the affidavit and the signature of such person shall be affixed. If the deponent not known to the attesting officer cannot be so identified, the left thumb impression of such deponent shall also be affixed at the end of the affidavit and be certified to be such impression by the attesting officer.

31. If the deponent appears to be illiterate or blind or is unacquainted with the language in which the affidavit is made or written, the affidavit shall be read out and explained to the deponent in a language known to him in the presence of the attesting officer, who shall certify that it was so explained in his presence and that the deponent appeared to understand the same and signed his name or made his mark in the presence of the attesting officer.

32. If any document is referred to in the affidavit and produced with it, the attesting officer shall affix his signature to an endorsement thereon as follows:-

"This is the document referred to as Exhibit in the affidavit of sworn/solemnly affirmed before me this the day of 20"

CHAPTER V
ISSUES

(Read with Order XIV of the Code)

33. Procedure in regard to framing of issues.- In framing issues, the Court shall proceed as follows:-

- ¹[(a) Every material proposition of fact and every proposition of law, which is affirmed by one side and denied by the other shall be made the subject of a separate issue. Ordinarily, the following matters shall form the basis of framing issues, namely.-
- (i) The pleadings in the case;
 - (ii) All documents, including copies of entries; in shop books, accounts, etc., if any, produced at any time before the framing of issues, by the parties or their pleaders or other witnesses.
 - (iii) Record of examination, if any, of the parties or their pleaders or witnesses, including those examined by the Court under Rule 4 of Order XIV of the Code; and
 - (iv) Oral submissions made or replies given by parties or their pleaders to questions put by the Court at the time of framing of issues.]¹

1. Clause (a) substituted by Notification No. LCA-1/444/1982, dated 27-10-1984, w.e.f. 22-11-1984

- (b) Every issue of fact shall be so framed as to indicate on whom the burden of proof lies.
- (c) Every issue of law shall be so framed as to indicate, either by a statement of admitted or alleged facts, or by reference to the pleadings or some document mentioned therein, the precise question of law to be decided.
- (d) No proposition of fact which is not itself a material proposition, but is relevant only as tending to prove a material proposition, shall be made the subject of an issue.
- (e) No question regarding admissibility of evidence shall be made the subject of an issue.

Note.- Issues shall be framed by the Presiding Officer and written or typed on a separate sheet of paper and shall be signed and dated by him.

¹[**33-A.** The Court shall determine at the time of issuing the summons, whether it shall be.-

- (a) for the settlement of issues only, or,

(b) for the defendant to appear and state whether he contests or does not contest the claim and directing him if he contests, to receive directions as to the date on which he has to file his written statement, the date of trial and other matters, and if he does not contest, for final disposal of the suit at once, or he contests or does not contest the claim and directing him if he contests, to receive directions as to the date on which he has to file his written statement, the date of trial and other matters, and if he does not contest, for final disposal of the suit and the summons shall contain a direction accordingly:

Provided that in every suit heard by a Court of Small Causes, the summons shall be for final disposal of the suit.

33-B. Except where a suit is disposed of solely on the question of jurisdiction or on the ground that there is a bar to the suit by any law for the time being in force, in all other cases the Court shall pronounce Judgment, on all issues in the case.]

1. Rules 33-A and 33-B inserted by Notification No. LCA-1/444/1982, dated 27-10-1984, w.e.f. 22-11-1984

CHAPTER VI
POSTING AND ADJOURNMENT

(Read with Order XVII of the Code)

34. No Judicial order, including orders of adjournment, posting of cases or *ex parte* orders, shall be pronounced otherwise than in open Court.

35. (1) Subject to the provisions contained in sub-rule (2), all suits, appeals or other proceedings shall be taken up for hearing in their chronological orders.

(2) Preference shall be given for the disposal of the following cases, amongst the cases ready for hearing.-

- (a) cases which are holding up the decision of other older proceedings;
- (b) cases on account of which criminal proceedings have been stayed;
- (c) cases involving maintenance claims;
- (d) cases in which an Army, Navy or Air Force personnel is a party;
- (e) Matrimonial cases;
- (f) Land Acquisition cases;
- (g) cases under the Arbitration Act;

(h) other cases in which the Judge considers it expedient to give preference for reasons to be recorded in writing.

(3) Cases mentioned in sub-rule (2) above should not ordinarily be kept pending for more than six months.

36. In the case mentioned in clause (d) of sub-rule (2) of Rule 35, if upon an application of any such person as is mentioned in that Rule, the Court finds it impracticable to conclude the case within the period of leave granted to that person according to the certificate to be furnished by him from the competent authority, the Court shall record the reasons therefor and furnish a copy of the order of the Court made in his application, containing the reasons for the order, free of cost.

37. Court Diary.- In every Court a Court Diary (Register No.IX) shall be maintained in which the Bench Clerk shall at the end of each working day, briefly note the proceedings of that day in each case and shall also note the dates of adjournment and post the cases adjourned from that day to the pages in the book for such further dates. The Court Diary shall always be left in a conspicuous part of the Court Hall and shall be accessible to all persons.

38. When a case is adjourned to a distant date for trial after the issues are framed, the parties shall be directed to take out summonses for their witnesses at once, the summonses being returnable on an intermediate date so that they may be re-issued a second time, if necessary.

CHAPTER VII
PROCESSES

(Read with Order V of the Code)

39. Issue of Summons or Notice.- ¹[(1)] In any proceeding in which summons (other than witness summons) or notice (other than a notice on an Interlocutory Application) has to be issued by the Court to any person, the concerned party shall, within seven days from the date of the order directing the issue of summons or notice, file into Court a memo in Form No.2 with the requisite amount of process fee affixed thereto in court-fee labels, together with the required number of duly attested copies of the plaint, original petition, concise statement, memorandum of appeal or cross-objection as the case may be, for service on the party concerned with the summons or notice, unless the above requirement has already been complied with. The copies referred to above shall show the date of presentation of the original and the name of the pleader, if any, who presented the same.]

1. Original Rule 39 re-numbered as sub-rule (1) by Notification No. LCA-1/444/1982, dated 27.10.1984, w.e.f. D 22.11.1984

²[(2)] Whenever the Court directs the summons or notices to be served by Registered Post Acknowledgement Due, the concerned party shall furnish sufficient number of envelopes, acknowledgements due, detailed address of the party/parties with proper postage, together with the required number of duly attested copies of plaint, original petition, concise statement, memorandum of appeal or cross objections, as the case may be.]

2. Sub-rule (2) inserted by Notification No. LCA-1/444/1982, dated 27.10.1984, w.e.f. 22.11.1984

40. (1) In all cases where processes of the nature of summons (including witness summons) or notice (including notice of an Interlocutory Application) have to be issued, the parties or their pleaders on whose behalf such summons or notice is issued may file with their memos in Form No.2 or list of witnesses as the case may be, the appropriate forms of process as prescribed in the Code or any other law applicable to the case, in duplicate, legibly filled up, and pay process fee at the reduced rates prescribed by the Process Rules made by the High Court for such cases. However, the date of appearance and the date of the process shall be left blank for being filled up by the office of the court before issue. If the forms are not filled up by the parties or their pleaders as stated above, the process fee has to be paid without any reduction.

³[**Explanation.**- For the purpose of sub-rule (1), the words "appropriate forms" shall include forms printed privately.]

3. Explanation inserted by Notification No. ROC 3466/68, dated 12/13-8-1969, w.e.f. 21-8-1969

(2) The parties or their pleaders shall sign the forms in the left bottom corner, and will be responsible for the accuracy of the entries therein.

(3) Where orders for the issue of process are passed by the Court, the date fixed for appearance will be inserted in the form and the process will be dated and signed by an officer of the Court duly authorised in that behalf.

41. Summons or Notice to Government or Railway Officials.- (1) Whenever a summons or notice is to be issued to any person in the service of Government or the Railway, the Court issuing the same shall, having regard to the previous of Rule 6 of Order V and Rule 9 of Order XVI of the Code, fix such time for compliance as would enable such person to communicate with his official superiors for suitable arrangements being made for the discharge of his duties during his absence.

(2) In all cases against the Railway Administration, a copy of the summons or notice shall be simultaneously posted direct to the Head Office of the Railway in addition to regular service in the normal course.

42. Tom Tom Charges.- (1) A fee of [five rupees]¹ will be charged as tom tom batta in all the Courts, the charge being recovered from the party at whose instance the tom tom has to be made.

¹ Substituted for the words "one rupees" by Notification No. LCA-1/444/1982, dated 27.10.1984, w.e.f. 22.11.1984

(2) When the process is to be issued beyond the jurisdiction of the Court a note shall be made on the process that the proper fee has been paid for the purpose.

43. Whenever summonses or notices are sent for service to any Court in any other State in India, the prescribed forms in English shall be used or, if Kannada forms be used, they shall be accompanied by translations in English.

44. Summonses or notices issued to Army, Navy or Air Force personnel shall be in the prescribed forms in English and if Kannada forms are to be used, they shall be accompanied by translations in English.

45. Summons to an officer in the Secretariat of the House of the People or the Council of States or House of State Legislatures (or any duly informed officer in the Secretariat of the House) shall be issued in Form No.3.

46. Signature to Processes.- (1) Warrants for the arrest of any person shall be signed by the Presiding Officer of the Court. All other Processes may be signed by the Chief Ministerial Officer of the Court with the words "By Order of Court" preceding the signature:

Provided that in the case of summonses and notices the Chief Ministerial Officer may make use of facsimile of his signature subject to the condition that he uses it with his own hand or if he allows any one else to use it, it shall be used only in his presence and under his supervision. Such facsimile shall always be kept in the personal custody of Chief Ministerial Officer.

(2) Every process shall bear the seal of the Court.

47. The processes shall be entered in Register No. XI and the number given to each in the first column of the Register shall be entered on the said process. Processes shall thereafter be issued for service without undue delay, precedence being given to emergent processes.

48. A summons issued to a witness shall mention the batta to be paid to him, but notwithstanding anything contained in Rule 3 of Order XVI of the Code, such batta shall be retained with the Court Nazir until payment is ordered by the Judge.

CHAPTER VIII**EVIDENCE**

(Read with Order XVIII of the Code)

49. Typewritten Evidence.- A typewriter may be used by the Presiding Judge himself for the purpose of recording deposition and memoranda of evidence, in which case a certificate that this has been done must be appended to at the end. Each page of the deposition must be attested by the Judge's signature or initials:

Provided that when the Presiding Judge himself does not use the typewriter, the evidence may be typewritten to his dictation in open Court as the evidence proceeds. Each page of the deposition or memorandum of evidence so typewritten shall be attested by the Judge's signature and a certificate to the effect that the deposition or memorandum of evidence is so typewritten to the Judge's dictation shall be added at the end.

(Read with Order XVIII, Rule 14 of the Code)

50. Whenever evidence is typewritten to the dictation of the Presiding Judge in open Court, then, notwithstanding anything contained in Order XVIII of the Code, it shall not be necessary for the Judge himself to make a memorandum of the substance of what has been deposed to by the witness.

51. Every record (including memorandum) of evidence of a witness shall show in the heading his name, his father's name, his age, residence and profession or occupation.

52. In all original cases, evidence taken by the Judge shall be recorded on separate sheets in Form No.4. When sheets are added to depositions of witnesses, the number of witness and page shall be written at the top of every such addition sheet.

53. All additions, alternations, etc., in the deposition shall be attested by the Presiding Judge.

CHAPTER IX
WITNESSES

[Read with Order XVI, Rule 2 of the Code]

¹[**54. Classes of witnesses.**- (1) Witnesses shall be classified into four classes.

- Class-A** Professional/experts whose annual income is Rs. 3,00,000/- or more.
- Class-B** Persons whose annual income is above Rs. 2,00,000/- but does not exceed Rs.3,00,000/-
- Class-C** Persons whose annual income is less than Rs. 2,00,000/-
- Class-D** Official witnesses attending courts in private capacity shall be entitled to T.A. and D.A. as per Rule 451 of the Karnataka Civil Services Rules.

(2) The following will be the scale of allowances to witnesses.

Class of Witness	Traveling allowance for each of the journeys to and from court house where it is in a different station from that of the witness		Subsistence allowance including loss of wages per day	
	By rail	By Road	Bangalore	Other than Bangalore
Class-A	Single-II Class A.C. fare	Rs.4/- per Km where he/she has travelled by private motor carriage.	Rs. Ps. 200.00	Rs. Ps. 150.00
Class-B	Single-II Class Sleeper fare	Actual bus fare or as the Presiding judge may decide	100-00	75-00
Class-C	Single lowest class Fare	Actual bus fare or sleeper Charges for overnight Journey as the case may be	75.00	50.00

Class-D	Official witnesses attending courts in private capacity shall be entitled to T.A. and D.A. as per Rule 451 of the Karnataka Civil Services Rules.
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Note.- In case of witnesses not covered under above table, TA/DA shall be as decided by the Presiding Judge.]¹

1. Rule 54 substituted by Notification No. LAW 08 LAC 2005, dated 6-4-2006 w.e.f. 8-6-2006

55. (1) Witnesses examined for a plaintiff or petitioner shall be referred to as plaintiff's or petitioner's witnesses indicated by the letters 'P.W.'. Such witnesses shall be serially numbered in the order in which they are examined and shall be referred to as P.W.1, P.W.2 and so on.

(2) Witnesses examined for one or more defendants or opponents, shall be referred to as defence witness indicated by the letters 'D.W.'. They shall be serially numbered in the order in which they are examined and shall be referred to as D.W.1, D.W.2 and so on.

(3) Whenever witnesses are examined as Court witnesses, they shall be referred to as Court witnesses indicated by the letters 'C.W.'. Such witnesses shall be serially numbered in the order in which they are examined and shall be referred to as C.W. 1, C.W.2 and so on.

56. Expert Opinion.- (1) Whenever a party desires the examination of a finger-print or handwriting by the Finger-print Expert or the Handwriting Expert of the Government of Karnataka, Bangalore, as the case may be that party shall deposit in the Court such amount as may be prescribed by the Government from time to time, for that purpose. (**Vide** Appendix C)

(2) The party or his pleader desiring the expert's opinion shall file in Court, a memo of instructions in duplicate detailing the writings or finger prints disputed and admitted, and points on which opinion is required.

57. Attendance of Finger-print or Handwriting Expert.- (1) Summons for attendance shall be issued to the Government Finger-print or Handwriting Expert only when the Court is satisfied that such evidence is necessary for the case.

(2) A party calling the expert to give evidence in Court shall deposit the travelling expenses of the expert including the charges for a day's attendance of the expert at the rates prescribed by the Government from time to time (**Vide** Appendix C).

(3) The travelling allowance payable to the Expert under the Karnataka Civil Services Rules may be sent in advance with the summons to the concerned Head of the Department for payment or be paid to him in Court

(4) All exhibits forwarded for the expert's opinion shall be sent by registered and not by ordinary post.

58. The provisions of Rules 56 and 57 shall apply *mutatis mutandis* to the cases of other Government Experts. (Vide Appendix C)

59. Examination dispensed with.- If the parties at the trial dispense with the examination of any witness who may be in attendance, they or their pleaders should sign and file a memo to that effect.

60. Witness List.- (1) A party applying for summonses to witnesses shall file a list stating clearly, as far as is known to him, the name, full description and address of each witness, the class to which he belongs according to rules and the approximate distance of his residence from the Court.

(2) The list of witnesses shall be filed within the times specified by the Court or when no such time is specified, within 15 days from the time when the case is first posted for evidence:

Provided that the Court may, on application extend the time.

(3) The party filing the list shall file along with it sufficient number of copies thereof to be given to the opposite side.

61. The amount of witness batta payable to each witness in the list should be calculated according to the prescribed scale and noted against each, and the total struck at the bottom.

62. Except in cases where the party undertakes to produce his witnesses, the amount of batta should be deposited in Court along with the list. If a witness has already received batta, that fact should be stated in the list with necessary particulars as to date of payment and amount paid. If the party applying for summons has already any batta amount to his credit in deposit and desires to adjust it towards the sum mentioned in the list, this prayer shall also be stated.

63. Any list not substantially complying with the above requirements or in respect of which the amount of witness batta due is not deposited in Court to the credit of the party, shall not be received, or if received, shall be returned to the party or his pleader for rectification, within one week of its presentation.

64. If a witness appearing in Court claims a higher rate of batta, the Court shall summarily investigate the claim and pass suitable orders in accordance with the rules.

65. In cases where at the request of a party, witness summons is handed over to him for service, he shall be bound to tender the same to the witness in the usual manner; and when service is effected the signature of the witness shall be obtained on the original summons which shall be returned to the court.

66. Interpreter.- When a witness gives evidence in a language not understood by the Court, the Presiding Judge is authorised to employ an interpreter and pay him a reasonable sum for his services not exceeding Rs.20 per day, the cost being borne, in the first instance, by the party calling such witness; such charges shall be costs in the suit.

CHAPTER X

COMMISSIONS

(Read with Order XXVI of the Code)

67. Expenses of Commission.- (1) Whenever the Court finds that any sum paid into Court under Rule 15 of Order XXVI of the Code is insufficient, the Court may require the party to deposit within such time as it may specify any additional sum for expenses of the commission (including any fee to be paid to the Commissioner).

(2) All expenses of the commission shall be costs in the cause unless the Court otherwise directs.

68. Commission to Courts outside Karnataka State.- Whenever a commission is issued to a District Court in any other state in India, such Court shall be authorised to delegate the execution of that commission to any Court subordinate to it.

CHAPTER XI**DOCUMENTS****A. GENERAL**

(Read with Order XIII of the Code)

69. (1) The Court may if it requires, direct the parties to produce all the documentary evidence in their possession or power, on which they intend to rely, on such date prior to the settlement of issues as may be specified by the Court.

(2) Without prejudice to what is contained in sub-rule (1), the Court may fix any date within a period of fifteen days from the date of the settlement of issues, for the production by the parties of such documents (including certified copies of public documents) on which they intend to rely and which have not been produced earlier; provided that the Court, for good cause shown to its satisfaction for the non-production thereof, may, after recording the reasons for so doing, permit production of documents at any subsequent time.

70. (1) Whenever a party or his pleader produces documents into Court, he shall do so with a list in triplicate in Form No. 5 of the Appendix H in the First Schedule of the Code. The list together with the documents shall be produced before the Chief Ministerial Officer of the Court. The original list with the duplicate shall be retained in the Court (the duplicate being for delivery to the opposite side) and the triplicate shall after scrutiny be returned to the person producing it with the signature of the Chief Ministerial Officer who receives the documents. Where there are numerous parties on the opposite side, represented by different pleaders, a sufficient number of copies of such list shall be furnished by the party producing the documents for being delivered to pleaders appearing for the several parties.

(2) The Chief Ministerial Officer shall provide for the proper custody of the documents so received. He shall himself make entries or cause entries to be made by some other official under his direction, in the order sheet of the case in which the documents have been produced, mentioning the date on which the list or lists of documents have been produced and the number of documents produced. Within three days after the documents have been received, the list or lists together with the order sheet in which entries as above have been made, shall be placed before the Presiding Officer of the Court, who shall affix his initials together with the date, to the list or lists and to the said entries in the order sheet.

71. The plaintiff in a suit shall file with the original document of which the suit is based, copy of the same duly certified by the Chief Ministerial Officer of the

Court that it has been compared with the original and found correct. The original shall be in the custody of the Chief Ministerial Officer and the copy in the file.

72. At the time of receiving the plaint, if an endorsement of payment or acknowledgement of liability is found to have been made on the document on which the suit is based, the substance of such endorsement shall be noted in the order sheet by the Chief Ministerial Officer and if there is no such endorsement such fact shall also be noted by him, so as to prevent tampering with the document in the office during the pendency of the suit.

73. If a document produced in Court appears to be defaced, torn or in any way damaged or where its condition or appearance requires special notice, a note of its condition and appearance shall be made, at the time of its production, in the list of documents by the officer receiving the same. If there is no such list, such note shall be made in the order sheet.

74. When a party to a suit produces any original document, on which any counter-claim or set off is based, he must produce with it a copy of the document. If the counter-claim or set off is based only on any endorsement on a registered document, a copy of such endorsement may be filed.

75. (1) When a document of historical or antiquarian interest is produced or tendered in evidence, the Court shall make every possible endeavour to prevent its being defaced by endorsement or exhibit marks or by having the seal of the court impressed upon it. In case the parties agree a photostat copy may be substituted for the original, or the document may be enclosed in a sealed cover or kept in a locked and sealed box, the necessary particulars being endorsed on such cover or box.

(2) Whenever the Court so directs, or at the request of the person producing the same, any share certificate or other valuable security shall be enclosed in a packet and sealed and kept in the safe custody of the Chief Ministerial Officer. The serial number or the exhibit number of every such document contained within and also the name of the clerk who enclosed it in the packet shall be noted on the sealed packet.

B. PRODUCTION OF RECORDS

(Read with Order XIII of the Code)

I. Records in the custody of a Court.

76. An application for the production of records in the custody of a Court shall specify the particular documents required to be produced. Unless it is made to appear to the Court that the production of the original documents is necessary,

the party shall be required to obtain and file certified copies thereof and the originals shall not be sent for.

77. When a Court finds it necessary to require the production of the records of another Court, it shall address a letter of request in Form No. 5 to the Presiding Judge of the Court.

(Read with Order XIII, Rule 10 of the Code)

78. Where any Court has to send for any document either from its own records or from those of another Court under Rule 10 of Order XIII of the Code, that Court may require the party at whose instance it is sent for, to deposit in Court before the letter of request is issued, such sum as it may consider necessary to meet the estimated cost of making a copy of the document when produced.

79. The production of the document in compliance with the letter of request mentioned in Rule 77, shall be notified by the Court to the parties or their pleaders in the manner it thinks fit, where upon the parties may apply for inspection. After the document has been admitted in evidence, the Court shall, unless it considers it necessary to retain the original, direct the parties to specify the portion or portions thereof on which they respectively rely and require a copy to be made of the same at the expense of the party requiring such portion or portions and shall thereafter, as early as possible, return the original to the Court from which it was received, retaining the copy as part of the record.

II. Records in the custody of a public officer other than a Court

80. (1) Summons for the production of documents or records in the custody of a public officer other than a court shall be in Form No. 6 and shall be addressed to the Head of the Office concerned.

Note.- Where the summons is for the production of village accounts, field measurement books or other village records, such summons shall be addressed to the Tahsildar concerned.

(2) Every application for such summons shall be supported by an affidavit setting out (i) the document or documents, the production of which is required, (ii) the relevancy of the document or documents, and (iii) in cases where the production of a certified copy would meet the purpose, whether an application was made to the proper officer for a certified copy or copies and the result of such application.

(3) No Court shall issue such summons unless it considers that the production of the original is necessary or is satisfied that the application for a certified copy has been duly made but has not been granted. The Court shall, in

every case, record its reason in writing and shall, before the summons is issued, require the applicant to deposit in Court such sum as it may consider necessary to meet the estimated cost of making a copy of the document when produced and sufficient postage stamps for the transmission and retransmission of the document, in addition to the prescribed process fee.

III. Records in the custody of the House of the people and the council of States

81. Summons for documents in the custody of the House of the People or the Council of States or the Houses of State Legislatures shall be issued in Form No.7.

C. Admission of Documents

(Read with Order XIII, Rules 3 to 7 of the Code)

82. Marking of Exhibits.- (1) Only documents admitted in evidence shall be marked as exhibits.

(2) The number and other identifying mark of every exhibit should be in large figures in red ink or red pencil.

(3) All exhibits should be folded, as far as possible, to a uniform size, generally to the size of a half sheet of foolscap paper, and exhibits of small size should be attached to a half sheet of foolscap paper by a thread.

(4) When an exhibit consists of more sheets or papers than one, the number of such sheets or papers should be shown in brackets below the number of the exhibit.

(5) Whenever an exhibit is removed during the pendency of a suit or other proceeding, a slip of paper of the size of a quarter sheet of foolscap paper, shall be inserted in its place stating the exhibit number, the purpose for which it has been removed and the name of the person or the designation of the officer in whose custody it is or, if removed and entered as an exhibit in another case, its exhibit number in that case.

Whenever a share certificate or a promissory note or a valuable security has been exhibited and kept separately in a sealed packet, a slip as above shall be inserted in lieu of the original in the file of exhibits and an entry made thereon to show where the original exhibit has been placed.

(6) Where an exhibit is too bulky or cannot be conveniently included in the file of exhibits, a slip of paper of the size of a quarter sheet of foolscap paper shall

be placed instead in the file, giving the number of the exhibit and its description and an entry made to show where the original exhibit has been placed.

83. Documents not admitted in evidence may be returned, on oral request, to the persons entitled to receive them. Whenever documents are so returned, a receipt containing the description of the documents returned shall be obtained under the signature of the person receiving the documents. Such receipt shall be filed in the record in the place of the documents returned. Any document which may not have been given back owing to the refusal or omission of the party or his pleader to take them, shall be filed separately as a supplement to the record.

(Read with Order XIII, Rule 7 of the Code)

84. (1) Separate lists of the documents admitted in evidence on behalf of each party shall be prepared in Form No. 8.

(2) Document should be entered in these lists in the order in which they are admitted and marked. If any document has been admitted subject to objection, the fact should be noted in the column for remarks.

85. (1) Exhibits shall be indicated by the abbreviation "Ex." and marked as follows:-

- (a) if marked for the plaintiff or plaintiffs, with the capital letter 'P' followed by a numeral, e.g., P1, P2, P3, etc., consecutively;
- (b) if marked for the defendant or defendants, with the capital letter 'D' followed by a numeral, e.g., D1, D2, D3, etc. consecutively;
- (c) in the case of Court exhibits, with the capital letter 'C' followed by a numeral, e.g., C1, C2, C3, etc. consecutively.

(2) Marking series.- A series of similar exhibits shall be marked with the same capital letter and numeral followed by small letters of the alphabet in brackets such as P1(a), P1(b), P1(c)..... P1(z). When small letters of the alphabet, are exhausted, double small letters shall be used such as P1(aa), P1(bb), P1(cc)..... P1(zz).

(3) The method of marking indicated above shall apply *mutatis mutandis* to petitions and other proceedings.

(4) Marking in subsequent proceeding.- If in a proceeding subsequent to the trial of a suit or matter, further exhibits are admitted in evidence, they shall be marked in accordance with the above scheme with numbers consecutive to the number on the last exhibit previously filed.

(5) Every exhibit marked shall be stamped with an exhibit seal as under:

Court of

Case No

Produced by

Admitted through.....

Marked for

Ex. No.....

Date: Judge

- Note
1. Care should be taken to see that the text of the exhibit is not defaced or obliterated while affixing the seal.
 2. Where there is no space on the exhibit itself for affixing the seal, a blank sheet of paper may be attached thereto and the seal affixed thereon so as to cover a portion of the exhibit.

86. Return of documents.- (1) No document admitted in evidence shall be returned except in accordance with Rule 9 of Order XIII of the Code, before the proceeding has finally concluded.

Explanation.- Where there is an appeal or revision pending or the time prescribed therefor has not expired, the matter shall not be deemed to be finally concluded.

(2) An application for return of any document shall be made to the Court in which it was originally filed or to the Court of appeal or revision, where any such proceeding is pending.

(3) If any document has been transmitted to any other Court, the same may be got back by the Court to which the application for return has been made, and returned to the applicant.

(4) When the record has been transmitted to the Central Record Room, the applicant for return of exhibited documents shall, along with his application, furnish the necessary transmission charges in postage stamps for getting the record from the Central Record Room and retransmitting it. ¹[A party may apply direct to the officer incharge of the Central Record Room if he so chooses, with aforesaid charges in postage stamps.]

1. Added by Notification No. ROC 2648/1969, dated 12/15.06.1970, w.e.f. 25.06.1970

D. PUBLIC DOCUMENTS

(Read with Order XIII, Rule 9 of the Code)

87. (1) When public or official documents from any Court or public office are produced at the hearing of any suit by an officer deputed for that purpose, the said documents shall be inspected in open Court without undue delay and returned to

that officer unless they are required as exhibits in the suit before the Court or retained for the Presiding Judge's personal inspection.

(2) When such documents are retained, a receipt containing the descriptive list of the documents shall be given to the officer producing them, and a duplicate of the receipt placed with the documents. Any apparent erasure or alteration in any document shall be noted in the said list.

(3) Such documents shall, as long as they remain in the custody of the Court which required their production, be kept in a sealed packet properly labelled, and this packet shall not be opened except in the presence of the Presiding Judge.

(4) Whenever the documents retained as aforesaid are no longer required, the same shall be returned in a sealed packet to the concerned Court or Office.

88. If a document admitted in evidence is an entry in a public record produced from a public office, or by a public officer, the Court may require a certified copy of the entry to be furnished.-

- (a) When the record is produced on behalf of a party, then by that party, or
- (b) When the record is produced in obedience to an order of the Court made on its own motion, then by the party on whose behalf it is exhibited; and on production of such certified copy, the Court may cause the record to be returned to the public officer concerned.

89. Deposit for postage.- If a record or a document (not falling within the provisions of Article 11(c) of Schedule II of the Karnataka Court Fees and Suits Valuation Act, 1958) is required to be received and returned by post the Court may direct the applicant to deposit in the Court a sum sufficient to defray the postage required for the same both ways. The expenses incurred for this purpose shall unless the Court otherwise orders, be costs in the cause.

90. Time for taking back documents.- Any party applying for return of papers or documents, shall take them back within 2 months from the date of order for return. On his failure to do so, the application shall be filed:

Provided that, nothing aforesaid shall prevent the party from making a fresh application for the return of the said documents.

CHAPTER XII

JUDGMENTS AND ORDERS

(Read with Order XX of the Code)

91. Form in Civil Suits.- The title sheet for judgments in civil suits shall be in Form No. 9 and the Presiding Judge shall cause the particulars therein to be filled up.

92. (1) The judgments of a Court of Small Causes need not contain more than the points for determination and the decision thereon. (Vide Order XX, Rule 4(1) of the Code).

(2) Judgments of other Courts shall contain:

- (a) a concise statement of the case (summary of the pleadings);
- (b) the points for determination (issues);
- (c) the decision thereon (finding on each issue);
- (d) the reasons for such decision; and
- (e) the relief granted.

(Read with Order XX, Rule 4(2) of the Code)

(3) A list in Form No. 10 showing the witnesses examined by each party and a list in Form No. 8 showing the documents exhibited by each party shall be appended as an annexure to the judgement.

93. Form in Appeals.- (1) The title sheet for judgments in appeals shall be in Form No. 11 and the Presiding Judge shall cause the particulars therein to be filled up.

(2) The judgment of an Appellate Court shall contain:

- (a) a brief statement of the contentions of the parties in the trial Court and the findings thereon by that Court;
- (b) the grounds urged at the hearing of the appeal;
- (c) the points for determination;
- (d) the decision thereon;
- (e) the reason for the decision; and
- (f) where the decree appealed from is reversed or varied, the relief granted.

(3) When the relief granted is not in accordance with the prayer portion in the plaint, it is desirable that the Judge should clearly set out in the judgment, in precise terms, the relief actually granted in order to ensure that the decree shall be drawn up in accordance with the judgment.

(Read with Order XXI, Rule 31 of the Code)

94. Orders in other proceedings.- In other proceedings the orders of the Court shall be written *mutatis mutandis* in the same form as that prescribed for judgments in suits or appeals, as the case may be.

95. (1) Where Indian dates are mentioned in judgments, the corresponding English dates shall be added. If a word in regional language is used, its nearest English equivalent shall be added in brackets.

(2) In judgments references to reported cases shall invariably be cited both by names of parties and by the number of year of the volume and the page of the Report.

(3) The paragraphs of the judgment shall be numbered.

(4) Every page shall be initialled by the Presiding officer, who pronounces the judgment.

(5) Whenever in the record of evidence or the judgment in any case the date of any transaction, event or exhibit is given according to the several modes in vogue among the people (e.g. the Saka or the Hijri) the corresponding date according to the English calendar shall be inserted in brackets.

96. All judgments and proceedings shall be written only on foolscap paper leaving a margin equal to one fourth of the width of the sheet, on the left on odd numbered pages and on the right on even numbered pages.

Note.- This is to facilitate stitching in book form and avoid written portion being stitched into.

97. Fixing a date for pronouncing judgment.- Whenever a Judge reserves a judgment or order, he shall fix a date for pronouncing the same, and in the event of the judgment or order not being ready on that date, the case (in which such judgment or order is reserved) shall be called on that day and adjourned to another date for pronouncing the same.

(Read with Order XX Rule 1 of the Code)

98. Maintenance decrees and other decrees for periodical payments shall always specify a particular day in each month or year on which such payments are to be made.

[98-A. (1) The Presiding Officers of all Civil Courts shall forward to the Director, Forensic Science Laboratory, Bangalore, copies of their judgment or final orders in all cases in which comments (whether favourable or adverse) have been made by the Court in respect of the opinion of the chemical examiner or the Ballistic Expert or the Expert in Forensic Medicines or the Hand-writing Expert.]

1. Rule 98-A inserted by Notification No. ROC 3297/A/1968, dated 15.07.1969 w.e.f. 24.07.1969

CHAPTER XIII**COSTS**

(Read with Sections 35 and 35-A and Order XXXIII, Rule 16 of the Code)

1[99. (1) The costs of a party in any proceeding shall, unless otherwise ordered by the Court include:

- (a) The Court fee paid on-
 - (i) his pleadings;
 - (ii) the documents required to be produced by him;
 - (iii) the vakalat filed by him (one set only);
 - (iv) the processes and postage issued at his instance;
 - (v) the certified copies furnished to him as per rules and filed by him as required by any law or as ordered by the Court, or exhibited in the case;
 - (vi) interlocutory applications other than applications seeking adjournments;
- (b) Costs incurred in obtaining the certified copies or copies referred to in (a) (i) to (vi) above;
- (c) batta paid to his witnesses, who had appeared and given evidence
- (d) cost incurred in interlocutory matters which are made costs in the cause;
- (e) an amount calculated at the rate of 50 paise for each process (being the charges for preparation of such process) prepared by a party and filed into Court under Rule 40;

Note- Process issued, whether in respect of different persons or not, shall be treated as different processes, for the above purpose but, process prepared in duplicate shall be treated as one process.

(f) fee actually paid by him to his pleader or pleaders not exceeding the amount calculated according to the next succeeding rule:

Provided that such fee shall not be included in the costs, if he has not filed within five days from the date of Judgment or order, or such further period as may be allowed by the Court, a certificate by the pleader or pleaders as the case may be, certifying that the fee has been received by him or them:

Provided further that in the case of a pleader appearing for the Government or other local body or authority or Government Company or Corporation, a certificate by him that he is assured of the receipt of such fee shall be sufficient;

¹[Provided also that where the Government is a party to a proceeding and is represented by an officer of the Government, the costs shall include the Pleader's fee calculated according to the next succeeding rule.

Note.- The officer representing the Government need not file any certificate about pleader's fee.]¹

1. Third Proviso and note inserted by Notification No. LCA-I/187/86, dated 2-3-1993 w.e.f. 18-3-1993

- (g) Costs incurred in the examination of a witness on commission under Section 133 and Order XXVI of the Code; the costs to be awarded shall not be less than Rs. 100 and shall not exceed Rs.200;
- (h) Expenditure incurred for giving of any notice required to be given by law before the institution of the suit;
- (i) Expenditure incurred on any notice, which though not required to be given by law, has been given by any party to the suit to any other party before the institution of the suit. The costs to be awarded in this regard shall not be less than Rs. 50 subject to a maximum of Rs. 100;
- (j) Expenditure incurred on the typing, writing or printing of pleadings filed by any party;
- (k) Charges paid by a party for inspection of the records of Court for the purposes of the suit;
- (l) Expenditure incurred by a party for producing witnesses, even though not summoned through Court;
- (m) In the case of appeals, charges incurred by a party for obtaining any copies of Judgments and decrees which are required to be filed along with the memorandum of appeal; and
- (n) Any other costs incidental to the suit or proceeding, including duty and penalty paid on a document which was necessary to be paid or compensatory costs awarded under Section 35-A of the Code and any costs expressly allowed to be included, in the discretion of the Court.

(2) Irrespective of the success or otherwise of a party, his costs in the cause shall not be inclusive of costs paid or payable by him

- (a) under Section 35-A of the Code for causing delay;
- (b) for exhibiting interrogatories unreasonably, vexatiously or at improper length as laid down in Order XI Rule 3 of the Code;

- (c) for unreasonably neglecting or refusing to produce a document after notice as provided in Order XII Rule 2A (2) of the Code;
- (d) for securing adjournments under Order XVII Rule 1(2) of the Code;
- (e) under Order XIX Rule 3 (2) of the Code, being the cost of affidavit which has unnecessarily set forth matters of hearsay or argumentative matter or copies of, or extracts from, documents;
- (f) to the defendant, when the suit is taken out for being brought on behalf of a minor without a proper next friend laid down in Rule 2 of Order XXXII of the Code, or, the costs incurred by a next friend retiring under Rule 8 or removed under Rule 9 of the said order;
- (g) towards the costs and allowances of the Officer acting as Court, Guardian of a minor, when the amount is not expressly made taxable in the cause by the order of the Court as provided in Order XXXII Rule 4 of the Code;
- (h) for obtaining copies or certified copies of depositions, or documents, or in procuring photostats or photos of any documents with the permission of the court;
- (i) towards any of the items referred to in sub-rule (1) and which the Court directs that is shall not be included in the costs of the case, on account of his conduct in the litigation.

(3) If the court proposes to disallow any of the items mentioned in sub-rule (1) or to grant other or further items of costs, the Court shall make a specific direction in that regard in its Judgment or order.

(4) In every suit or appeal filed or preferred by an indigent person, the Court shall specifically state in its Judgment or order, who should pay the institution fee payable to Government and on what property, if any, it shall be charged.]

100. ¹[Advocate's fee]¹ to be included in the costs awarded by Court to a party in any suit or other proceeding shall be computed in the manner prescribed hereunder:-

1. Substituted for the words "Pleader's fee" by Notification No. LCA-1/444/1982, dated 27.10.1984, w.e.f. 22.11.1984

³[(a) In original suits, the fee shall be calculated on the value or the subject matter of the suit, which shall be the same as that prescribed by the Karnataka Court Fees and Suits Valuation Act, 1958, for determining the jurisdiction of the Court, according to the following scales;

2. Clause (a) to (f) substituted by Notification No. LCA-1/444/1982, dated 27.10.1984, w.e.f. 22.11.1984

3. Clause (a) substituted by Notification No. LCA 1/536/92 dated 6.1.1999, w.e.f. 28.1.1999

SUIT CLAIM

On the first sum of Rs.5,000/-	10 percent of the suit claim
On the sum exceeding Rs. 5,000/- upto Rs.10,000/-	Rs. 500/- + 7 ¹ / ₂ per cent on the amount exceeding Rs. 5,000/-
Exceeding Rs. 10,000/- upto Rs.20,000/-	Rs. 875/- + 5 ¹ / ₂ per cent on the amount exceeding Rs. 10,000/-
Exceeding Rs. 20,000/- upto Rs.50,000/-	Rs.1,425/- + 4 percent on the amount exceeding Rs. 20,000/-
Exceeding Rs. 50,000/- upto Rs.1,00,000/-	Rs.2,625/- + 3 percent on the amount exceeding Rs.50,000/-
Above Rs. 1,00,000/-	Rs.4,125/- + 1 ¹ / ₂ percent on the amount which exceeds Rs.1,00,000 ¹ [xxx] ¹

Provided that the fee allowed in any suit shall not be less than ²[Rs.500/-]² unless the Court orders otherwise.]²

1. Omitted by Notification No. LAW 135 LAC 2003 dated 30.7.2003, w.e.f. 25-12-2003

2. Substituted for the words and figures (Rs.250) by Notification No. LAW 135 LAC 2003 dated 30.7.2003, w.e.f. 25-12-2003

(b) In a Regular Appeal, the fee shall be calculated according to the scale set out in clause (a) above on the value or the amount of the subject matter in dispute in Appeal:

Provided that the fee allowed in any Regular Appeal shall not be less than ³[Rs. 500]¹ unless the Court orders otherwise.

3. Substituted for the words and figures (Rs.350) by notification No. LAW 135 LAC 2003 dt 30.7.2003, w.e.f. 25.12.2003

(c) In a small Cause Suit, the fee shall be ⁴[7] per cent of the value of the amount of the claim as set forth in the plaint, subject to a minimum of Rs. ⁵[100].

4. Substituted for the figures "5" by Notification No. LCA I/536/92, dated 6.1.1999, w.e.f. 28.1.1999

5. Substituted for the figures "25" by Notification No. LCA I/536/92, dated 6.1.1999, w.e.f. 28.1.1999

⁶[(d) In the Execution Case, the fee shall be calculated as follows;-

(i) On the first application at 50 per cent of the fee calculated at the rate specified in clause (a) in respect of execution cases arising from Original Suits and in clause (c) in respect of execution cases arising from Small Cause Suits mentioned above, on the amount of money or value of the relief claimed in the application.

(ii) No fee shall be payable on any subsequent application unless it is contested, in which case, the fee shall be calculated at 25 per cent of the fee calculated at the rate specified in clauses (a) above in respect of execution cases arising from Original Suits and at 12.5 percent at the rate specified in clause (c) in respect of execution cases arising from

6. Clause (d) substituted by Notification No. LCA. I 313/91(2), dated 12.4.1993, W.E.F. 13.5.1993

Small Causes Suits on the amount of money or value of the relief claimed in the application on the amount of money or value of the relief claimed in the application.]¹

(e) In an Execution Appeal, the fee payable shall be one-fourth the fee which would have been payable if the appeal were a regular Appeal.

¹(f) In other proceedings, the fee shall be fixed by the Court regard being had to the time occupied in the hearing of the case and the nature of the questions raised, but subject to the minimum and maximum prescribed hereunder. If, in any case coming under this clause the Court awards costs without fixing the Advocate's Fee, the Court shall be deemed to have awarded the minimum prescribed.]

1. Clause (f) substituted by Notification No. LCA-1/536/92, dated 6-1-1999 w.e.f. 28-1-1999

²[TABLE

Sl. No.	Nature of Proceeding (2)	Minimum (3)	Maximum (4)
(1)			
(i)	Land Acquisition cases and Motor Accidents Claims Cases Note: If a group of cases is heard together, the minimum shall be Rs.1,000/- and maximum Rs.20,000/- for all of them together and the court may apportion the fee for each case separately	500	10,000
(ii)	Matrimonial case	500	2,000
(iii)	Guardians and Wards Case	500	2,000
(iv)	Probate and Succession Case:		
	(a) If uncontested	250	1,500
	(b) If contested	500	4,000
(v)	Insolvency case:		
	(a) Contested Adjudication	500	2,000
	(b) Determination of title and Priority	500	2,000
	(c) Dispute relating to alienation	500	2,000
(vi)	Arbitration cases	500	2,000
(vii)	Cases under the Karnataka Rent Control Act	500	2,000
(viii)	Any other original proceeding	500	2,000
(ix)	Injunction Suits before Civil Judge (Junior Division)	500	3,000

2.Substituted by Notification No. LAW 135/2003, dated 30-7-2003 w.e.f. 25.12.2003

(x)	Injunction Suits before Civil Judge (Senior Division)	750	5,000
(xi)	Interlocutory matter	250	500
(xii)	Miscellaneous Appeal or House Rent Control Appeal or Revision or Revision Petition under any other enactment.] ^{2]} ¹	500	2,000] ¹

- (g) In all original matters and appeals where the jurisdictional value is above Rs.10,000, the Court may in addition, allow the fee of one junior pleader at 1/3 of the fee prescribed in the above Rules, provided the junior pleader has been on record from the commencement of the proceedings.
- (h) Fractions of a rupee in the amount or value of a claim shall be ignored in calculating the fee payable thereon.
- (i) If several defendants or respondents who have a joint or common interest succeed upon a joint defence, or upon separate defences substantially the same, not more than one fee shall be allowed, unless the Court otherwise orders for any reason, which shall be recorded in the judgment. If only one fee be allowed, the Court shall direct to which of the defendants or respondents it shall be paid, or shall apportion it among the several defendants or respondents in such manner as it thinks fit.
- (j) If several defendants or respondents who have separate interests set up separate and distinct defences and succeed thereon, one fee for one pleader, for each of the defendants or respondents who appears by a separate pleader, may be allowed in respect of his separate interest. Such fee, if allowed, shall be calculated with reference to the value of the separate interest of such defendant or respondent, in the manner hereinbefore prescribed.
- (k) In a suit for partition of joint family property or other joint property, a suit for dissolution and accounts of a partnership, a suit for administration or a suit of the like nature, in which the parties have a distinct or distinguishable separate interest in the subject matter and the Court decides to allow separate sets of costs to the different parties, pleader's fee included in each such separate set of costs shall be calculated with reference to the value of the separate interest of such party in the manner hereinbefore prescribed. The same principle shall be applied *mutatis mutandis* to an appeal arising from such a suit.

- (l) (i) Where, before any evidence is recorded, a suit or other original proceeding is disposed of by consent, compromise or as not being pressed, the fee shall be 50 per cent of the fee hereinbefore prescribed.
- (ii) Where, before arguments on merits are heard an appeal is disposed of by consent, compromise or as not being pressed, the fee shall be 50 per cent of the fee hereinbefore prescribed.

Explanation.- The expression 'arguments on merits' includes arguments on questions of limitation or jurisdiction or as to maintainability of the appeal.

(m) Where any suit or other original proceeding is decided ex-parte before the defendant or the respondent enters appearance, the fee shall be 50 per cent of the fee herein prescribed.

¹[(n) Notwithstanding anything contained in schedule III to the Bombay Pleaders Act (Bombay Act 17 of 1920), the fees contained in clause (a) to (m) shall be pleaders fee to be included in the costs awarded by court to a party in a suit or other proceeding]¹

1. Clause (n) Substituted by Notification No. LAW 135 LAC 2003, dt: 30.07.2003, w.e.f. 25-12-2003

CHAPTER XIV**DECREES**

(Read with Order XX of the Code)

101. (1) Every decree shall ordinarily be drawn up not later than seven days after the pronouncement of the judgment:

Provided that where the decree has to be drawn up on a non-judicial stamp paper, the period of seven days shall be reckoned from the date of production of the stamp paper.

(2) As soon as the decree is drawn up, it shall be notified in Form No.12 on the Court Notice Board for the information of the pleaders concerned, who may within three days thereafter (i.e., within 3 days from the date of affixing on the Court Notice Board) scrutinise the decree and furnish to the decree writer a memo of objections, if any. The decree shall, thereafter be signed by the Judge, after hearing the pleaders if necessary and satisfying himself that the decree is drawn up in accordance with the judgment.

(3) At the foot of every decree signed by the Judge, a note shall be made stating the date on which the decree was so signed by the Judge. In the order sheet of the case, there shall also be made a similar note which shall be initialled and dated by the Judge.

102. Form of Decree. (1) The decree shall, as far as possible, be in the appropriate form prescribed in Appendix D to the First Schedule of the Code.

(2) The decree shall agree with the judgment; it shall contain the number of the suit, names and descriptions of the parties, their respective addresses for service as originally set out in their pleadings or where they have been subsequently changed, such modified addresses, and the particulars of the claim and valuation thereof and shall specify clearly the relief granted or other determination of the suit. Where the suit is not finally disposed of on the very day on which it is taken for final disposal, all the dates on which such final hearing was proceeded with whether by recording evidence or by hearing arguments, shall be set out in the decree.

(3) The decree shall also state the amount of costs incurred in the suit and by whom, and out of what property and in what proportion such costs are to be paid.

(4) The Court may direct that the costs payable to one party by the other shall be set off against any sum which is admitted or found to be due from the former to the latter.

(5) In all cases in which an element of champerty or maintenance is proved, the Court may provide in the final decree for costs on a special scale approximating to the actual expenses reasonably incurred by the defendant.

103. Decree relating to immovables.- In every suit relating to immovable property a schedule containing a description of the property (together with the details of valuation as in Form No.1) shall be appended to the original decree, whether the suit is dismissed or decreed and to an appellate decree whether the appeal is allowed or dismissed.

(Read with Order XX, Rule 9 of the Code)

104. Decree in a Pauper Suit or Appeal.- A copy of the decree in every pauper suit or appeal shall be sent to the Deputy Commissioner of the District in which the Court passing the decree is situated, immediately upon the decree being drawn up and signed.

(Read with Order XXXIII of the Code)

105. Where two or more appeals are preferred against the same decree only one common decree shall be drawn up in all such appeals unless the Appellate Court otherwise directs.

CHAPTER XV**EXECUTION**

(Read with Order XXI of the Code)

A. APPLICATION FOR TRANSFER

106. Transfer of Decree for Execution.- (1) An application for transfer of a decree to another Court for execution shall be made by a verified execution petition in Form No. 13 and shall state the facts relied on by the applicant to bring the case within the relevant provisions of Section 39 and Rules 4 and 5 of Order XXI of the Code and shall specify the Court to which transfer of the decree is sought.

(2) Notice of the application shall be issued in all cases in which under Rule 22 of Order XXI of the Code, notice of an application for execution is required to be issued.

(3) If the application is granted, the applicant shall, within seven days thereafter, deposit in Court the process fee for the issue of an order in Form No. 3 of Appendix E to the First Schedule of the Code and for sending the decree. (The Court sending the decree shall comply with the provisions of Rule 6 of Order XXI of the Code).

(4) The Court granting the application may, if prayed for by the applicant, hand over to him or to his pleader, in a sealed cover, a copy of the order transferring the decree together with the accompaniments mentioned in Rule 6 of Order XXI of the Code to be taken to the Court to which they are to be sent.

(5) Whenever any decree is sent for execution to a Court situated outside the State of Karnataka, it shall, if not drawn up in English, be accompanied by an English translation of the same.

107. (1) The Court to which a decree is sent for execution shall certify to the Court which sent the decree, the fact of execution of such decree specifying the nature and extent of satisfaction, or, where the former Court fails to execute the decree, the circumstances attending such failure.

(2) When once the transferee Court has certified as aforesaid, it shall refuse to entertain a fresh application for execution of such decree.

(3) The Court which originally passed the decree shall not, save for special reasons, after transmission of such decree to another Court for execution, itself grant execution without obtaining a certificate of non-satisfaction from the Court to which such decree was transmitted. After the grant of such certificate the Court to

which the decree was transmitted shall refuse any further application for execution.

B. STAY OF EXECUTION

108. Stay of execution.- Prayer for stay of execution must be made by a separate application with affidavit.

109. Report regarding Security.- (1) When the execution of a decree or order has been stayed by an order of a Court of Appeal or Revision, on condition that security shall be furnished within a specified time, the Court receiving the *ad interim* order shall send intimation to that Court as soon as the security called for has been furnished and accepted after notice to the opposite party and hearing his objections, if any.

(2) If no security has been furnished or accepted within the time allowed therefor the fact shall be reported as soon as the time has expired.

C. ARREST AND DETENTION

(Read with Order XXI, Rule 37 to 40 of the Code)

110. Arrest of a Public or Railway servant, etc.- Before a warrant is issued by a Civil Court for the arrest of a public servant (as defined in Section 21 of the Indian Penal Code) or a railway, postal or telegraph official, resident in the State, seven days' notice shall be given to the immediate official superior of the person to be arrested.

Explanation.- In the case of a railway official the expression 'immediate official superior' shall include a railway official of the rank of Station Master, Foreman or Inspector, but not one of lower rank. In the case of a postal official the said expression shall mean the Superintendent of Post Offices concerned. In the case of a telegraph official the expression shall mean the Superintendent of Telegraphs of the concerned Division.

111. Subsistence Allowance.- (1) On the judgment-debtor being brought before the Court after arrest, if he does not express his intention to apply to be declared an insolvent, the decree-holder shall be called upon to pay subsistence allowance for the unexpired portion of the current month, and if he fails to do so, the judgment-debtor shall be released.

(2) If the period of detention is not to extend till the end of the month, subsistence allowance need to be paid only for the number of days for which the judgment-debtor is to be detained.

112. (1) The scale of subsistence allowance for a civil prisoner shall be as follows:-

- (a) Rs. ¹[15]¹ per day for Class I (superior) prisoner.
- (b) Rs. ²[10]² per day for Class II (ordinary) prisoner.

(vide Government Order No. HD 89 PRB 62, dated 7th June 1962).

1. Substituted for the figures "2" by Notification No. LCA-1/444/1982, dated 27.10.1984, w.e.f. 22.11.1984.

2. Substituted for the figures "1-50" by Notification No. LCA-1/444/1982, dated 27.10.1984, w.e.f. 22.11.1984.

(2) For the purpose of subsistence allowance, the Court shall decide whether any judgment-debtor belongs to the superior class or the ordinary class, regard being had to his special status, education and mode of living.

113. Where the civil prison to which the judgment-debtor is committed, is situated outside the jurisdiction of the Court to which the official escorting the judgment-debtor is attached, the decree-holder, at whose instance the judgment-debtor is committed to the civil prison shall pay into Court the traveling expenses and batta of the escort in addition to the sum he shall be required to pay for the subsistence and cost of conveyance of the judgment-debtor. Sub-rule (5) of Rule 39 of Order XXI of the Code shall apply to such payments also.

D. ATTACHMENT OF SALARY

114. Where the property to be attached is the salary or allowances of a servant of the Government or of a servant of a railway company or local authority, ³[or of a servant or a corporation engaged in any trade or industry, which is established by a Central, Provincial or State Act or a Government Company as defined in Section 617 of the Companies Act, 1956]¹ the attachment shall be effected in accordance with Rule 48 of Order XXI of the Code.

3. Inserted by Notification No. LCA-1/444/1982, dated 27-10-1984, w.e.f. 22-11-1984

(Read with Section 60 of the Code)

(For the officers to whom notices of attachment should be given, see Appendix D)

E. ATTACHMENT OF IMMOVABLE PROPERTY

115. (1) Information to be furnished by the Amin.- The Amin charged with the attachment of immovable property shall at the time of attachment make special enquiry as to:

- (a) the nature of the soil and of the cultivation,
- (b) whether the land is dry, wet or garden,
- (c) the number of wells or other means of irrigation,

- (d) the number and kind of trees,
- (e) the means of communication,
- (f) the vicinity of markets.
- (g) the estimated annual produce, and if leased, for how long, on what terms and to whom,
- (h) in the case of a house, the material of which it is built, the extent of the compound and its rental if any, and
- (i) the estimated value

and shall embody all the aforesaid information in the form of a written report to the Court, attested by the Village Accountant, and not less than three respectable inhabitants.

(2) Attestation of Village Officers.- The Village Accountant of the village in which the property attached is situated, shall render to the Amin every assistance in preparing reports of the property attached, and attest such reports.

F. ATTACHMENT OF MOVABLE PROPERTY

116. List of Movable Property.- When moveable property is attached in execution of any civil process, the attaching officer shall give a copy of the list of the attached property with description sufficient for identification, to the person from whose possession the property is attached, or if he is not present then, to any adult male member of the house-hold of such person, who is present, or if none is present, shall affix it on the outer door of the house of such person and shall note on the list dispatched or brought to the Court which has issued the process, the mode in which the copy of the list has been delivered or affixed.

117. (1) Custody of Property.- If the person, whose property is attached, or from whose custody it is taken, gives security to the satisfaction of the Court, the property may be handed over to him. Live-stock attached may, on similar terms, be handed over to the attaching creditor, if after notice, the judgment-debtor or the person from whose custody it was taken does not wish to provide for its maintenance and custody.

(2) Custody of Fire-Arms, etc.- When the property attached is a fire-arm or an explosive substance, it shall be sent at once to and left with a licensed dealer, or sent to the officer-in-charge of the nearest Police Station, who shall hold it subject to the further orders of the Court.

118. Failure to Pay Charges.- If the decree-holder who causes movable property to be attached in execution fails to pay such charges as may be necessary

for the maintenance, custody or transport of the property or to take steps for bringing the property to sale within the time fixed by the Court, the property shall be released from attachment and restored to the judgment-debtor.

119. Withdrawal of Attachment.- The Court may, at any time during the pendency of an attachment, direct the decree-holder to pay into Court, within a time to be prescribed, such additional sum as may be necessary to cover the costs for the attachment, transport, maintenance and custody of property and if such payment is not made within the time prescribed, may withdraw the attachment.

120. Refund.- So much of the amounts deposited or paid into Court under the above Rules as may not have been applied to the purposes indicated therein, shall be refunded to the decree-holder.

121. (1) Cash, Jewels or Government Securities.- If the property attached consists of cash, Government or other securities, jewels or other valuable articles of small bulk, the Process Nazir shall keep the same together with a descriptive list in a box (other than the ordinary cash chest of the Court) under lock and seal and send the box for safe custody to the nearest Government treasury under the orders of the Presiding Officer.

Note.- The descriptive list referred to herein shall be in addition to entries made in Register No. XXXII.

(2) In other cases attached property brought to the Court shall be retained by the Nazir in the Court-house, if it can be conveniently stored or kept there.

122. Curator.- In order to provide for the custody of property which cannot be conveniently stored or kept in the Court-house, the District Judge may appoint for any Court or group of Courts a Curator who shall furnish security, in any form applicable to a Government servant, for an amount to be fixed in each case by the District Judge.

123. The Nazir or Curator, as the case may be, shall be responsible for the due custody and preservation of all property entrusted to him until he delivers it up under the order of the Court.

124. Every Nazir and every Curator shall maintain a Register of attached movables and live-stock in Register No. XXXII.

125. The Curator (or other person) shall receive such reasonable sums as the Court may order for his remuneration and expenses incurred for the custody and preservation of attached moveables which cannot be conveniently stored in the Court-house.

126. Custody of Live-stock.- If there be a pound, commodious and sheltered, within easy reach of the attaching Court, the attached live-stock may be kept there under the responsibility of the Nazir or Curator and the pound-keeper

shall receive the fee prescribed. The sum so paid shall be met from the amount deposited by the party at whose instance the attachment is made.

127. Maintenance Charges.- The rates for the maintenance (exclusive of the custody) of attached live-stock shall be as follows:

- (a) For full-grown cattle and horse ¹[five rupees]¹ per head per day.
- (b) For calves, donkeys, sheep, goats and dogs ²[two rupees]² per head per day.
- (c) In the case of other animals such sum as the Court may fix:

Provided that whenever live-stock is to be kept in a pound, the charges shall be at the rates prescribed for the pound.

¹ Substituted for the words "one rupee" by Notification No. LCA-1/444/1982, dated 27.10.1984, w.e.f. 22.11.1984

² Substituted for the words "fifty paise" by Notification No. LCA-1/444/1982, dated 27.10.1984, w.e.f. 22.11.1984

128. Maintenance charges sufficient for a week shall be paid to the Nazir or Curator in advance by the attaching creditor and in the case of the live-stock being sold the amount spent for maintenance shall be deducted from the proceeds of sale. If the live-stock is released from attachment under Rule 60 of Order XXI of the Code, the amount spent for maintenance shall be paid by the person on whose application the live-stock is released.

G. PROCLAMATION OF SALE

(Read with Order XXI, Rules 66 and 67 of the Code)

129. An applicant for sale of immovable property shall along with the statement required under sub-rule (3) of Rule 66 of Order XXI of the Code, also file one or more affidavits stating the interest of the judgment-debtor in the property proposed to be sold and whether any person other than the judgment-debtor has any, and if so, what interest therein:

Provided that the Court may, if it thinks fit, require an applicant to produce a certificate from the office of the Registrar of Assurances (Sub-Registrar) of the District, showing whether the property is subject to any encumbrance.

130. The Court may require the judgment-debtor to produce any title deeds relating to the property, which may be in his possession or power and may retain such documents till the property is sold or released from attachment. It shall deliver to purchaser, along with the sale certificate such of the documents as relate solely to the property sold and, on his demand and at his cost, shall give him copies of such of them as relate to the property sold as well as other property. All

documents, which may not under this Rule be delivered to the purchaser, shall be returned to the person by whom or on whose behalf they have been produced.

When any encumbrance on the property is to be discharged from out of the sale proceeds, the Court shall have like power to direct the production of title deeds by the encumbrancer and to deliver the same to the purchaser or as the case may be to furnish the purchaser with copies thereof at his cost and to return the original documents to the encumbrancer.

131. The Court shall give notice by affixture on the notice board, of the date on which it proposes to hold an enquiry under Rule 66 of Order XXI of the Code and may summon any person likely to afford material information, to attend and give evidence and produce any documents relating to the property, which may be in his possession or power. Such documents shall be returned after inspection, the Court, if it thinks necessary retaining copies thereof prepared at the applicant's expense.

132. All costs of the enquiry shall be paid in advance by the applicant. They shall be treated as costs in the execution proceedings and may be apportioned as the Court directs.

133. The enquiry shall be completed as soon as possible and the proclamation of sale shall be prepared in Form No. 29 in Appendix E to the First Schedule of the Code.

134. When a copy of the proclamation is sent to the Deputy Commissioner (under Rule 67 read with Rule 54(2) of Order XXI of the Code) a duplicate shall also be sent to the Tahsildar of each Taluk in which any portion of the property is situated, for being exhibited in a conspicuous place in his office.

135. If after the proclamation has been drawn up any matter is brought to the notice of the Court which it considers material for purchasers to know, it shall cause the same to be notified when the property is put up for sale.

136. So much of the foregoing Rules as may be applicable, shall be followed in the case of an application to sell moveable property attached by prohibitory order, so that the description of such property may be as complete as possible.

In the case of other moveables, the Court may make such enquiries as it thinks proper, but shall not be bound to do so unless application is made to raise the attachment or to declare a lien.

H. SALE

(Read with Sections 65 to 67 and Order XXI, Rules 64 to 96 of the Code)

137. It shall not be necessary to sell at the same time or place moveable and immovable property attached in execution of the same decree.

138. Sale of immovable property shall ordinarily take place at the spot, subject to the condition that the final bid shall be offered before the Presiding Officer at the Court house.

139. The proclamation of sale itself shall specify not only the date of sale at the spot but also the date on which the final bid shall be offered before the Presiding Officer:

Provided that, either at the request of both the parties or for reasons to be recorded in writing, the Presiding Officer may direct that the sale of any immovable property shall take place in the precincts of the Court.

140. In all cases where sales are adjourned and no fresh proclamations have to be issued, the adjourned date and hour shall be notified for the information of the public in the following manner.-

- (a) When the sale is held in the precincts of the Court, a notice shall be put up on the notice board of the Court notifying the adjourned date and hour of the sale.
- (b) When the sale is held at any place outside the precincts of the court a notice notifying the adjourned date and hour shall be affixed, if the property to be sold is immovable, on some conspicuous part of the property itself, and if the property is moveable, on some conspicuous part of the place in which it is kept.
- (c) When the proclamation of sale has been published either in the Official Gazette or in any local newspaper under Rule 67(2) of Order XXI of the Code, the place, date and time of the adjourned sale shall whenever practicable, be published in the same manner.

141. Immediate or early sale of moveable property.- If moveable property is in the custody of the Nazir or Curator, and it appears to the court that immediate sale thereof is necessary, the Court may authorise him to sell the same by public auction and may give such directions as to the date, time and place of sale and the manner of publishing the same as the circumstances of the particular case may require.

(Read with Order XXI, Rules 43 and 68 of the Code)

142. Place of sale of agricultural produce, etc.- Unless the Court otherwise orders, all sales of live-stock, agricultural produce, articles of local manufacture and other articles commonly sold at village markets, which have not been brought to Court, shall be held at such market in the neighbourhood of the place where the goods were attached, as may appear to be for the greatest advantage of the judgment-debtor, regard being had to the prospect of the good prices and the saving of expenses of transport.

143. Articles of small value.- If the total value of the property attached is in the opinion of the Court less than Rs. 25, it may be sold after notifying on the notice board of the Court the date and time of sale, and the sale proceeds, after defraying the expenses, shall be treated as attached property.

144. Charges for Custody.- In cases in which expenses are incurred for the care and custody of the attached moveable property, such expenditure shall not be allowed for a period longer than thirty days, provided, however, that it shall in no case exceed the value of the property. The person incharge may, however, in the case of postponement of sale, apply to the Court at the end of every period of thirty days for an order for payment of such expenditure. Where postponement of sale is occasioned by the intervention of a claim to attached property, the expenses incurred during the period of postponement shall be borne by the claimant, if he fails to establish his claim, and by the attaching creditor, if such claim is allowed.

145. Application by Surety for Sale or Discharge.- When attached moveable property is left in the custody of a surety, the surety may apply for its sale, or for his being discharged from liability. The Court shall thereupon direct notice of such application to issue to the parties, at the surety's cost and if the parties interested do not take steps to get the property sold or released within the time fixed, it may be sold and the proceeds shall be deposited in Court, after paying the surety the cost properly incurred by him in issuing the notice and in taking care of the property.

146. Realisation of property attached by seizure.- When the attachment of property other than live-stock is made by actual seizure, the Court shall, if within one month from the date of attachment the property has not been sold or the attachment has not been removed, of its own motion direct the property to be sold by an officer of the Court; and the proceeds of the sale, after payment of the expenses of the sale and the prescribed fees, shall be brought into Court to the credit of the suit or proceeding in which the attachment was made.

147. When cattle or other live-stock are in the custody of a surety or the attaching creditor, the Court may, in its discretion, disallow wholly or in part the remuneration due to him for keeping and feeding them, if he uses them in any profitable manner or otherwise derives any benefit therefrom.

I. SALE PROCEEDINGS

148. Each Court shall set apart one week-day for holding sales in execution of decrees. Such day shall be notified on the notice board of the Court in English and Kannada and in such other language as the Court may direct:

Provided that the Court may, whenever it thinks fit, direct that any execution sale be held on any other day:

Provided further that no such sale shall be held on a holiday.

Note.- For adjournment of sale see Order XXI, Rule 69 of the Code.

149. Whenever an application for leave to bid is made under Rule 72 of Order XXI of the Code, it shall be competent for the Court to give leave to bid at the sale only on condition that the applicant's bid shall not be less than such amount as the Court may fix, which shall, as far as practicable, be determined with reference to the probable market value of the property, or of the lot or lots into which the property is divided for sale.

150. Whenever guns or other arms in respect of which licences have to be obtained by purchasers under the Arms Act (54 of 1959), are sold by public auction in execution of decrees, the Court directing the sale shall give due notice to the District Magistrate concerned of the names and addresses of the purchasers and of the time and place of the intended delivery to the purchasers of such arms so that proper steps may be taken by the police to enforce the requirements of the said Act.

151. Whenever necessary the Court may make a vesting order as provided in Rule 81 of Order XXI of the Code.

152. Sale Certificate.- All sale certificates of immovable property shall be engrossed upon stamp papers of proper value and the copies thereof shall be forwarded to the registering officer under Section 89 of the Indian Registration Act (XVI of 1908) within three days of the issue of the certificate.

The copy sent to the registering officer shall disclose the stamp value of the document as well as the stamp vendor's endorsement in extenso.

The sale certificate shall be drawn up not later than 10 days from the date of the production of the requisite stamp paper and the certificate ready for delivery shall be notified on the notice board of the Court within 24 hours of its signature by the Judge.

CHAPTER XVI

REFERENCES

(Read with Section 113 and Order XLVI of the Code)

153. When any Civil Court refers a case for the decision of the High Court under Rule 1 of Order XLVI of the Code or under the Stamp Act or the Land Revenue Act or under any other law, the Reference shall be in the form of a statement of the case containing the number and particulars of the suit, appeal or other proceeding out of which the Reference arises, and the names and addresses of all the parties interested in or likely to be affected by the Reference, and setting out the facts of the case and the points or questions on which the opinion, order or direction of the High Court is sought, together with the opinion of the Presiding Officer of the Court. The Reference shall be accompanied by such records and papers, as are in the opinion of the referring officer, relevant for a full consideration of the Reference, with two copies of the statement of the case.

154. When the Reference is made on the application of a party, the Court shall require the applicant to produce stamps necessary for service of notice on himself and all other parties concerned; when it is made *suo motu* by the Court, it shall require each party to produce stamps required for service on himself. The Court shall transmit such court-fee stamps with the statement of the case.

CHAPTER XVII**ORDER SHEET**

155. Order sheet in Form No. 14 shall be maintained in respect of each suit, appeal or other proceeding in all Courts in the manner provided in this Chapter. The pages of the order sheet, used in each proceeding, shall be serially numbered. Each page of the order sheet shall also bear the number of the suit, appeal or other proceeding as the case may be.

156. (1) The order sheet shall be the record of the proceedings of the Court in each case. All entries made therein shall be initialled by the Presiding Officer, who shall also date the same.

(2) The order sheet shall also disclose the presence or absence of the parties or pleaders representing them on each day of the hearing and the number of witnesses present and the number examined.

(3) All orders made by the Court, including orders interlocutory, incidental and auxiliary matters, shall be recorded by the Presiding Officer in his own hand in the order sheet:

Provided that, when the order is likely to be lengthy, it may be prepared and filed separately, the result only being entered in the order sheet at the time of pronouncing the order ¹[and all such orders passed shall be filed and kept in the record in the chronological order and necessary entries be made in the general running index.]¹

1. Added by Notification No. LCA-1/444/1982, dated 27.10.1982, w.e.f. 22.11.1984

157. Any order recorded in the order sheet, when it relates to an Interlocutory Application, shall disclose clearly the serial number of such application.

158. Payment of money in Court.- Whenever any party to a proceeding is ready to pay money to any other party in Court on any date of hearing, such amount may be paid in Court to such other party or to his pleader duly authorised to receive payment in the presence of the Presiding Officer, who should note the payment in the order sheet then and there, and obtain the signature of the person receiving the amount.

CHAPTER XVIII**INSPECTION AND SEARCH OF RECORDS**

159. Any party or his pleader in a case may, on an application in writing either verified or supported by an affidavit stating the reasons therefor, be permitted to inspect or search the records of the case. The inspection or search shall be allowed under and in accordance with the orders of the Presiding Officer of the Court on the application.

160. When inspection or search is ordered under the last preceding Rule, no fee in addition to the court-fee paid on the application, shall be required for the first hour of inspection or search. For every subsequent hour or part thereof, a fee of one rupee shall be paid by affixing court-fee label or labels to the application.

161. Records of the case shall not be taken out of the premises of the Court for purposes of search or inspection. All such search and inspection shall be conducted in the presence of a responsible official of the Court, designated for the purpose by the Presiding Officer in each case, or the Chief Ministerial Officer.

162. The Chief Ministerial Officer may permit any pleader or his registered clerk upon oral request without payment of any charge to inspect any of the registers maintained in the Court for recording the progress of cases.

163. When inspection or search is allowed or permitted the party or his pleader to whom such permission is granted may read the document or part of the document in respect of which inspection or search is allowed or may have it read to him and may make a short memorandum of the date and nature of the document, but he shall not be entitled to make a full copy of the document or verbatim extract therefrom. If he requires copies, he must apply for them as provided for in Chapter XXIII.

164. Subject to the provisions of Rule 15 of Order XI of the Code no party or person shall be entitled to inspect or search any document or paper of which certified copies cannot be granted under Chapter XXIII.

CHAPTER XIX**ARGUMENTS**

165. Notes of Arguments.- In all cases in which an appeal lies, the Presiding Officer of the Court shall record in English, the points urged in the course of arguments addressed in the case and the notes so made shall form part of the record.

¹[CHAPTER XIX-A**PREPARATION OF PAPER BOOKS IN APPEALS**

165-A. (1) Except in cases referred to in sub-rules (2) and (3) of this rule, there shall be prepared in every appeal, a paper book as hereinafter provided.

(2) No paper book need be prepared in miscellaneous Appeals against interlocutory orders.

(3) The appellate Court may, in any appeal, either *suo motu* in the interest of speedy disposal of appeal, or on an application made by the appellant, dispense with the preparation of the paper book.

165-B. (1) In Regular Appeals, the paper book shall consist of the plaint, written statement, reply if any, oral evidence, the judgment and decree of the trial Court and sketches of immovable property, if any, forming part of the record:

Provided that the appellant may file legible or typed copies or typed English translations of the plaint, written statement and reply if they are in Kannada, and English translations of the same if they are in any other Indian languages.

(2) In House Rent Control Appeals and Miscellaneous Appeals, the paper book shall consist of the principal pleadings corresponding to the plaint and written statement and reply, if any, oral evidence, judgment and formal order, if any, of the trial Court.

(3) In Execution Appeals, the paper book shall consist of the decree under execution, the execution application, objections of the judgment debtor, if any, oral evidence if any, and the order of the executing Court appealed from. If the order appealed from was passed in an interlocutory application, the said application, affidavits and counters therein shall also be included.

(4) The order sheet of the trial Court or the executing Court, as the case may be, need not be included in the paper book, unless the appellant asks for its inclusion.

165-C. In every appeal where the paper book is required under these rules, there shall be prepared one copy for the use of the Court, one for the appellant and one for the respondent; where there are more respondents than one, there shall be prepared for the respondents as many copies as there are advocates representing the respondents, each set of respondents represented by one advocate being entitled to only one copy. A respondent appearing in person shall be entitled to a copy.

1. Chapter XIX-A (Rules 165-A to 165-K) inserted by Notification No. ROC 3346/68, dated 4.12.1969, w.e.f. 18.12.1969

165-D. The paper books shall be typewritten. They shall be prepared on substantial white foolscap folio paper with an outer margin of about 3.8 cms. and inner margin of about 2.5 cms. The book shall be provided with an index; separate sheets shall be stitched together bookwise and pages numbered consecutively. Typing shall be done in double space on both sides of the paper. Every tenth line of each page shall be numbered.

165-E. Unless the appellant himself undertakes to prepare and file into Court sufficient number of copies of the paper book as required by these rules, the preparation of the paper book including sketches of immovable properties, if any, shall be done by the office of the Court under the supervision of the Chief Ministerial Officer of the Court.

165-F. The expenses of preparation of the paper book shall be borne by the appellant himself. Such expenses calculated as hereinafter provided shall form part of the appellant's costs in the appeal.

165-G. Except in cases where the appellant himself undertakes to prepare the paper books and also except in cases where the preparation of the paper book is not required by these rules or is dispensed with by Court, the appellant shall within two weeks from the date of the presentation of the appeal, deposit into Court a sum of Rs. 25 towards the expenses of preparation of the paper book by the Court. If the charges or expenses are estimated to exceed the said amount, the excess as estimated shall be paid by the appellant within fifteen days of receipt of the notice intimating the amount to be paid. Preparation of the paper book shall not be commenced unless the estimated amount is paid. If, after preparation the actual charges exceed the aggregate charges already paid by the appellant, he shall pay the balance amount within fifteen days of receipt of the notice intimating the amount. Such notice shall be served on the appellant or his advocate. If the actual expenses are less than the aggregate charges already paid, the unutilised balance shall be refunded to the appellant.

165-H. Charges for preparation of the paper book shall be calculated at the following rates:-

First copy of the running matter	..	25 paise per page
Each additional copy	..	5 paise per page

where tabular statements are to be prepared, the rate shall be 30 paise per page of the principal copy and 8 paise per page of each additional copy.

165.I. If the appellant fails to make the initial deposit of Rs. 25 within the period specified in Rule 166-G or to pay the balance of the estimated charges within the period limited therefor, or to file into Court sufficient number of copies of the paper book, where he undertake to prepare it himself, within one month of the admission of the appeal, the appeal shall be placed before the Court for orders; the Court may either extend time or give such other directions as it considers proper in the circumstances or dismiss the appeal for non-prosecution. If any appeal is dismissed under this rule, the Court may restore the same on an application made within one month from the date of dismissal accompanied by a certificate issued by the Chief Ministerial Officer that the default for which dismissal had been ordered has been made good.

165-J. The Advocate appearing for the appellant shall be personally responsible for the payment of any money remaining to be paid by the appellant in respect of the paper book actually prepared by the Court.

165-K. The charges for preparation of paper books shall be treated as one of the items of cash expenses for the time being in force shall apply to the charges for preparation of paper books also. Immediately after the paper books are prepared by the office of the Court, the exact amount of charges according to the prescribed rates shall be calculated and the said amount shall be finally credited to the Government under the proper head without any delay. The balance, if any, shall be refunded to the concerned party.]

CHAPTER XX

RECORDS

A. CENTRAL RECORD ROOM

166. There shall be one record room styled the "Central Record Room" for all the Civil Courts in each District under the charge of the Record Keeper attached to the District Court:

Provided that the High Court may direct that there may be one Central Record Room for a group of Districts to be in charge of the Record Keeper of the District Court of such District as it may specify.

167. The Central Record Keeper shall be responsible for the safe custody and preservation of the records received in the Record Room.

168. The Record Room shall not be used for any purpose other than the preservation of the records, and shall be securely guarded.

169. Arrangement of Records.- The racks in which the records are arranged shall be divided into compartments, over each of which shall neatly written the name of the Court to which the records contained therein belong, the nature of the records and the year of disposal.

170. The records shall be arranged in the compartments according to dates of disposal, each record being stitched in book form, and shall be tied up in kora (unbleached white), white or yellow cloth.

171. Before depositing the files in the compartments, the Central Record Keeper shall ensure that the records have been properly arranged and append a label to that effect to each file.

172. The Central Record Keeper shall check whether all the court-fee labels in each file have been properly punched and shall punch the labels a second time with the triangular punch provided for that purpose.

Note.- When in the course of checking, the Central Record Keeper finds that any court-fee label has remained unpunched, he shall, before punching it with the triangular punch, bring to the notice of the District Judge in charge of the Central Record Room, the fact of the Court-fee label having escaped being punched in the Court concerned before being acted upon. He shall then, in the presence of the District Judge, cancel the court-fee label by punching it with the round punch as well as the triangular punch and shall communicate to the Court from which the record had been received the fact of the court-fee label having remained unpunched at the time it was received in the Central Record Room.

The District Judge may issue such instructions as he may consider necessary to prevent recurrence of such instances.

B. MAINTENANCE OF RECORDS IN THE COURTS CONCERNED

173. In all Courts subordinate to the District Court, one clerk shall be appointed as Record Keeper; the records of all disposed off cases shall be in his sole custody, until they are sent to the Central Record Room.

He shall arrange the paper in the same way as provided for by the Rules relating to the Central Record Room.

The record of each case shall contain a list (Ferist) of all the papers therein.

174. The records shall be under lock and key shall be in the custody of the Record Keeper, who shall be personally responsible for its safe keeping.

175. Requisitions.- When the record of any case is required for reference, a slip containing the name of the official taking the record and the date of taking shall be left in its place and the signature of the person taking it shall be taken in the register maintained for the purpose, in which the return also shall be noted.

Note.- Before signing the above register it shall be the duty of the official to compare the papers in the record with the ferist.

176. The record of current cases shall be in the sole custody of the clerk or official who has charge of the same according to the arrangement of the work of the Court.

177. No clerk or other subordinate officer of any Court shall take any record out of the Court-house. Records taken out of the Record Room shall be kept securely locked every evening in the Court-house in the custody of the clerk responsible for them.

178. When each case is completed, the record shall be handed over to the Record Keeper. An entry of the same shall be made in the Record Keeper's book and such entry shall be signed by the Record Keeper.

C. CLASSIFICATION OF RECORDS

179. The records of judicial proceedings, whether suits or cases, shall be divided into three classes :-

(a) Class I including records of-

- (i) Suits for or affecting immovable property, including suits for foreclosure, sale or redemption;
- (ii) suits for a declaration of a right to maintenance with or without a charge on immovable property or to determine the rate thereof ;
- (iii) suits in respect of succession to an office, or to declare the validity or invalidity of an adoption, or otherwise to determine the status of an individual;

- (iv) suits relating to public trusts, charities, endowments, rights or customs;
- (v) contested and uncontested suits and cases for Probate and Letters for Administration and for revocation of the same;
- (vi) cases relating to the guardianship of minors and administration of their property;
- (vii) cases relating to guardianship of lunatics and care of their estates;

(Note.- An application by an executor, administrator or by the guardian of a minor or lunatic to sell, mortgage, etc., property belonging to the estate is an application in the case and must form part of the record of the case together with all the proceedings connected with it).

- (viii) Other cases under Indian Succession Act ;
 - (ix) Insolvency Cases ;
 - (x) Matrimonial Cases ;
- (b) Class II including records of all suits and original proceedings which do not come under Class I.
 - (c) Class III including records of proceedings in execution of decrees or orders.

D. ARRANGEMENTS OF RECORDS

180. Every record under Class I shall consists of three files to be styled and marked respectively, File A, File B, and File C.

181. File A shall contain the undermentioned papers which shall be arranged in the following order :-

- (a) Table of Contents (Form No. 15) ;
- (b) The Order Sheet (Form No. 14);
- (c) The plaint or petition together with any schedule annexed thereto ;
- (d) Any process served upon the defendant together with the return of service in cases decreed *ex parte* ;
- (e) Written Statements;
- (f) Memorandum of issues;

- (g) Any award of arbitrators or petition of compromise, if given effect to by the decree or final order; also the report together with the map (if any) of a Commissioner in matters relating to immovable property if referred to or given effect to but not any portion of the evidence taken by such Commissioner; also in the case of minors or lunatics any order of the Court sanctioning a compromise as beneficial to the minor or lunatic;
- (h) Any order for administration or for partition or for accounts or inquiry, with the directions given and the judgment upon which such order is founded;
- (i) Judgment of final order;
- (j) Preliminary decree (if any) and final decree;
- (k) Copy of any judgment and decree passed in appeal or revision;
- (l) ¹[Copies of] wills in Probate and Succession Cases;

1. Substituted for the word 'Original' by Notification No. ROC 2062 of 68, dated 1-5-1969, w.e.f. 8-5-1969

- (m) Any other paper which the Presiding Judge may, for reasons to be recorded in writing, order to be placed in File A.

182. File B shall contain:-

- (a) Table of Contents;
- (b) Lists of documents admitted in evidence;
- (c) All the evidence oral and documentary upon which the subject matter of the suit is decided;
- (d) All applications and papers not specified as included in any other file.

183. File C shall contain:-

- (a) Table of contents;
- (b) All summonses, processes, returns thereto, lists of witnesses, petitions relating to the attendance of witnesses of adjournments proceedings calling for or sending papers or records and affidavits relating to matters mentioned in this Rule and all other miscellaneous papers not included in Files A or B.

184. (1) Other documents which have been produced by parties, but have either not been tendered in evidence, or having been tendered in evidence, been rejected, shall be kept apart from the record of the suit or other proceeding to which they belong and shall, if not reclaimed by the parties who produced them, be retained in the Court in which they were produced, for a period of one year from the date of the final order of the Court in the suit or proceeding in which the documents were produced, and shall, on the expiration of that period, be destroyed one month after publication of the notice hereinafter prescribed.

¹(2) A notice containing complete lists of such unfiled documents (i.e., documents not included in any file) ready for destruction and the date on which they are to be destroyed, if not reclaimed earlier, shall be affixed to the Notice Board of the Court. The correctness of the lists shall be certified by the Record Keeper or the Chief Ministerial Officer of the Court].

1. Sub-Rule (2) substituted by Notification No. ROC 1318/1969, dated 21-2-1970, w.e.f. 5-3-1970

185. Every record under Class II shall consist of two files, unless the Presiding Judge in any case or class of cases directs that it shall consist of one only. If there is one file, it shall be marked File B. If there are two files, they shall be marked as Files B and C and File B shall contain the papers specified as included in File A and B of Class I, and File C shall contain the papers specified as included in File C of Class I.

Note.- In deciding whether there shall be one or two files, the Judge shall have regard to the nature of the case and size of the record.

186. The papers in File B of Class II shall be arranged in the following manner.-

The papers which ought to be included in File A, if the case were of Class I, shall be placed in the order prescribed for Class A; then the papers which ought to be included in File B. The papers which ought to be included in File C shall, if File C is not prepared, be put last of all.

187. Every record under Class III shall, except in cases specified below, consist of one file to be styled and marked File B, which shall contain all the papers relating to the case. If the application is to execute a decree in a suit included in Class I and a question is determined as to the construction of the decree, or its effect as regards all or any of the parties thereto, or if possession is given of immovable property in pursuance of the decree, the record shall, as soon as the application is finally disposed of be divided into two files, to be styled and marked respectively, File A and File B.

In that case, File A shall contain:

- (a) Table of Contents.
- (b) Order Sheet.
- (c) When a question as to the construction, effect or scope of the decree is raised and determined,
 - (i) application for execution;
 - (ii) petition raising any question as to the construction or effect of the decree and any counter petition;
 - (iii) order of the Court on such question;
 - (iv) copy of any judgment passed in an appeal or revision.
- (d) When possession of immovable property is given in pursuance of the decree, Nazir's return of delivery of possession.

File B shall contain all other papers.

188. The records of an Appellate Court shall be arranged in the same way, as that of the Court of original jurisdiction, except that there shall be no File C, the papers which ought to be included in the File C being attached to File B. Copies of judgment and decree, filed with the memorandum of appeal, shall be placed in File B. These Copies shall be returned to the appellant on his applying for them, after the disposal of the appeal.

The files shall be marked A and B as in the Court of first instance, according to the nature of the suit or case.

189. Pleadings, applications and proceedings in every suit or case, shall, as far as possible, be placed in the file to which they belong as the trial proceeds and shall be arranged in the order in which they are brought before the Court.

To preserve the decree in tact, a cartridge paper or other thick paper should be placed after the decree while stitching the records.

190. Depositions of the witnesses shall be arranged in the order of the serial numbers of the witnesses.

191. Distribution of the papers into proper files shall, in all cases, be made before the record is despatched to the Central Record Room.

192. Table of Contents, which is the first paper in each file, shall be in Form No. 15. A specimen of entries to be made therein is given below:

Suit (or case) Noof

ClassFile.....

Sl. No. of Paper	Sheets	Description	Remarks
1	2	3	4
1	1-3	Order sheet	
2	4-5	Plaint	
3	6-8	Written Statement	
4	9	Memorandum of issues	
5	10-12	Judgment	
6	13-14	Decree	

Exhibits need not be described in the table of contents. The lists attached to them shall alone be shown in the table with the serial and sheet numbers. A specimen of entries to be made in this connection is given below:

Sl. No. of Paper	Sheets	Description	Remarks
1	2	3	4
1	*	*	
2	*	*	
3	*	*	
4	9	List of documents admitted in evidence for the plaintiff	
5	10-25	Exhibits for the plaintiff	
6	26	List of documents admitted in evidence for the Defendant	
7	27-34	Exhibits for defendant	
8	*	*	

193. Title Page.- To each file of every record there shall be prefixed a title page in Form No. 16. Sufficiently thick paper shall be used for the Title Page.

194. The Title Pages shall be of different colours. The title page of File A shall be white. The title page of File B shall be brown. The title page of File C shall be yellow.

E. CUSTODY OF RECORDS

195. The records of all categories of cases disposed of shall be retained in the Courts concerned for a period of one year, and thereafter despatched to the Central Record Room.

196. In every Court, during the first week of every calendar month, the records of cases disposed of during the immediately preceding calendar month shall be arranged according to the above rules and left in the custody of the Record Keeper of the Court.

The Record Keeper shall despatch the records of cases, so arranged in a particular calendar month, to the Central Record Room, during the corresponding month of the succeeding year, so as to reach the Central Record Room before the end of the month.

Exceptions.- 1. When a guardian is appointed by a Court under the Guardian's and Wards Act for a minor's property, the records of the case shall be retained by the Court till the minor attains majority and the guardian is discharged.

2. When a guardian or a curator is appointed for a lunatics, the records of the case shall be retained in the Court till the guardian or curator is discharged.

3. In Probate and Administration Cases the records shall be retained in the Court granting the Probate or Letters of Administration, until the executor or the administrator, as the case may be, has filed his final account of the administration of the estate.

197. Each monthly bundle of records despatched to the Central Record Room shall be accompanied by lists showing the disposal of cases of each category. The particulars of all cases disposed of must be entered in the lists and when, for any reason, a record is kept back, a note to that effect shall be made in the column of remarks.

The lists shall be in Form No. 17. When the record or records kept back are subsequently sent to the Central Record Room, such record or records shall also be accompanied by a list in the same Form, care being taken to see that the serial number of disposal given to each record is the same as in Register No. XIII.

198. On receipt of the records in the Central Record Room, the Record Keeper shall verify that the records correspond with those entered in the lists, that the contents of each file correspond with table of contents, that the papers bear the court-fee stamps shown in such table and that stamps have been duly cancelled.

199. The Record Keeper shall bring to the notice of the District Judge any irregularities that may have occurred in connection with the arrangement or despatch of records or in regard to the cancellation of stamps.

200. Before any record is despatched out of the Central Record Room for any purpose, the Record Keeper shall make an entry relating thereto, in Register No. XVI. On the return of the record, the Record Keeper shall note in the same Register the date of the return.

After making the entries in Register No. XVI, the requisition or the letter calling for the record shall be placed in the place of the record sent.

When more records than one have been called for under one requisition, slips of paper shall be kept in the places of records sent, after noting in those slips the necessary references as to the number and date of the requisitions, brief description of the record and the date of despatch.

201. Registers which are to be permanently retained, shall be retained for fifteen years after they are closed and shall then be sent to the Central Record Room. All other registers shall be retained in the Court to which they belong, until they become due for destruction, when they may be sent to the Central Record Room.

A catalogue of permanent registers shall be kept in each Central Record Room showing:

- (a) the nature of the registers and the year or years to which they relate;
- (b) the number of volumes; and
- (c) the names of the Courts to which the registers pertain.

F. PRESERVATION AND DESTRUCTION OF RECORDS

202. File A shall be preserved permanently. File B shall be destroyed at the end of ¹[6 years]. File C shall be destroyed at the end of 3 years:

1. Substituted for figure and words "12 years" by Notification No. LCA1/107/1986, dated 22.02.1993, w.e.f. 04.03.1993

Provided that, documents and records produced in Courts by Government officials or sent for under Rule 10 of Order XIII of the Code, shall not be destroyed, but, shall be transmitted to the Court or office from which they have been summoned.

203. The period of retention shall be calculated, as regards suits or cases of Classes I and II, from the date of the final decree or order, which in cases appealed against shall be that of the Appellate Court.

204. In cases of Class III, the period of retention shall be reckoned from the date on which the application for execution was finally disposed of by the Court executing the decree, or by a Court of appeal, whichever is later. For the purpose of this Rule, the record of each Execution Case shall be dealt with separately.

205. The destruction of all papers shall be effected by tearing them into bits in the presence of the Record Keeper and of a responsible officer not below the rank of the Chief Ministerial Officer of the Court, or in the manner prescribed by the High Court from time to time. The torn bits shall be disposed of in accordance with the procedure prescribed for the disposal of waste paper.

206. A note of every file destroyed, under the above Rule, shall be made at the time of destruction in Register No. XIII under the signature of the Record Keeper against the entry therein relating to the said file.

207. (1) The following Registers shall be retained permanently:

- (a) Registers of Original Suits and other Original Proceedings and appeals (other than Execution appeals) viz., (Registers Nos. I, III, V V-B, XXIII and XXIV).
- (b) Record Room Register of Suits, other original proceedings, execution cases and appeals disposed of (Register No. XIII).

(2) The Registers mentioned in this sub-rule shall be retained for the periods shown against them.

(a)	Register of Small Cause Suits (Register No.II)	...	20 years
(b)	Registers of Execution Cases and Execution Appeals (Registers Nos. IV and XXV)	...	15 years
(c)	Register of applications for refund of Court-fee (Register No. VI)	...	12 years
(d)	"From" (Inward) and "To" (Outward) Registers in the Central Record Room	...	12 years
(e)	Nazir's Register of Immovable Property attached or sold (Register No. XXXI)	...	12 years
(f)	Daily Register of Court-fees (Register No.VIII)	...	5 years
(g)	Court Diary (Register No. IX)	...	5 years

(h)	Register of Applications for return of documents (Register No.XII)	..	5 years
(i)	Registers of the Nazareth Department other than Register No. XXXI (Register Nos. XXVI to XXX and XXXII and XXXIII)	...	5 years
(j)	Others Registers (other than Registers Nos. V- C, V-D and V-E) prescribed in these Rules	..	3 years

Note.- Periods of retention mentioned above shall be reckoned from the date of final entry in each Register. The Chief Ministerial Officer of the Court shall verify and sign such final entry in each Register. The date of such final entry shall be noted in red ink on the front page of the Register for ready reference and signed by the Chief Ministerial Officer.

The Registers shall be destroyed after the expiration of the periods prescribed for their retention.

208. There shall be maintained in the Central Record Room:

- (a) (i) "From" (Inward) Register and
- (ii) "To" (Outward) Register; and
- (b) In respect of each Court in the District:
 - (i) Register No. XIII and
 - (ii) Register No. XVI for each of the categories of cases mentioned below:-
 - (1) Original Suits;
 - (2) Small Cause Suits;
 - (3) Execution Cases;
 - (4) Original Proceedings (other than suits and Execution Cases) enumerated in sub-rule (4) of Rule 5;
 - (5) Regular Appeals;
 - (6) Execution Appeals;
 - (7) Miscellaneous Appeals;
 - (8) House Rent Control Appeals.

Note.- The records should be kept unfolded so as to facilitate their examination and elimination.

G. TRANSMISSION OF RECORDS BY POST

209. Arrangements for safety.- (1) Records of suits and other papers shall, when sent by post, be first wrapped in paper packing paper and then in cloth of a coarse and cheap kind, the edges being properly stitched and sealed and tied round and across with a string which should be knotted in the centre and sealed.

(2) The address shall be written on the cloth as well as on a label, which shall be pasted on the cover and sealed at the corners.

(3) During the monsoons wax cloth shall be used as on outer covering.

CHAPTER XXI

EXECUTION OF PROCESSES

(Read with Order V of the Code)

210. Service by affixing on outer door.- When service of summons is effected under Rule 17 of Order V of the Code, the report of the serving officer, as required by that Rule, shall be verified by an affidavit of the serving officer made before the Chief Ministerial Officer of the Court or other attesting officer.

211. (1) Verification of return.- If the process server is not personally acquainted with the person to be served, the return shall be supported by a verification at the foot thereof made and signed, either by the Village Officer or by a respectable person who identifies him; and in the latter case, the full name and address of such person shall be set out in the verification.

(2) Attestation.- Whenever service of process is effected by affixing a copy thereof under Rule 17 of Order V of the Code, on the outer door of the house or on some other conspicuous part thereof, the endorsement of service shall be attested by such person in whose presence the service was so effected.

Whenever any process is served on an illiterate person, the endorsement pertaining to his left thumb impression shall be attested by some literate person present at the time of such service.

Note.- Whenever practicable such attestation shall be of the Village Officer or a respectable resident of the locality. The serving officer shall ascertain and note in the endorsement, the addresses of such attesting witnesses.

212. Notice where summons is affixed on outer door.- If a summons is affixed on the outer door of the house or on some other conspicuous part thereof, the serving officer shall endorse thereon that the defendant can, upon application to the Court within fourteen days, obtain a copy of the plaint, and shall in his return state that he has done so and shall return the copy of the plaint to the Court. If the summons has been sent by another Court for service and the defendant does not, within fourteen days from the date of affixing of the summons, apply for the said copy, it shall be returned to the said Court.

213. Vacation.- No civil warrant issued by any Court shall be executed during the vacation of that Court, except by order of the Vacation District Judge or Vacation Civil Judge of the District concerned.

214. (1) Every warrant for attachment of property, every warrant for sale of property at any place outside the precincts of the Court, every warrant for delivery of property, every injunction and every warrant of arrest when the amount of the decree exceeds Rs. 100 shall, ordinarily, be executed by Amins.

(2) Every other process, not specified in the preceding sub-rule, shall, ordinarily, be served and executed by a Process Server, but as far as is practicable, Process Servers shall not be entrusted with the recovery of any money in excess of the security furnished by them.

215. Where processes of more than one class (e.g. defendant's summons, attachment warrant, notice to show cause, etc.) are to be issued simultaneously in respect of the same individual or property in the same proceeding, the execution of such processes, shall, as far as possible, be entrusted to the same Amin or Process Server as the case may be.

216. A process issued by any Court in the territory of India, shall be served, free of charge, by any Court in the State of Karnataka, if it be certified in the process that the proper fee has been levied under the rules in force in the territory in which the Court issuing the process is situated.

217. Process issued by any Court in the State of Karnataka may be sent for service to any Court in India.

218. Returns to the processes received from the Supreme Court of India for service and execution within the State of Karnataka, shall be in English or if in Kannada, shall be accompanied by English translation thereof, stating clearly the manner in which service or execution has been effected, and in case of non-service or non-execution, the reasons therefor.

219. Warrant of delivery, etc.- Whenever an Amin is entrusted with a warrant for delivery, attachment or sale, he shall, before proceeding on the particular trip, intimate to the decree-holder or auction purchaser, his agent or pleader or pleader's clerk, the probable date of his leaving head quarters and the probable date of his reaching the village or spot to execute the warrant, and obtain his signature on the warrant, in token thereof.

220. ¹[(1)] Where a process is not served or the service of the process is defective, the Process Nazir shall note down in his own hand his opinion as to whether the reasons assigned for the non-service or the defective service as the case may be, are satisfactory or not.

1. Original Rule 220 renumbered as sub Rule-1 by Notification No. LCA-1/444/1982, dated 27.10.1984, w.e.f. 22.11.1984

²[(2) In execution proceedings if any warrant is returned unexecuted with an endorsement that police help is required, the Court may consider the same and pass suitable orders, and in case, the Court directs that police help is to be given it shall be the duty of the police authorities concerned to give needful help promptly.]

2. Sub Rule (2) inserted by Notification No. LCA-1/444/1982, dated 27.10.1984 w.e.f. 22.11.1984

221. The 'proper officer' to whom processes shall be transmitted for service under Rule 9 of Order V of the Code shall be the Process Nazir of the Munsiff's Court within whose jurisdiction the processes are to be served.

Explanation.- In Courts where there is no post of the Process Nazir, then the expression 'proper officer' for the purpose of this Rule, shall mean such official, as the High Court may by order specify.

222. Examination of the Amin or Process Server.- When a warrant for the arrest of a judgment-debtor is returned unexecuted, the Amin or Process Server shall at once appear before the Court by which the warrant was issued, with a view to his being examined in the manner prescribed by Rule 25 of Order XXI of the Code. If the Court finds it inconvenient to make such examination as soon as the Amin or Process Server appears before it, it may postpone such examination to such other date as may be fixed by it, provided that, the time that intervenes between such date and the date fixed for the return of the warrant, is sufficient to admit of the process being reissued, in the event of the Court holding that there was not sufficient cause for the warrant being returned unexecuted.

223. Emergent Process.- The Presiding Officer of the Court may, for sufficient reason, at any hour of the day, transmit a process for emergent execution and it shall be the duty of the process Nazir, on receiving such process signed by the Judge, to make immediate arrangements for its execution.

In case of special urgency, the Presiding Officer may direct the delivery of any such process, to one of the process servers in attendance at this Court for immediate service or execution.

1[224. Special Process Servers:- (1) The Presiding Officer of the Court may, on the application of either party for issue of any particular process to be sent for service to an outlying Court, direct that such particular process to be served or executed by Special Process Server or Bailiff from hearquarters.

1. Rule 224 substituted by Notification No. LCA 1/1/90/HCLC, dated 11-3-2003, w.e.f. 17-4-2003

(2) Such special process server or Bailiff shall, in addition to the D.A. admissible to him under Chapter XXVII of the Karnataka Civil Services Rules, 1958, be entitled to claim actual fare for travel to and from the place journey by the mode of travel allowed to him under the said rules.

(3) The Presiding Officer may be sufficient reason direct that the cost of such particular process be costs in the suit or proceeding.]

225. Custody of Judgment debtor.- Except for very special reasons, which must be recorded in writing, no Court shall direct that a judgment-debtor be left in the custody of a Process Server, unless a Second Process Server is deputed to assist him and the charges for both at Re.1 a day for each, up to the time fixed for the adjourned hearing, are paid in advance.

Payments under this and preceding Rule shall be made in court fee stamps.

CHAPTER XXII**REFUND OF PROCESS FEE**

226. When more than the amount of process fee required for service of process is deposited or when issue of process becomes unnecessary after deposit, the Courts are authorised to refund to the depositor the amount of the surplus or unspent fee in the manner prescribed for refund of court-fee the unused stamps being duly punched and cancelled, before the refund order is issued.

227. Applications for refund of process fee shall be made before the expiry of three months from the date of the judgment of final order in the case but in the case of process fee deposited in wrong numbers, the application shall be made within three months from the date of deposit.

228. No fee is leviable on applications for refund of unexpended process fees.

229. If the depositor is not present when the refund order is prepared, the Court shall, by notice affixed to the notice board of the Court, intimate the date on which the order is ready for issue, and if within three months from that date, the refund order is not taken from the Court, the order shall be cancelled.

CHPATER XXIII

COPIES

A. APPLICATIONS PRESENTED IN COURT

230. Application by a party.- A party to a suit or proceeding is entitled, at any stage of the proceeding, to obtain copies of the record of the suit or proceeding, including documents which have been admitted in evidence. ¹[Irrespective of whether the documents so admitted in evidence are originals or certified copies.]

1. Added by Notification No. LCA-1/444/1982, dated 27-10-1984, w.e.f. 22-11-1984

²**230-A.** In issuing certified copies any of the following methods, as may be practicable may be employed.-

- (1) Preparation of copies in the manner provided by Rule 245;
- (2) Preparation of copies by photo-copying process including Photostat, Xerox or reprograph or any other process by which the original is mechanically or electronically copies representing faithfully the original.

230-B. Whenever a judgment is pronounced under Order 20, Rule 1(3) and judgment is typewritten, as provided in Order 20, Rule 6-B of the Code carbon copies in advance following the procedure laid down in Rules 247, 248 and 249. The party or parties so applying shall pay charges either in the shape of Court Fee labels or in cash at the rates stated in Rule 241 or at such rate as may be specified in the rules made by the High Court.

230-C. Whenever evidence is taken down to the dictation of the judge directly on a typewriter, the copies of such deposition wherever it is practicable so to do, be given to the parties applying for such copies in advance. The procedure contained in Rule 230-B shall apply *mutatis mutandis* in the matter of issuance of copies of depositions under this Rule. The copies of depositions so prepared shall be issued to the party applying at the end of each day.]

2. Rules 230-A to 230-C inserted by Notification No. LCA-1/444/1982, dated 27-10-1984, w.e.f. 22-11-1984

³**230-D.** Certified copies of documents exhibited in Civil Cases, which are themselves copies or certified copies can be granted, on an application by a party provided that the office uses a seal of certification as follows:

"Certified copy of document Ex..... which purports to be the copy/certified copy.]

(by scoring out in appropriate words)

3. Rules 230-D inserted by Notification No. RPS/134/1980, dated 22-3-1986, w.e.f. 3-4-1986

231. Application by a person who is not a party.- Any person who is not a party to the suit or proceeding, may, for sufficient reason shown to the satisfaction of the Court, obtain copies of the plaint, written statement, applications and affidavits filed in the suit, depositions of witnesses or judgment, decree or order.

232. Any person who is not a party to the suit or proceeding, desirous of obtaining copies of documents admitted in evidence, shall make an application, supported by an affidavit specifying the purpose for which such copies are required, and Court may for sufficient reason shown to its satisfaction order the grant of the same.

233. Copies of confidential papers.- Copies of the Judge's minutes, of correspondence not strictly judicial, or generally of any confidential proceedings shall not be granted.

234. Order of Judges in doubtful cases.- Where any doubt arises as to whether the document, of which a copy is applied for, is one of which a copy could be granted or not, the Examiner shall obtain the order of the Judge.

If for any reason the Judge decides that a copy cannot be granted, the application shall be rejected.

235. (1) An application for a copy of a document or other paper, a certified copy of which can be given, shall be made to the Court having custody of the record or to the Court in which the document or paper is filed or exhibited in the record.

Explanation.- The records lodged in the Central Record Room shall be deemed, for purpose of this Rule, to be in the custody of the District Court, to which the Central Record Room is attached.

(2) Such application shall set forth.-

- (a) the name of the applicant and his position (if any) in the suit or proceeding; also the name of his pleader and pleader's clerk (if any);
- (b) the number of the suit or proceeding mentioning whether the same is pending or disposed of and the date of disposal, if disposed of; and

- (c) the description of the document or the paper and if the document is exhibited, its exhibit number and the proceeding in which it is filed or exhibited and the date of the document, if any.

(3) The application should be presented to the Chief Ministerial Officer or such other officer as the Court may appoint for the purpose.

(4) The officer receiving the application shall endorse, in red ink, on the application the date of receipt and the number of copying sheets, if any, produced with it and after making an entry or getting an entry made in respect thereof in the Daily Register of Court-fees of the Court (Register No. VIII), pass on the application with its enclosures of the Examiner of Copies.

236. (1) Any application not containing the particulars required to be specified under Rule 235 shall not be admitted until it is amended in respect of matters in which it is defective.

(2) If the date of disposal of the case is not stated in the application, it may be ascertained from the office by the officer receiving the application and noted on the application.

(3) Register No. X-A shall be used for notifying defects, if any, in the application and the date on which the applicant should appear to ascertain the number of copying sheets or the amount of copying charges to be furnished.

(4) If the application is complete, the Examiner shall enter it in the Register of Applications for copies (Register No. X).

¹**236-A.** Copy applications may be received and certified copies of documents referred to in this Chapter may be granted even during vacations.]

1. Rule 236-A, inserted by Notification No. ROC No. 1058/68, dated 16-5-1969, w.e.f. 22-5-1969

²**236-B.** Where application for certified copy of the judgment, decree, order, depositions or any other document is filed by the Government Pleader attached to the Court on behalf of the State Government or an Officer of the State Government copies thereof shall, notwithstanding anything contained in this Chapter, be supplied by the Court, free of cost on plain paper.]

2. Rule 236-B, inserted by Notification No. RPC No. 16/1983(1), dated 10-4-1984, w.e.f. 3-5-1984

237. (1) When records of the case have been despatched to the Central Record Room or to any Court of Appeal or Revision, the application shall be forwarded to the Record Keeper in charge of the Central Record Room (or to the copy Examiner, of any such Court), whose duty it shall then be to inform the Court what number of copying sheets are required for the copy. When the requisite number of sheets have been forwarded to the Record Keeper or Copy Examiner, as the case may be, the copy shall be made without delay and shall be sent by post to the Court for delivery to the applicant.

(2) The applicant shall pay one rupee in the form of court-fee stamps towards expenses of correspondence if the record of which copy is applied for is not in the Court to which the application is made any expenses therefor in excess of one rupee being recoverable in the same form before the copy is delivered to him.

238. When the application has been registered the record shall at once be obtained by the Examiner from the Record Keeper or Clerk in whose possession it is, and the applicant shall be notified (vide Register No. X-B) to produce within the time fixed in accordance with Rule 240, the number of copying sheets required for the copy. The estimate should cover the postal expenses also, if the applicant desires to have the copy sent by post. The preparation of the copy shall not be commenced until he has supplied in full the number of copying sheets stated to be required.

239. If the applicant fails to produce the required number of copying sheets within the time fixed for the purpose or the time extended by the Court, the Presiding Officer shall pass an order rejecting the application (See Register No.X-C).

240. The time to be fixed for production of sheets shall not exceed fifteen days.

241. Ordinary Charges.- Charges for preparation of certified copies shall be calculated at the rate of 35 paise for a folio. A 'folio' means a group of 175 words. If however, the entire text to be copied is less than 175 words, the said text shall be treated as one folio. If the total number of words to be copied, divided by 175, leaves a remainder less than 175 words, the said remainder shall also be treated as one folio.

Illustrations

1. *The text to be copied has a total number of 50 words or 100 words or 174 words. In each case it is to be treated as one folio.*
2. *The text to be copied has 360 words. It is equal to three folios made up of two units of 175 words each, and a remainder of ten words, each one of them being treated as a folio.*

242. Initials, Abbreviations and Figures.- Initials prefixed to names of persons shall not be counted as a separate word or words, but the entire name together with the initials shall be counted as one word. Where, however, the name or village or place, surname, father's name or family name is fully spelt out, each of such names shall be counted as one word.

Where abbreviations are used for giving the description or number or proceedings or for citation of cases or sections of statutes, five letters shall be counted as one word and any excess over complete group or groups of five letters, included in the abbreviation, shall be counted as one word although the number of letters in excess is less than five. For this purpose each figure shall be deemed to be a letter.

Figures used for indicating ranks of parties in cause title or for numbering paragraphs, shall not be counted. In other cases, a group of five figures shall be counted as one word.

Illustrations

1. *"Section 205 C.P.C." counts as three words, i.e., the word 'Section' is one word, '205 C.P.' is one word and 'C' is one word.*
2. *"I.L.R. 3 Bom. 260" counts as two words, i.e., 'I.L.R. 3.B' is one word and 'om. 260' is one word.*
3. *"M.O. Parthasarathi Iyengar" will count as two words.*

243. Charges for emergent Copies.- Where copies are required emergently, an additional charge, calculated at the rate of 5 paise for a folio shall be paid, subject to a minimum of one rupee and a maximum of five rupees.

244. ¹[Charges for copies of maps, plans and documents].- In the case of maps and plans, etc., a reasonable fee (having regard to the skill, labour and time required for preparing the copy) shall in each case be fixed by the Court and deposited in cash by the party applying, in the same manner as for a commission under the Code. The whole of such fee shall be paid to the person employed for preparing the copy, who shall use his own material for that purpose.

1. Substituted for the word "Charges for copies of laps and plans inserted by Notification No. LCA-1/444/1982 dated 27-10-1984, w.e.f. 22-11-1984

245. Payment of Charges and mode of utilisation.- (1) Unless otherwise provided by these Rules or any other law for the time being in force:

- ²(a) Copying charges shall be paid in the shape of impressed copying sheets of the value of Re. 1/- prepared under the orders of the State Government or in the shape of Court Fee Labels]¹

2. Clause (a) substituted by Notification No. LCA-1/633/95/HCLC, dated 23-4-2001 w.e.f. 06.09.2001

- (b) Additional charges for emergent copies, and postage, whenever payable, shall be paid in court-fee labels.

(2) Where ordinary charges are paid either in court-fee labels or in cash as hereinafter provided, copies shall be prepared on substantial foolscap paper and the payment of charges and the mode of payment shall be certified at the top of the first sheet by the Record Keeper or the examiner, as the case may be, over his signature.

(3) Where copying sheets are used for preparation of copies, 175 words shall be typewritten or written on a single sheet. Where, however, the said full number of words cannot be written on one side of the sheet, the number of words necessary to make up the total of 175 words may be written on the reverse.

(4) a margin of 1¹/₂ inches should always be provided on the left hand side of the front page of the sheet and on the right hand side of the reverse.

246. Preparation of copies.- (1) Preparation of the copy shall be undertaken without delay on production of copying sheets and the copy made ready for delivery ordinarily within 15 days of production of copying sheets. On the date of production of copying sheets, the Examiner shall notify the applicant, the date on which he is to appear to take delivery of the copy. (Vide Register No. X-D).

(2) The preparation of copies shall be undertaken in the order in which charges are paid:

Provided that, an application for an urgent copy shall be given precedence. On such application, charges shall be called for within 24 hours of the receipt of the application and copies delivered within 48 hours of payment of charges. In computing the above periods, every Sunday and holidays, on which the Court is closed, shall be excluded.

(3) Pages of copies shall be serially numbered.

¹[(4) When a party desires to have a certified copy, by the photo-copying as stated in Rule 230-A and the Court has the equipment to prepare certified copy of photocopying process finds it convenient, it may issue copies prepared by adopting the photo-copying process subject to the following procedure, namely:-

(1) The rate per copy shall be determined by the High Court from time to time and till such determination is made the charges per rate of foolscap size or any smaller size shall be Rs. 2.

(2) When the copy has been so prepared, it shall be compared by the examiner with the original, aided by a reader, who may be a copyist. The text to read out shall be the original. The copyist examiner after such comparison and after satisfying himself that the copy prepared by the photo-copying process faithfully reproduces the original, shall append a certificate as under.

1. Sub-rule 4 inserted by Notification No. LCA-1/444/1982, dated 27-10-1984, w.e.f. 22-11-1984

'Certificate'.- Certified that this is a true and accurate copy of the original. All the matter appearing in original has been faithfully copied with no modifications.]

NOTIFICATION

No. LCA-I/270/1986, dated 20.8.1987

[Karnataka Gazette, dated 29.10.1987]

Determination of charges for issue of Certified Copy prepared by adopting Photo Coping Process

In exercise of the powers conferred under sub-clause (1), sub-rule (4) of Rule 246 of the Karnataka Civil Rules of Practice, 1967 (as amended in 1983), the High Court of Karnataka, in supersession of earlier notification dated 25th June, 1986, determines the charges for furnishing Certified copies taken by Photo Copying Process at Re.1/- (Rupee One) per page with immediate effect.

247. Comparing.- When the copy applied for has been prepared by the copyist, it shall be compared by the Examiner aided by a reader who may be the copyist; but in no case shall the original be read to an Examiner nor shall the Examiner be in any way assisted by the copyist who prepared the copy. The test to be read out shall be the original.

248. Correction and Certification.- When a copy is ready, it shall be certified in the manner prescribed by Section 76 of the Indian Evidence Act. The certificate that is a true shall, after examination be signed by the Examiner. All corrections shall be initialled by him and the number of corrections shall be noted at the foot of each copying sheet (or page, if both sides of the sheet are used). The practice of making erasure, by scratching out or otherwise effacing words, is strictly prohibited. Corrections shall be made by drawing a pen through the word to be cancelled and by writing the substituted word above the word so cancelled.

249. Endorsement and seal.- (1) The last sheet of every copy, and if no space is available therein the reverse side of the last sheet, shall bear the following endorsements:-

1. Copy applied for on
2. Copying sheets/charges required to be produced on
3. Copying sheets/charges produced on
4. Applicant required to appear on
5. Applicant appeared on

6. Copy ready on*
7. Copy delivered on*
8. Copied by
9. Examined by

*To be filled in and initialled by the Chief Ministerial Officer both on the copy in the Register.

- Notes**
1. The dates referred to in this rule shall be expressed in figures and not in words and all corrections shall be properly attested. The Chief Ministerial Officer shall satisfy himself that these entries have been correctly made.
 2. The Presiding Judge also should be examining Register No. X from time to time and perusing the copies satisfy himself that the endorsements on copies are properly and correctly made.

A rubber stamp may be used for the above endorsements. But the dates shall be entered by the official concerned in ink, and the date on which the copy was ready in red ink.

(2) The seal of the Court shall, when the copy is ready for delivery, be affixed to each sheet by or in the presence of the Chief Ministerial Officer.

250. Delivery of Copies.- (1) Copies shall be delivered to the applicants during office hours. Unused copying sheets, if any, shall not be retained in the office but shall be attached to the copy, for the preparation of which they were furnished, and shall be returned to the applicant along with the copy.

(2) If the applicant requests that the copy be sent by post and pays the postage therefor in cash or court fee labels, the copy shall be forwarded by registered packet prepaid for acknowledgement. In such case "Copy posted" shall be substituted for "Copy delivered", in the endorsement referred to in Rule 249 and in columns 21 and 22 of the Register of Applications for Copies, the date of despatch shall be entered and the signature of the despatching clerk taken.

251. When copies have been made ready for delivery, the records shall at once be returned to the Record Keeper or Clerk, from whom they had been obtained.

252. Manner of notifying the applicant.- (1) In copy applications other than those received by post, the following procedure shall be adopted for notifying the requirements and return and rejection of copy applications to the applicants:-

- (a) Register No. X-A shall be maintained for notifying the defects for rectification and for notifying the date on which the applicant should appear to ascertain the number of copying sheets or charges to be furnished;
- (b) Register No. X-B shall be maintained for notifying the copying sheets or charges required and the dates by which they have to be produced;
- (c) Register No. X-D shall be maintained for notifying the dates on which the applicants have to appear to receive copies;
- (d) Register No. X-C shall be maintained for notifying the rejection or return of copy applications.

(2) The above registers shall be kept at a conspicuous place in the Copying Branch for easy access to the applicants during office hours.

(3) Apart from making entries in the above registers no other notice shall be required to be given to the parties in the case of copy applications other than those received by post unless the Presiding Officer otherwise orders.

(4) In the case of a copy applications received by post and also where an applicant has paid the required fee for correspondence as prescribed, intimations should be sent by post and the entries in respect thereof shall be immediately made in Register No. X-E.

253. Rejection of copy applications for non-compliance.- (1) A Copy application shall be rejected by the Presiding Officer of the Court:-

- (a) if in the case of copy application received by post, cash of Rs. 3 prescribed as initial remittance is not received in the Court within seven days from the date on which the application is received in Court; or
- (b) if the applicant fails to rectify the defects notified within the time given for that purpose; or
- (c) if the applicant fails to produce the required number of copying sheets or the required amount of copying or other charges within the time fixed for the purpose or the time extended by the Court; or
- (d) if the applicant does not comply with any other requirement ordered to be fulfilled by the Presiding Officer of the Court to enable the preparation of the copy, within the time granted.

(2) On such rejection, the copying sheets already produced and the copying or other charges already paid shall be returned or refunded to the applicant as in the case of return of excess copying sheets and refund of excess copying or other charges.

B. APPLICATIONS SENT BY POST

254. Applications for certified copies may be sent by post. Such applications shall be addressed to the Chief Ministerial Officer of the Court to which they are sent. Rules 230 to 253 shall apply to such applications also, as far as may be, subject to the following modifications and the succeeding Rules:-

- (a) every such application shall contain the correct postal address of the applicant and all such particulars as are necessary to ensure delivery to the applicant of every postal communication in connection with the application and of the copy, when ready;
- (b) every such application shall be accompanied by a payment of not less than Rs. 3 towards expenses of correspondence and the postage for despatching the copy when ready, any expenditure on that account in excess of Rs. 3 being recoverable before the copy is despatched;
- (c) all charges inclusive of the charges specified in clause (b) above in respect of such applications shall be paid in cash or remitted by postal money order.
- (d) (i) the date of receipt of initial remittance under clause (b), as endorsed on the application by the Nazir under Rule 255 shall be treated as the date on which the application is made to the Court;

Provided that, where the application is received on a date subsequent to the receipt of the remittance, then, such date shall be deemed to be the date of the application.

- (ii) the date on which the letter or communication requiring the applicant to pay the charges or additional charges is posted, shall be deemed to be the date on which such charges or additional charges are called;
- (iii) the date of receipt of the charges set out in the Nazir's endorsement under Rule 256 shall be deemed to be the date on which such charges or additional charges are paid;
- (iv) the date on which the copy is delivered to the post office for being forwarded by registered post, shall be deemed to be the date on which the copy is delivered to the applicant; and

- (v) the dates aforesaid shall be the dates to be entered in the appropriate columns of the Register of Applications for copies for the endorsements referred to in Rule 249.

255. When an application is received by post, the Chief Ministerial Officer shall endorse thereon the words "Received by Post" and shall initial and date the same. He shall thereafter send the application to the Nazir dealing with cash. All cash remittances received in respect of such application, shall also be sent by Chief Ministerial Officer to the Nazir. The Nazir shall retain the said application with him, until the initial remittance of Rs.3 under clause (b) of Rule 254 is received and endorsement in respect thereof is made by him, as provided in the next succeeding Rule. He shall, thereafter, transfer the copy application to the Copy Examiner for further action.

256. (1) All cash payments in connection with copy applications shall be made only to the Nazir. Immediately on receipt of any such cash payment, the Nazir shall send for (from the Copy Examiner) the application in connection with which the payment is received (if the application is not already with him) and enter the receipt of cash in the Cash Register of the Court with the particulars of the copy application. He shall simultaneously make an endorsement on the application in red ink, mentioning the date of receipt, the amount of cash received and the serial number of the entry in the Cash Register. If the copy application bears any previous endorsement or endorsement of like nature made by the Nazir, every subsequent endorsement shall be made immediately below the previous endorsement.

(2) Every such endorsement shall be in the handwriting of the Nazir himself, who has received the cash and shall be initialled by him.

257. All amounts received in cash in respect of copy applications shall, after entry into the Cash Register, be placed to the credit of judicial Deposit. For preparing copies applied for by post, the Court shall purchase copying sheets from the Treasury on indent, from the funds allotted for contingent expenditure and keep them in stock, provided that, the Court shall adjust its indent for copying sheets in such a way that the stock of copying sheets on hand does not exceed 500 at any time. Similarly postal stamps required for correspondence in respect of copy applications and for sending copies by registered post, shall be purchased from the funds allotted for contingency and kept in stock, provided that, the purchase is so adjusted that the value of stock of postage stamps on hand does not exceed Rs.25 at any time. The Nazir shall have the custody of the copying sheets and the postage stamps purchased as above and he shall be responsible for accounting for the same, and for recoument of the value thereof, from the amounts paid by the parties. The value of copying sheets utilised for copy applications received by post

and the value of postage spent shall be credited as revenue to Government from the amounts in Judicial Deposit, as stated above.

258. The Nazir shall maintain Registers Nos. X-F and X-G and the responsible for appropriate entries being made therein promptly and correctly.

259. The Examiner shall, after ascertaining that there is sufficient amount to the credit of the applicant in Judicial Deposit, indent for the required number of copying sheets and postage stamps and obtain the same from the Nazir and account for the same to him. All unused copying sheets in respect of copy applications received by post and unexpended postage shall be returned by the Examiner to the Nazir promptly. The Nazir shall also, before issuing copying sheets and postage stamps required by the Examiner verify, from the copy application and the Judicial Deposit Register, that there is need for such issue and there is sufficient amount to cover the expenditure.

260. As soon as the Examiner utilise the copying sheets and prepares the copy or spends the postage, he should make an entry to that effect in Register No.X-H maintained by the Nazir and simultaneously return the unused copying sheets and postage, if any, to the Nazir and make necessary entries in the said Register. As soon as the Examiner makes the above entries, the Nazir shall enter the particulars of amounts actually spent towards copying fee and/or postage in the Judicial Deposit Register and Register No X-H and periodically take steps to credit the equivalent amount to the revenue of the State Government from the amounts in Judicial Deposit and close the entries in Register No. X-J. The Presiding Officer shall, once in a month check the Registers maintained by the Nazir and the Examiner of Copies and record a certificate in Register No.X-J after satisfying himself that the value of the copying sheets and postage purchased from the contingency is being recouped to Government regularly and promptly.

261. (1) The Examiner shall not deliver any copy with unused sheets, if any, to the applicant if he does not appear to receive the copy within 6 months from the date on which he was required to appear to receive the copy. In such event the copy shall be destroyed in the manner prescribed for destruction of records; the unused sheets, if any, shall be dealt with in the manner prescribed in sub-rule (3).

(2) The Examiner shall not return to the applicant the unused sheets, if any, after the application is ordered to be returned or rejected, if the applicant does not appear to receive them within a period of 6 months from the date of order for the return of the copy application or from the date of order of rejection of the copy application, as the case may be, but he shall deal with such sheets in the manner prescribed in sub-rule (3).

(3) At the end of each calendar month, the Examiner shall sort out the copy applications in which the applicants have failed to take back the unused copying sheets for a period of 6 months as stated in sub-rules (1) and (2) and prepare a statement in Form No.18 in respect of those applications and make the necessary entries in Register No. X-H and hand over the said statement under his signature along with all the unused copying sheets relating to the said copy applications to the Nazir and obtain his acknowledgement in the said Register. The Nazir shall thereupon check the entries in the statement and the total number unclaimed copying sheets with reference to the copy applications and make an endorsement on each of the copy applications that the unclaimed copying sheets are received by him for crediting their value to the applicant in the concerned case as a Judicial Deposit. While doing so, he shall also mention the number of copying sheets and their value in money in the said endorsement. He shall then send the statement in Form No. 19 in duplicate, with all the copying sheets, to the Treasury in which the Court is making Judicial Deposits for receiving the sheets and crediting the value of copying sheets in each case to the Judicial Deposits, as stated in the statement and returning the duplicate to the Court with a note on it intimating the fact of crediting all the amounts to the Judicial Deposit as stated therein. The Nazir shall then enter the amounts in the accounts maintained in the Court in respect of Judicial Deposits and preserve the duplicate statement returned by the Treasury with him.

(4) The value of the copying sheets credited to the Judicial Deposit, as stated above, can be claimed and obtained by the applicant in the manner in which amounts in Judicial Deposit can be claimed and obtained.

C. FREE COPIES

262. Nothing contained in these Rules shall apply to printed copies or to copies which under any provision of law, or rule having the force of law, the Courts are required to grant free of cost.

CHAPTER XXIV**REGISTERS**

263. (1) Every Court shall maintain the Registers mentioned in Part I of Appendix B in the forms set out therein. Every Court exercising appellate jurisdiction shall, in addition, maintain the Registers mentioned in Part II of Appendix B. Courts having the Nazareth (Process) shall, in addition, maintain the Registers mentioned in Part III of Appendix B.

Provided that a Court which is not required to deal with the work for which a particular Register is intended may not maintain such Register.

(2) The Registers shall always be written up to date by the concerned clerks under the supervision of the Chief Ministerial Officer and shall be inspected by the Presiding Officer of the Court not less than once a month.

(3) Proceedings under each of the categories mentioned in Rule 5 shall be numbered and registered in chronological order for each calendar year.

Note.- In addition to the Registers mentioned above, the Courts shall maintain such special Registers as may be prescribed by or under any special statute.

CHAPTER XXV
MISCELLANEOUS

264. Register No. XIV shall be maintained by each Court and the relevant particulars of the communication required to be made to the Deputy Commissioner of any error appearing in an entry in the Record of Rights or the Register of Mutations and any alteration therein that may be required by reason of a decree or order in a suit or application relating to land as provided in Section 132(3) of the Karnataka Land Revenue Act, 1964, shall be entered therein and the necessary communication shall be sent promptly to the Deputy Commissioner from time to time.

¹[**CHAPTER XXVI**

LEGAL AID TO INDIGENT PERSONS

265. Where a party in the proceedings by reason of economic disability is not represented by an advocate, the Court may advise such parties to approach the Local Legal Aid Committee constituted by the Karnataka Legal Aid Board for Legal Aid.

266. The fee and other charges payable to the counsel appointed by the Legal Aid Committee shall be such as may be prescribed by the Karnataka Legal Aid Board.

267. A counsel appointed by the Legal Aid Committee shall be given the following facilities by the Court:-

- (i) Right to inspect the records of the case in the presence of a responsible official of the Court and make out copies unless the court finds reason to prohibit or restrict the same to any extent;
- (ii) Exemption from payment of court fee on vakalat and on interlocutory applications and also process fee;
- (iii) Furnishing free copies of depositions and Judgments or Orders prepared simultaneously by carbon process when such depositions, Judgments, or Orders are typed in the ordinary course.

268. Wherever Court Fee is ordinarily payable, but is exempted for the time being for the reason that Legal Aid has been given, the fee so payable shall be included in the costs awarded in the case and in the event of recovery, be credited to the Karnataka Legal Aid Board. It shall not be permissible for the indigent person to appropriate such part of the cost for himself.]

1. Chapter XXVI (Rules 265 to 268) inserted by Notification No. LCA-1/444/1982, dated 27.10.1984, w.e.f. 22.11.1984

¹[CHAPTER XXVII**MODE OF PAYMENT THROUGH CHEQUES IN CERTAIN CASES**

269. Notwithstanding anything contained in any other law, rules, order or decree of a Court, any amount equal to or in excess of Rs. 5,000 payable to any party or individuals, shall be paid by drawing 'Account Payee' cheque in the name of such party or individuals, as are in the opinion of the drawing officer, competent to give a full and effective discharge for and on behalf of all the persons entitled thereto, and the cheque so drawn shall be handed over to the payee or payees in the presence of the Presiding Officer who shall take all steps necessary for the proper identification of the payee or payees:

Provided that before drawing such cheque, it shall be lawful for the drawing officer to call upon the payee or payees to furnish security to his satisfaction for the due performance of the obligations if any, arising on receipt of the cheque]¹

²[Provided further that in the Bangalore City Civil Court the cheque shall be handed over to the payee or payees by the Registrar of the City Civil Court, after obtaining full satisfaction as to the identification of the payee or payees.]

1. Chapter XXVII (Rule 269) inserted by Notification No. LCA-1/444/1982, dated 27.10.1984, w.e.f. 22.11.1984.
2. Second Proviso inserted by Notification No. LCA I 49/92, dated 6.1.1993, w.e.f. 28.1.1993

PPENDIX A**FORMS**

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<p>FORM NO. 1 (CIVIL)</p> <p><i>Valuation Slip</i></p> <p><i>(R.P. 11, 103)</i></p>
--

IN THE COURT OF

AT

Suit No. of 20

.....Vs.....

Valuation Slip

Serial No. of the property in plaint schedule	The clause of Section 7(2) of the Karnataka Court Fees and Suits Valuation Act, 1958 under which the property comes.	The amount of Revenue or other basis for valuation	Method adopted to arrive at the valuation	Valuation arrived at
1	2	3	4	5

<p>FORM NO. 2 (CIVIL)</p> <p><i>Process Memo</i></p> <p><i>(R.P. 20, 22, 39, 40)</i></p>

IN THE COURT OF

AT

Case No. of 20

.....Vs.....

Please issue summons/notice/process to the following party/parties:-

Process fee of Rs.....as calculated below is paid herewith.
 Copy/Copies of the plaint, memo of appeal/petition/application and
 copy/copies of the affidavit/memo of fact is/are produced herewith.

Rank of the party

Name of the party

Address for service

Calculation of process fee

Dated.....

Pleader for.....

FORM NO. 3 (CIVIL)

Summons-House of the People/Legislative Assembly

Council of States / Legislative Council

(R.P. 45)

IN THE COURT OF

AT

Case No. of 20

..... Plaintiff

Vs

.....Defendant

To

The Speaker of the House of the People/Legislative Assembly

The Chairman of the Council of States/Legislative Council

Parliament House, New Delhi

Vidhana Soudha, Bangalore-1

Sir,

In the above proceeding, the plaintiff/defendant proposes to examine
.....an Officer in the Secretariat of the

(House of the People/the Council of State)

(Legislative Assembly/Legislative Council)

(or any duly informed Officer in the Secretariat of the House) as a witness in regard to matters specified in the annexure. I have to request you to move the House to grant leave for the examination of the said Officer in my Court, and, if such leave is granted, to direct the Officer to appear in my Court at 11 A.M. on20.....

Yours faithfully,

Dated.....

<p>FORM NO. 4 (CIVIL)</p> <p><i>Deposition Sheet</i></p> <p><i>(R.P. 52)</i></p>

IN THE COURT OF

AT

Case No. of 20

.....Witness for.....

Deposition of :
 Father's Name :
 Age :
 Religion :
 Occupation :
 Residence :

<p>FORM NO. 5 (CIVIL)</p> <p><i>Letter of request by one Court to the Presiding Judge of another Court for the production of records</i></p> <p><i>(R.P. 77)</i></p>

IN THE COURT OF

AT

Suit No. of 20

..... Plaintiff

Vs

.....Defendant

To

The Judge of the Court of.....

Whereas upon the application of the above named
it has been made to appear to this Court that a perusal of
 the undermentioned papers, now in your custody is of material importance in the
 above suit/appeal/case now before this Court and it is found that the production of
 the original documents is necessary for the purpose of Justice, you are hereby
 requested to cause the said papers to be produced in this Court/or transmit the
 said papers to this Court, on or before the..... day of 20.....

(Enter description of papers)

.....

Judge

FORM NO. 6 (CIVIL)

Summons for the production of public records and other documents in the possession of a public servant other than a Court

(R.P. 80)

IN THE COURT OF

AT

Suit No. of 20

..... Plaintiff

Vs

.....Defendant

To

.....

.....

Whereas upon the application of the above named
.....it has been made to appear to this Court that a perusal of
the undermentioned papers, now in your custody is of material importance in the
above suit/appeal/case now before this Court and it is found that the production of
the original documents is necessary for the purpose of Justice, or that the said
applicant cannot obtain a duly authenticated copy of the same without
unreasonable delay or expense, you are hereby requested to cause the said papers
to be produced in this Court/or transmit the said papers to this Court, on or before
the..... day of 20.....

(Enter description of papers)

.....

Judge

FORM NO. 7 (CIVIL)

Summons for documents in the custody of the House of the People/Legislative Assembly or the Council of States/Legislative Council

(R.P. 81)

IN THE COURT OF

AT

Case No. of 20

..... Plaintiff

Vs

.....Defendant

To

The Speaker of the House of the People/Legislative Assembly
The Chairman of the Council of States/Legislative Council

Parliament House, New Delhi
Vidhana Soudha, Bangalore-1

Sir,

In the above proceeding, the plaintiff/defendant proposes to rely upon the documents specified in the annexure which are in the custody of the

House of the People/the Council of State
Legislative Assembly/Legislative Council

I have to request you to move the House to grant leave for the production of documents, in my Court, and if such leave is granted to arrange to send the documents so as to reach me or before by registered post (acknowledgment due) or through an officer in the Secretariat of the House.

Yours faithfully,

Dated.....

FORM NO. 8 (CIVIL)

List of documents exhibited

(R.P. 84, 92)

IN THE COURT OF

AT

Suit No.....of 20.....

LIST OF DOCUMENTS EXHIBITED FOR THE PLAINTIFF/DEFENDANT

Exhibit No.	Description of the document	Date of the document	Remarks
.....
.....
.....

Note.- When a document bears only a vernacular date the corresponding English date shall be given.

<p>FORM NO. 9 (CIVIL)</p> <p><i>Title Sheet for Judgments in Suits</i></p> <p>(R.P. 91)</p>
--

TITLE SHEET FOR JUDGEMENTS IN SUITS

IN THE COURT OF

AT

Present.....

(Name of the Presiding Judge)

Suit No.....of 20.....

Plaintiff

.....

Plaintiffs

(By Pleader Sri.....)

Vs.

Defendant

.....

Defendants

(By Pleader Sri.....)

Date of institution of the suit.....

Nature of the suit (suit on pronote, suit for declaration and possession, suit for injunction, etc.)

Date of the commencement of the recording of the evidence

Date on which the judgment was pronounced

Year/s Month/s Day/s

Total duration

Note.- The names and descriptions of all the plaintiffs and defendants as stated in the plaint should be mentioned.

<p>FORM NO. 10 (CIVIL) <i>Lists of Witnesses Examined</i> (R.P. 92)</p>
--

IN THE COURT OF

AT

Suit No.....of 20.....

.....Vs.....

Witnesses examined for the Plaintiff/Defendant

No.	Name
.....
.....
.....
.....

<p>FORM NO. 11 (CIVIL)</p> <p><i>Title Sheet for Judgments in Appeals</i></p> <p>(R.P. 93)</p>

TITLE SHEET FOR JUDGMENTS IN APPEALS

IN THE COURT OF

AT

Present.....

(Name of the Presiding Judge)

Date of Judgement

REGULAR EXECUTION/MISCELLANEOUS/H.R.C.

APPEAL No..... of 20.....

Appellant

.....

Appellants

(By Pleader Sri.....)

Vs.

Respondent

.....

Respondents

(By Pleader Sri.....)

Date and Nature of the decree

or order appealed against

Date of the institution of the Appeal

Year/s Month/s Day/s

Duration of the Appeal

Note.- The names and descriptions of all the Appellants and Respondents should be mentioned.

<p>FORM NO. 12 (CIVIL)</p> <p><i>List of draft decrees for scrutiny by Pleadors concerned</i></p> <p><i>(R.P. 101)</i></p>

IN THE COURT OF

AT

LIST OF DRAFT DECREES FOR SCRUTINY BY PLEADERS CONCERNED

No. of the suit or proceeding	Name of Pleadors for	
	<u>Plaintiff/s</u>	<u>Defendant/s</u>
	Appellant/s	Respondent/s

Date on which the Notice is affixed to
the Court Notice Board.....

Note.- Objections, if any, should be furnished to the decree writer by means
of a memo within three days.

Signature of the
Chief Ministerial Officer

<p>FORM NO. 13 (CIVIL)</p> <p><i>Application for transfer of decree or order</i></p> <p><i>(R.P. 106)</i></p>
--

IN THE COURT OF

AT

Ex. C. No..... of 20.....

Suit No of 20.....

..... Plaintiff/s

Vs

.....Defendant/s

Name of the Decree-holder

Name of the Judgment-debtor

The above named decree-holder states as follows:-

- (a) Number of the suit
- (b) Names of the parties
- (c) Date of the decree
- (d) Whether any appeal has been preferred from the decree
- (e) Whether any, and (if any) what, payment or other adjustment of the matter in controversy has been made between the parties subsequently to the decree.
- (f) Whether any, and (if any) what, previous applications have been made for the execution of the decree, the dates of such applications and their results.
- (g) The amount with interest (if any) due upon the decree, or other relief granted thereby together with particulars of any cross decree, whether passed before or after the date of the decree sought to be executed.
- (h) The amount of the costs (if any) awarded
- (i) The name of the person against whom execution of the decree is sought.

(Herein set out the facts relied on to bring the case within the relevant provisions of Section 39 and Order XXI, Rules 4 and 5 of the Code).

The decree-holder prays that the said decree may be transferred (through the District Court of.....) to the Court of theat.....for execution.

Decree-holder.

Pleader for the Decree-holder,

.....

(Enter verification)

<p>FORM NO. 14(CIVIL) <i>Order Sheet</i> (R.P. 155, 181 (b))</p>

Page No.....

IN THE COURT OF

AT

No..... of 20.....

.....

Vs

.....

Date	or order proceeding with the signature of the Presiding Officer

<p>FORM NO. 15(CIVIL) <i>Table of Contents</i> (R.P. 181 (a) 192)</p>
--

TABLE OF CONTENTS

IN THE COURT OF

AT

Suit (or case) No..... of 20.....

Class.....

File.....

Sl. No. of paper	Sheets	Description	Value of Court-fee stamps	Remarks
1	2	3	4	5
			Rs. Ps.	

Total value of Court-fee stamps

<p>FORM NO. 16 (CIVIL)</p> <p><i>Title Page</i></p> <p><i>(R.P. 193)</i></p>

TITLE PAGE

Class..... File.....

IN THE COURT OF

AT

.....No..... of 20.....

Name of first Plaintiff/Appellant/Petitioner/Decree-holder

Name of first Defendant/Respondent/Judgment-debtor

Date of decision.....

<p>FORM NO. 17 (CIVIL)</p> <p><i>List accompanying records sent to Central Record Room</i></p> <p><i>(R.P. 197)</i></p>
--

**LIST ACCOMPANYING RECORDS SENT TO
CENTRAL RECORD ROOM**

IN THE COURT OF

AT

Serial No. of disposal	Date of disposal	Nature and No. of the case with year	Files (such as A, B, C) container in the record	<u>Plaintiff</u> Petitioner <u>Decree-holder</u> Appellant	<u>Defendant</u> Respondent Judgment debtor	Remarks
1	2	3	4	5	6	7

FORM NO. 18 (CIVIL)
Statement of unclaimed copying sheets by Examiner to Nazir
 (R.P. 261)

IN THE COURT OF

AT

Statement showing the unclaimed copying sheets to be surrendered and value thereof to be kept in Judicial Deposit to the credit of the applicants in the concerned copy applications, by Examiner to Nazir.

Serial Number	Copy Application Number	Name of the applicant	Case Number	Number of unclaimed copying sheets	Value of the unclaimed copying sheets	Account head to which credited to	Copying fee refundable in cash
1	2	3	4	5	6	7	8

Signature of Examiner,

Date:

FORM NO. 19 (CIVIL)*Statement of unclaimed copying sheets by Nazir to Treasury**(R.P. 261)*

IN THE COURT OF

AT

Statement showing the unclaimed copying sheets to be surrendered and value thereof to be kept in Judicial Deposit to the credit of the applicants in the concerned copy applications, by Nazir to Treasury.

Date.....

To

The Treasury Officer,
District/Taluk

Please receive the number of copying sheets shown in column No.5 of this statement and sent herewith and credit the value thereof as shown in column No.6 to the respective applicants shown in column No.3 in the corresponding cases shown in column No. 4 and keep the same in Judicial Deposit.

Serial Number	Copy Application Number	Name of the applicant	Case Number	Number of unclaimed copying sheets	Value of the unclaimed copying sheets	Account head to which credited to	Copying fee fundable in cash
1	2	3	4	5	6	7	8

Signature of Nazir,
Date:

Presiding Officer,
Signature and official seal

APPENDIX B**REGISTERS****PART I**

Register No.	Description
I	Register of Original Suits.
*I-A	Register of Original Suits disposed of.
II	Register of Small Cause Suits.
*II-A	Register of Small Cause suits disposed of.
III	Register of Miscellaneous Cases/House Rent Control Cases/Land Acquisition Cases/Guardians and Wards Cases/Probate and Succession Cases/Matrimonial Cases.
*III-A	Register of Miscellaneous Cases/House Rent Control Cases/Land Acquisition Cases/Guardians and Wards Cases/Probate and Succession Cases/Matrimonial Cases disposed of.
IV	Register of Execution Cases.
IV-A	Register of Execution Cases disposed of.
V	Register of Insolvency Cases.
*V-A	Register of Insolvency Cases disposed of.
V-B	Register of Proceedings in Insolvency subsequent to order of adjudication.
V-C	Dividend Register
V-D	Register of Assets
V-E	Document Register
VI	Register of applications for refund of court-fee
VII	Register of Process Fee Receipts
VIII	Daily Register of Court-fees
IX	Court Diary
X	Register of Applications for Copies.
X-A	Copy Applications-Preliminary Intimation Register
X-B	Register for calling for Copying Sheets and Copies and other charges
X-C	Register showing the copy applications ordered to be returned and copy applications rejected.

(Registers to be maintained by
Official Receiver)

- X-D Register for notifying the dates on which applicants should appear and receive copies.
- X-E Register showing the despatch of certified copies and intimations in copy applications by post.
- X-F Register showing the stock of copying sheets with the Nazir.
- X-G Register showing the stock of postage stamps with the Nazir in respect of copy applications.
- X-H Register showing the issue, utilisation and return of copying sheets and postage stamps in copy applications.
- X-J Register showing the amounts to be recouped towards copying sheets and postage stamps in copy applications supplied from the contingency.
- XI Register of Processes.
- XII Register of Applications for return of documents
- XIII Record Room Register of Suits, other Original Proceedings, Execution Cases and Appeals disposed of.
- XIV Register showing the errors appearing and alterations required to be made by reason of the decree or order of the Court in entries in the Record of Rights and Register of Mutations.
- XV Register of un-expanded process stamps and mode of their disposal.
- XVI Central Record Room Register of Records Sent.
- XVII Register of decrees of other Courts received for execution under Sections 38 and 39 of the Code of Civil Procedure.
- XVIII Register showing the commissions issued.
- XIX Register showing the Transfer of Land due to Court Sales
- XX Register showing the dates of disposal of Original and Small Cause Suits, other Original Proceedings and Appeals.
- XXI Register of Sale Certificates.
- XXII Register of Applications for Rateable Distribution.

PART II

- XXIII Register of Regular Appeals
- *XXIII-A Register of Regular Appeals disposed of.

- XXIV Register of Miscellaneous Appeals/House Rent Control Appeals
- *XXIV-A Register of Miscellaneous Appeals/House Rent Control Appeals disposed of.
- XXV Register of Execution Appeals.
- *XXV-A Register of Execution Appeals disposed of.

PART III

- XXVI Register of Processes received from and returned to the several Courts.
- XXVII Register showing the work done by the process serving establishment.
- XXVIII Process Server's Work ticket.
- XXIX Register showing amount of process fees advanced by Nazir.
- XXX Nazir's Current Account of Permanent Advance.
- XXXI Nazir's Register of Immovable Property attached or sold.
- XXXII Nazir's or Curator's Register of Moveable attached.
- XXXIII Daily Register of Return of Amins or Process Servers.
- *In these Registers the nature of disposal of each case may be shown by the mark "√" made in the appropriate column.

REGISTER NO. I (CIVIL)
REGISTER OF ORIGINAL SUITS

IN THE COURT OF AT

YEAR 20

1. Number of Original Suit

2. Date of Presentation/Filing

3. Plaintiff's-
Name
Description, i.e., age, religion father's name, etc.
Residence

4. Defendant's-
Name
Description, i.e., age, religion, father's name, etc.
Residence

5. Subjects of claim
Amount or value
Date of cause of action
Particulars of claim

6. Appearances-
Dates of hearing and all adjournments
Plaintiff's Pleader's name
Record of appearances
Defendant's Pleader's name
Record of appearances

7. Ancillary proceedings-
Attachment before judgment, etc.
Orders about security, etc

- 8. Judgment-
Date
In whose favour
Whether *ex-parte* or on agreement or after contest
Relief granted
Costs awarded

- 9. Restoration or Review -
Number and date of application and orders passed.

- 10. Fresh judgment, if any-
Date:
Result:

- 11. First appeal, Number date of judgment and result:

- 12. Second appeal, Number, date of judgment and result:

- 13. Orders-
Affecting satisfaction of decree, Order 20, Rule 11, Order 21, Rule 2, etc.,
attachments of decree, etc.

- 14. Execution.

Application		Date of Order	Against whom	For what and amount if any	Amount of costs of execution
Number	Date				

- 15. Return of Execution

Number of application	Amount paid into Court	Persons arrested	Minutes of return other than one of payment or arrest and date of every return including entry of order in appeal with date

INSTRUCTIONS

As the column for "particulars of claim" furnishes the material from which annual statements are compiled, it is very important that the entries in this column are absolutely correct. In every case after entering the particulars the number of the appropriate column in the concerned annual Statement shall be noted.

Every step in the case which has any legal significance and every proceeding connected with the subject matter of the decree and with its execution is to be recorded. Reference is to be made to this register whenever any execution or miscellaneous application is presented in connection with a suit or decree. Any attachment or injunction referring to the subject matter of the suit whether before or after decree is to be entered in this register as also any order for refund of stamps, etc., which will affect the amount of costs recoverable by the decree-holder.

The result of the execution proceedings should be promptly and accurately entered in order to afford facilities for checking execution petitions. The best plan would be to entrust the work to the clerk who keeps the Execution Registers. The Presiding Officer of the Court should, by inspecting the registers from time to time, satisfy himself that the work is properly done and is not allowed to fall into arrears.

In this register two pages are allotted for each suit. The Chief Ministerial Officer of the Court should be held responsible to see that the register is kept accurately up-to-date, and the Judge should ascertain this by monthly inspection.

REGISTER NO. II (CIVIL)

REGISTER OF SMALL CAUSE SUITS

IN THE COURT OF AT

YEAR 20

1. Number of Small Cause Suit :

2. Date of -
Presentation:
Filing:

3. Plaintiff's-
Name:
Description, i.e., age, religion father's name, etc.
Residence:

4. Defendant's-
Name:
Description, i.e., age, religion, father's name, etc:
Residence:

5. Particulars of claim-
Amount and Particulars:
Place where cause of action arose:
Date of cause of action:

6. Appearances-
Dates of Defendant's First Appearance:
Pleader for Plaintiff:
Pleader for Defendant:

7. Judgment-
Date:
Result:

- 8. Review or re-hearing-
Number of application for review or re-hearing, Fresh Judgment, if any, with date:

- 9. Revision-
Case Number:
Result and date:

- 10. Proceedings, if any, taken under Order 20, Rule 11, Order 21, Rule 2, etc., Civil Procedure Code.

- 11. Execution.

Number	Date of Application	Order and date	Against whom	For what and amount if for money	Amount of costs

12. Return of Execution

Number of application	Amount paid into Court	Persons arrested	Minute of return other than one for payment or arrest and date of every return

INSTRUCTIONS

The instructions regarding the maintenance of the Register of Original Suits apply *mutatis mutandis* to this register also.

The result of the execution proceedings should be promptly and accurately entered in order to afford facilities for checking execution petitions. The best plan would be to entrust the work to the clerk who keeps the Execution Registers. The Presiding Officer of the Court should, by inspecting the registers from time to time, satisfy himself that the work is properly done and is not allowed to fall into arrears.

In this register one page is allotted for each suit. The Chief Ministerial Officer of the Court should be held responsible to see that the register is kept accurately up-to-date, and the Judge should ascertain this by monthly inspection.

REGISTER No. III (CIVIL)

Register of Miscellaneous Cases / House Rent Control Cases / Land Acquisition Cases / Guardians and Wards Cases / Probate and Succession Cases / Arbitration Cases / Matrimonial Cases.

In the Court ofat.....year.....

Serial No.	Date of application	Name and residence of Petitioner	Name and residence of Opponent	Particulars of application	Act and Section of Act under which preferred	Final order with date	Particulars of any order made on appeal or revision
1	2	3	4	5	6	7	8

REGISTER No. III-A (CIVIL)

Register of Miscellaneous Cases / House Rent Control Cases / Land Acquisition Cases / Guardians and Wards Cases / Probate and Succession Cases / Arbitration Cases / Matrimonial Cases disposed of

In the Court ofat.....year.....

Serial Number	Number of case with year	Date of Institution	Date of Disposal	Transferred to another Court	Without trial			Without Contest				On reference to arbitration		With contest		Duration of case in days		Remarks	
					Application rejected or returned	Dismissed for default or want of prosecution	Withdrawn with leave	Compromised	Ordered on Admission	Ordered exparte	Dismissed exparte	In whole or part for petitioner	For Opponent	Judgment for Petitioner in whole or part	Judgment for opponents	Contested	Uncontested		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	

REGISTER No. IV (CIVIL)

Register of Execution Cases

In the Court ofat.....year..... Year 19.....

Serial No.	Date of application	Name of suit with year	Name of Decree holder	Name of judgment debtor	Date and nature of decree	Number and date of last proceeding application (if any)	Amount of decree still unsatisfied	The mode in which the assistance of the Court is sought	Final order with date	Remarks
1	2	3	4	5	6	7	8	9	10	11

REGISTER No. V (CIVIL)

Register of Insolvency Cases

In the Court ofat..... Year 20.....

Number of Insolvency case	Date of receipt on the file by institution or transfer	Number of connected suit or petition, if any	Name and description of petitioner and name of his pleader	Name and description of opponent and name of his pleader	Name and descriptions of all other parties interested in the proceeding and names of their pleaders	Particulars of circumstances under which the petition is presented	Total extent of the debtor's assets and liabilities	Date fixed for hearing	Date of Disposal and order	Number of appeal with result and date	Number of revision case with result and date
1	2	3	4	5	6	7	8	9	10	11	12

INSTRUCTIONS

1. In column 4, state if the petitioner is the debtor or the creditor. In the case of a judgment debtor, if he is under arrest or imprisonment or if there is an order of attachment against his property subsisting, the fact should be mentioned.
2. Is there is a substitution of petitioner the name of the new petitioner should also be mentioned.
3. Petitions taken up as summary cases should be so entered in column 1.

REGISTER No. V-A (CIVIL)

Register of Insolvency Cases disposed of In the Court ofat.....Year 20.....

Serial Number	Number of the Insolvency case disposed of	Number of connected suit or petition, if any	Date of receipt on the file by Institution, transfer or otherwise	Date of appointment of interim Receiver, if any	Date of disposal	Transferred, withdrawn or not prosecuted	Scheme of composition approved without previous orders of adjudication	How disposed of										Actual number of days occupied in the disposal of the application	Remarks	
								Order of adjudication made					Dismissed							
								Debtor's petition			Creditor's petition		Debtor's petition		Creditor's petition					
								Official Receiver	Receiver being appointed at the time of adjudication	No Receiver being appointed at the time of adjudication	Official Receiver	Special Receiver	Receiver being appointed at the time of adjudication	No Receiver being appointed at the time of adjudication	Penal proceedings not being taken	Sentence of Imprisonment being passed	With compensation to debtor			Without compensation to debtor
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	

Instructions:- The date to be entered in column 4 will always be the latest date. In the case of petitions restored to file, the date of original institution should be entered, and the date of restoration noted in the column of remarks.

REGISTER NO. V-B (CIVIL)

Register of Proceedings in Insolvency subsequent to order of adjudications.

IN THE COURT OF AT YEAR 20

1. Serial number
2. Date of order of adjudication
3. Number of Insolvency Case
4. Subsequent orders affecting the order of adjudication
 - (i) Adjudication rescinded -
 - Proceedings stayed
 - Petition dismissed
 - (ii) Adjudication annulled
5. Schedule of creditors-
 - Date of framing of schedule
 - Order adding creditor not in schedule with date
 - Order expunging debt improperly included with date
6. Discharge
 - Date within which discharge must be applied for-
 - Date of application.....
 - Date of order-
 - Refusing discharge.....
 - Suspending discharge.....
 - Granting conditional discharge.....
 - Granting absolute discharge.....
7. Administration of property-
 - (i) Date of appointment of Receiver
 - (ii) Receiver/Official/Special-
 - Name and occupation
 - Amount of security
 - Remuneration fixed
 - (iii) Number of estates placed in charge of Receiver or under Court's management if there is no Receiver

(iv) Insolvent appointed to superintend management-

Date

Allowance fixed

(v) Amount of creditor's claim-

Admitted

Disallowed

8. Penal provisions enforced:-

Debtor dealt with under Section 69-

Nature of misconduct

[Clause (a) (b) or (c)]

Period of imprisonment

Debtor sent before Magistrate under Section 72-

Date of order

Result of trial

Action taken against Receiver under Section 56(4)-

Nature of default

(Clause (a), (b) or (c))

Steps taken.....

Date.....

Result.....

9. Appeals.....

Number	Date of order Appealed from	Order appealed against	Date of disposal	Result

10. Revision Cases.....

Number	Date of order under revision	Order under revision	Date of disposal	Result

**REGISTER No. V-C (CIVIL)
Dividend Register**

Petition No

In the matter of the petition of an Insolvent Debtor

Number	Names of creditors	Amount of debts		First dividend at percent by order of Court of		Second dividend at percent by order of Court of		Signature of creditor or his agent	Signature of identifying attestors	Thumb impression of payee, if necessary	Remarks
		Rs.	P.	Rs.	P.	Rs.	P.				
1	2	3		4		5		6	7	8	9

REGISTER No. V-D (CIVIL)
Register of Assets

Number of Case and name of Court	Date of vesting order	Name of insolvent	Description of property as per schedule	Estimated value		Amount realised		Date of realisation	Remarks
1	2	3	4	5		6		7	8
				Rs.	P.	Rs.	P.		

REGISTER No. V-E (CIVIL)
Document Register

No.....20.....

In the matter of the petition ofan insolvent debtor

Date	From whom	Description of documents	When returned and the signature of the recipient	Remarks
1	2	3	4	5

REGISTER NO. VI (CIVIL)**Register of applications for refund of Court Fee**

In the Court of at

Serial Number	Number of suit case or appeal	Name of plaintiff, appellant or petitioner	Date of Judgment or order	Date of application (if any) for refund	Amount of refund sanctioned	Date of issue of certificate	Signature of payee with receipt stamp when the amount of refund exceed Rs.20	Initials of Judge
1	2	3	4	5	6	7	8	9

REGISTER No. VII (CIVIL)
REGISTER OF PROCESS FEE RECEIPTS

In the Court of at.....

Date	Number and nature of case	Name of party applying for process	Receipts																				
			Fees realised on account of																				
			Summons to defendant		Summons to witness		Warrant of arrest		Proclamation of attachment or sale		Warrant of attachment of movable or immovable												
			Number of process	Amount of fees	Number of process	Amount of fees	Number of process	Amount of fees	Number of process	Amount of fees	Number of process	Amount of fees											
1	2	3	4		5		6		7		8		9		10		11		12		13		
				Rs.	P.		Rs.	P.		Rs.	P.		Rs.	P.		Rs.	P.		Rs.	P.		Rs.	P.

Receipts										Amount of fees not utilised with reason therefor	Amount and date of refund	Date of judgment or final order	Date on which destroyed
Fees realised on account of													
Warrant of delivery of possession		Warrant of sale of movable property		Warrant of sale of immovable property		Injunction order or notice not otherwise provided for		Total					
Number of process	Amount of fees	Number of process	Amount of fees	Number of process	Amount of fees	Number of process	Amount of fees	Number of process	Amount of fees				
14	15	16	17	18	19	20	21	22	23	24	25	26	27
	Rs, P.		Rs, P.		Rs, P.		Rs, P.		Rs, P.				

Note:- Process received from other Courts for service to be entered herein as well as the Process of the Court to which the Register belongs.

REGISTER No. VIII (CIVIL) (R.P. 14, 235)
 Daily Register of Court Fees
 In the Court ofat.....

Serial No.	Nature of document and reference to connected case	Name of party or his pleader presenting the document	Search Fees	Process Fees	Amounts realised on plaints and memoranda of appeals	Amounts realised on other original petitions	Amounts realised on interlocutory applications and all other documents not covered by columns 6 and 7	Value of cancelled Court-fee stamps on copies credited	Total Fees	Initials of clerk to whom document is consigned with date	Remarks

INSTRUCTIONS

1. Only the daily totals of Register No. VII should be entered in Register No. VIII. All the entries in the former need not be copied in the later Register.
2. No column is provided in this Register for date which should be written across the columns in red ink.
3. When refund of Institution fee is made in any case, the fact should be noted in the remarks column under the initials of the Judge.
4. Where Plaints and memoranda of appeals, etc., are returned or rejected before registration, a note thereof should be made in the remarks column, with date of return or rejection.
5. The totals of columns 4 to 9 should be struck daily as well as monthly and annually.

REGISTER No. IX (CIVIL) (R.P. 37)**COURT DIARY**

IN THE COURT OF

Date.....

Day of week.....

No. of suit, petition or appeal	Work done	Date of adjournment

Note:- 1. The Chief Ministerial Officer of each Court will be responsible for the due and correct entry of all matters required to be recorded in the Diary. The Diary shall be legibly written and neatly kept.

2. All the entries for the day shall be signed at the foot thereof by the Presiding Officer on each day before he leaves the Court.

INSTRUCTIONS

1. In the first column the class, number and year of the case should be inserted and the nature of the proceeding indicated by its abbreviation.

2. As far as possible, the numbers should be entered in the first column in consecutive order, and the numbers of the same year and cases of the same class should be arranged so as to appear together.

3. A single sheet should be allotted for each day of the month, Sundays being excluded. But if the space should be insufficient, the day's entries should be continued in one of the pages left blank at the end of the book, the number of the blank page being entered in red ink at the bottom of the page and the date being entered in red ink at the top of the additional page.

4. The entries in column 2 should be made as short as possible with the aid of symbols. As the details are found in the file register and the Order Sheet, only the briefest entry, generally in one line should suffice. The method of making entries is shown in the specimen sheet attached.

5. At the end of the entries for each day regarding the work done, insert the following information:-

(a) total number of witnesses that appeared before the Court during the day in all the cases;

(b) number of witnesses actually examined;

(c) the reason for not examining the other witnesses present if the Court had time to examine them ;

(d) the number of witnesses appearing for the 2nd, 3rd, 4th time and so on.

6. Orders passed on interlocutory applications and the interim dates on which they are to be taken up should invariably be entered in the Diary which is not only a record of work done, but serves also the purposes of posting or hearing book. In the absence of such entry in this register, the interim applications which might have been posted to dates different from those of the connected suit or proceeding may be lost sight of.

7. When cases are posted or adjourned, the numbers should at once be entered in the first column on the respective dates of hearing.

SPECIMEN

(Vide Cl. 4 of the instructions)

Showing how to make entries in Register No. IX

[7th March (Monday)]

Court sat. at 11 A.M.

Court closed at 5 P.M.

Number of suit, Petition or Appeal	Work done	Date of adjournment
Ex. C. 18 of ..	For copy of decree ..	18-3-19
Ex. C. 28 of ..	For amendment ..	16-3-19
Ex. C. 285 of ..	For Rev. Ext. ..	16-3-19
Ex. C. 465 of ..	For att ..	16-3-19
Ex. C. 45 of ..	For sched. of pr. ..	16-3-19
Mis. C. 47 of ..	For stating law ..	9-3-19
S. C. 8 of ..	D.A. ..	13-3-19
S. C. 468 of ..	d. for pl.
S. C. 694 of ..	d.e.p. pl.
S. C. 3 of ..	D.W. not sd. ..	8-3-19
O. S. 434 of ..	At request of parties ..	9-4-19
O. S. 32 of ..	I.F. for F.H. ..	26-3-19

Abbreviations

I.F. Issue framed
 F.H.-Final Hearing
 Frs.-Fresh summons
 P- Petitioner
 d-Decree or decreed
 A-Absent
 D.D.-Dismissed
 W-Witness or witnesses
 D-Defendant
 Opp-Opponent
 E.P.-Ex-parte

REGISTER NO. X-A (CIVIL)
(R.P. 236, 252)

Copy Applications - Preliminary Intimation Register

In the Court of at

Sl. No.	Name of Applicant	Date of Application	Case No.	Last date of rectification of defects	Date on which applicant should appear to ascertain the number of copying sheets or charges to be furnished
1	2	3	4	5	6

Note :- The entries made on each date should bear the date at the top and shall be signed by the Examiner at the bottom.

REGISTER NO. X-B (CIVIL) (R.P. 238, 252)**Register for calling for Copying Sheets and Copying and other Charges**

In the Court of at

Serial Number	Date for the appearance of the applicant to ascertain the number of copying sheets or charges required (Vide column 6 of Register No. X-A)	Name of the applicant	Copy application No.	Case No.	Number of copying sheets/amount and nature of charges called for	Last date for furnishing sheets etc
(1)	(2)	(3)	(4)	(5)	(6)	(7)

- Note :-1. The entries made on each date (Vide column 2) should be signed by the Examiner at the bottom.
2. At the end of each day this register shall be produced before the Chief Ministerial Officer who shall sign and date the entries.

REGISTER NO. X-C (CIVIL)
(R.P. 239, 252)

Register showing the Copy Applications Ordered to be Returned and Copy Application Rejected

IN THE COURT OF AT

Serial No.	Name of Applicant	Copy application number	Case No.	Whether ordered to be returned or rejected	Date of order for return or order of rejected
1	2	3	4	5	6

Note :- The entries made on each date should bear the date at the top and should be signed by the Examiner at the bottom.

REGISTER NO. X-D (CIVIL)
(R.P. 246, 252)

Register for notifying the date on which Applicants should Appear and receive copies

IN THE COURT OF AT

Serial No.	Name of Applicant	Copying Application Number	Case No.	Date on which the applicant as to appear to receive the copy
1	2	3	4	5

Note :- The entries made on each date should bear the date at the top and should be signed by the Examiner at the bottom.

REGISTER NO. X-E (CIVIL) (R.P. 252)**Register showing the Despatch of Certified Copies and Intimations in Copy Application by Post.**

IN THE COURT OF AT

Serial No.	Copy Application No.	Case No.	Name and address of the person to whom the intimation or the certified copy is sent by post	Nature of the communication	Date of actual posting or delivery in the post office	No. and date of the postal receipt, if sent by registered post	Amount of postage spent
1	2	3	4	5	6	7	8

Note :- The entries made on each date should bear the date at the top and should be signed by the Examiner at the bottom.

REGISTER NO. X-F (CIVIL) (R.P. 258)**Register showing the Stock of Copying Sheets with the Nazir.**

IN THE COURT OF AT

Serial Number	Date	Opening balance of copying sheets for the day	Number of copying sheets purchased	Number of copying sheets returned by the Examiner with Case No. relating to the copy application	Number of copying sheets given to the Examiner with Case No. relating to the Copy Application	Closing balance of copying sheets for the day
1	2	3	4	5	6	7

REGISTER NO. X-G (CIVIL) (R.P. 253)**Register showing the Stock of Postage Stamps with the Nazir in respect of Copy Applications**

In the Court of at

Serial Number	Date	Opening balance of Postage stamps purchased	Amount of postage purchased	Amount of postage returned by the Examiner with Case No. relating to the copy application	Amount of postage given to the Examiner with Case No. relating to the copy application	Closing balance of postage stamps for the day
1	2	3	4	5	6	7

REGISTER NO. X-J (CIVIL) (R.P. 260)**Register Showing the Accounts to be Recouped Towards Copying Sheets and Postage Stamps in Copy Applications
supplied from the Contingency.**

In the Court of at

Sl. No.	Case No.	Copy Application No.	Name of the applicant	Value of copying sheets spent	Value of postage spent	Total	No. of corresponding entry in Register No. X-H	Date on which the value is credited to Revenue
1	2	3	4	5	6	7	8	9

REGISTER NO. XI (CIVIL) (R.P. 47)**REGISTER OF PROCESSES**

In the Court of

To be kept by the Chief Ministerial Officer of each Court

General number of each process	Number of suits proceeding and year	Nature of process	Original	Copies	Copies of plaints	Amount of witness batta etc., entered on process	Date of delivery or despatch	Nazarath to which despatched and acknowledgement	Date of return of process	Number as per Register XXVI of te Nazarath	Amount due to the Nazir	Date and Number of bill by which adjusted	Amount of fees on processes issued to the Nazarath at the station	Amount of fees on processes issued to out-lying Nazarath	Amount of fees on other processes	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

INSTRUCTIONS

1. At the beginning of each working day a line should be drawn horizontally right across the page below the last entry in column 1.
2. Below that line the date should be written across the page in red ink.
3. Below the entry of the date every process for which the necessary process fee and batta (if any) are paid that day should be entered in order in column 1 with the necessary particulars in columns 2 to 7 on that day, except processes for the issue of which some order of the Court is necessary, e.g., summonees to defendants or notices to respondents on plaints and appeals not yet admitted or any process for which the order of the Court is required or a date has to be fixed by the Court.
4. If a process is applied and paid for before an order of the Court necessary for its issues has been obtained, it should be entered in Column 1 with the necessary particulars in Columns 2 to 7 immediately the order of the Court on which it can be issued is made.
5. As soon as process is delivered or despatched, the date of that should be entered in Column 8.

REGISTER NO. XII (CIVIL)

Register of Applications for return of Documents

In the Court of at Year 19.....

Date of application	Number of		Name of applicant and his connection with the suit	Nature of document and whether produced by applicant, Also its serial number in the index	Court's order returning document or rejecting application with date	Signature of party or pleader with the date of return
	Application	Connected suit				
1	2	3	4	5	6	7

REGISTER NO. XIII (CIVIL) (R.P. 197, 206, 209)**Record Room Register of Suits, Other Original Proceedings, Execution Cases and Appeals disposed of**

In the Court of during

Sl. No. of disposal	Date of disposal	Nature and number of case with year	Plaintiff, Petitioner, Appellant, Decree holder	Defendant, Respondent, Judgment debtor	Date of receipt in Court Record Room or Central Record Room	Date of despatch to Central Record Room	Bundle No. in which sent to Central Record Room	Date of destruction by Central Record Room	Remarks
1	2	3	4	5	6	7	8	9	10

Note:- *1. If there has been any appeal or revision against the decree or final order, the date of disposal to be entered in Column 2 must be that of the appeal or revision.

2. Where any record has been retained by the despatching Court (Vide Rule No. 197) an entry to the effect in the remarks column should be made in **red ink and when the record is later despatched the said entry should be struck off and the date of despatch entered.

REGISTER NO. XV (CIVIL)

Register of un-expended process stamps and mode of their disposal

In the Court of At

Sl. No.	Name of depositor	Date of deposit	Particulars of process fees paid in stamps	Case in which and for what purpose paid	Why not utilised	Amount of refund	Date of refund	Date of judgment or final order	Date on which destroyed	Remarks
1	2	3	4	5	6	7	8	9	10	11

INSTRUCTIONS

1. When a refund of unused stamps is claimed and allowed in a pending suit or proceeding, the entries in respect of such stamps should be made in the register when allowing the refund.
2. The clerk that draws up tables of costs in decrees or orders should enter all unused process stamps in the register when drawing up such tables, leaving columns, 6, 7, 9 and 10 blank, to be filled up when refunds are made or stamps destroyed.
3. A remark, stating the value of unused stamps in a file, should be made when handing over the file after disposal to the clerk in charge of records, and the record-keeper should be responsible for getting an order for destruction of stamps lying unclaimed after the prescribed period.

REGISTER NO. XVI (CIVIL) (R.P. 200, 208)**Central Record Room Register of Records Sent**

Nature of the case with name of Court	Names of Parties	No. and date of requisition and by whom made	Date and No. of entry in "To" register of the Central Record Room	Date when record was received back
No. of case				
1	2	3	4	5

REGISTER NO. XIX (CIVIL)**Register showing the Transfers of land due to Court Sales**

In the Court ofat.....year 20.....

Serial Number	Number of the suit and execution case	Taluk	Hobli and village	Registered occupant or owner	Purchaser	Survey No.	Area	Assessment if any	Date of sale	Date of confirmation of sale	Date of sale Certificate	Date of cancellation of sale, if any	Date of delivery	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

- Note:-
1. In column 5, if the name of the registered occupant or owner is not available, the name of the judgment-debtor may be given.
 2. When sales are of undivided shares or portions of a survey number, the fact must be noted in the column of Remarks.

REGISTER NO. XX (CIVIL)**Register showing the dates of disposal of original and Small Cause Suits, other Original Proceedings and Appeals**

In the Court of at

Serial No.	1966				1967				1968				1969				1970			
	O.S.	S.C.	Other Proceedings	Appeals	O.S.	S.C.	Other Proceedings	Appeals	O.S.	S.C.	Other Proceedings	Appeals	O.S.	S.C.	Other Proceedings	Appeals	O.S.	S.C.	Other Proceedings	Appeals
1																				
2																				
3																				
4																				
5																				
6																				
7																				
8																				
9																				
10																				

- Note:-
1. The Chief Ministerial Officer of each Court will be held responsible for the entry of dates of disposal every day as cases are disposed of by reference to the Court Diary and for the correctness of such entries. The book should be legibly written and neatly kept. This should be kept open for the litigant public and care should be taken to see that pages or neither torn or spoiled.
 2. The Record Keeper of the Central Record Room will maintain a similar register for each Court in the division and the entries therein should be made from the monthly disposal lists received along with the bundle of disposed of records.
 3. The column for 'other proceedings' is meant for the original proceedings coming under sub-rule (4) of Rule 5. This column may be divided into as many sub-columns as are necessary to cover each of the categories of proceedings dealt with in the court. These instructions apply *mutatis mutandis* to Appeals.

REGISTER NO. XXI (CIVIL)

Register of Sale Certificate

In the Court ofat.....year 20.....

Date of application	Number of		Name of applicant and Pleader, if any	Value of stamp paper produced with date of production	Amount of sale	Date of sale	Date of confirmation of sale	Certificate				Remarks
	Application	Connected suit						When ready	When copy despatched to the Sub-Registrar	When delivered to party	Party's signature for receipt (with date)	
1	2	3	4	5	6	7	8	9	10	11	12	13

REGISTER NO. XXII (CIVIL)**Register of Applications for Rateable Distribution**

In the Court ofat.....year 20.....

Judgment debtor's name	Amount available for rateable distribution	Execution case (with number of suit) in which assets are realised	Other execution cases (with number of suits) in which rateable distribution is claimed	Name of decree-holder	Names of the decree-holders claiming rateable distribution	Date when assets received in court	Dates of applications for rateable distribution	Amount of decree in respect of which the decree holder is entitled to rateable distribution	Amount to which the decree-holder is entitled by rateable distribution	Date of Judge's order for distribution	Total to be distributed among the decree-holders	Balance if any, to be paid to the Judgment-debtor	Remarks
1	2	3	4	5	6	7	8	9	10	11			

INSTRUCTIONS

1. One page of the Register should be used for each execution Case in respect of the assets in which rateable distribution is claimed
2. The Execution Case should be entered as soon as a claim for rateable distribution is made in respect of it, the details for the claim being entered at the same time and the entries being initialled by the Chief Ministerial Officer of the Court.
3. Subsequent applications for rateable distribution in the main Execution Case should be entered as soon as they are received and the entries should be initialled by the Chief Ministerial Officer of the Court.
4. The entries in column 7 should be in accordance with the order of the Judge for distribution.

REGISTER NO. XXIII-A (CIVIL)

Register of Regular Appeals disposed of

In the Court ofat.....

1 Serial number	2 Number of appeal with year	3 Date of institution	4 Date of disposal	5 Transferred to another court	6 Appeal dismissed without notice to respondent	7 Dismissed for default or want of prosecution	8 Heard ex-parte				9 Contested				10 Duration of appeal in days	11 Memorandum of objection filed	12 Remarks
							8 Confirmed	9 Modified	10 Reversed	11 Remanded	12 Confirmed	13 Modified	14 Reversed	15 Remanded			

REGISTER NO. XXV-A (CIVIL)

Register of Miscellaneous Appeals/House Rent Control Appeals disposed of

In the Court ofat.....

1 Serial number	2 Number of appeal with year	3 Date of institution	4 Date of disposal	5 Transferred to another court	6 Appeal dismissed without notice to respondent	7 Dismissed for default or want of prosecution	8 Heard ex-parte				9 Contested				16 Duration of appeal in days	17 Memorandum of objection filed	18 Remarks
							8 Confirmed	9 Modified	10 Reversed	11 Remanded	12 Confirmed	13 Modified	14 Reversed	15 Remanded			

REGISTER NO. XXVI (CIVIL)

Register of Processes Received from and returned to the several Courts Nazareth of the Court of at

General number of each process	Court number of process in Register XI and the date of its receipts	Suit or proceeding and year	Court by which sent	Nature of process	Amount of process fee levied	Witness batta, etc., entered on process	Date of issue	Name of process server or amin	Date of return of the process	Due date for return of process	Date of actual return of process by process server	Date of return of the same to the Court	Amount of batta etc., actually expended	By what bill adjusted	Amount of unexpended batta, etc.,	Date of recovery from process server	Total number of processes	Remarks
1	2	3	4	5	6	7	8	9	10	10A	10B	11	12	13	14	15	16	17
					Rs. P.	Rs. P.							Rs. P.		Rs. P.			

Note.- For calculating the number of process any number of process issued on behalf of the same party of the same description at the same time in the same suit or proceeding and executed in the same town or village shall be treated as one process only.

REGISTER NO. XXVIII (CIVIL)

Process Server's Work Ticket

Name of amin or process server	Name of village in which process is to be served	Name of person to be served	Serial number in Register No.XXVI and name of Court	Nature of process	Money sent with the process	Signature of amin or process server	Date of departure of server
1	2	3	4	5	6	7	8

Date fixed for server's return	Date on which server actually returned	Particulars regarding service or non-service of process and disposal or return of money	Number of miles travelled by the server	Date and initials of the Nazir with the amount of returned diet money, if any
9	10	11	12	13

REGISTER NO. XXIX (CIVIL)

No. of Bill

Amount of process fees advanced by Nazir of

To

The Chief Ministerial Officer ofCourt

General number of process in Register XXVI	General number of process in Register XI	Number of suit or proceeding	Nature of process	Amount due Rs. Ps.	Remarks
1	2	3	4	5	6

REGISTER NO. XXX (CIVIL)

Nazir's Current Account of Permanent Advance

Date	General number of process in Register No. XXVI	Nature of expenditure or receipt	Receipt		Expenditure		Amount on hand		Remarks
1	2	3	4		5		6		7
			Rs.	Ps.	Rs.	Ps.	Rs.	Ps.	

REGISTER NO. XXXI (CIVIL)

Nazir's Register of Immovable Property attached or sold

In the Court of at

No. of suit and Execution Case	Date of attachment	Description of property and where situated	Orders affecting it prior to sale or release	Whether sold or released and when	Amount of sale proceeds	Remarks
1	2	3	4	5	6	7

- Note:**
1. This Register shall be kept by every Processor Nazir.
 2. The Register shall be examined from time to time by the Judge to whom the Nazir is subordinate and the fact of such examination having been made together with such instructions or remarks as may appear necessary shall be entered by the Judge in his own handwriting.

REGISTER NO. XXXII (CIVIL) (R.P. 121, 124)

Nazir's or Curator's Register of Movable attached

In the Court of at

No. of suit and Execution Case	Date of attachment	Serial Number	Description of property	Person from whom attached	Where kept and on what conditions	Orders of fetching it prior to sale or release	Whether sold or released and when	Amount of sale proceeds	Remarks
1	2	3	4	5	6	7	8	9	10

Note.- 1. This Register shall be kept by every process Nazir and Curator.

2. Whenever a new Register is opened all items of properties continuing under attachment shall be carried over from the previous register to the new register.
3. The Register shall be examined from time to time by the Judge to whom the Nazir or Curator is subordinate and the fact of such examination having been made together with such instructions or remarks as may appear necessary, shall be entered by the Judge in his own handwriting.
4. When furniture, utensils, clothes or any other articles which admit of ticketing are kept in the Court, the serial number given in the Register should be written on a ticket and the same attached to the article.

REGISTER NO. XXXIII (CIVIL)

Daily Register of Return of Amins or Process Servers

In the Court of at

Date	Names of process servers due to return this day and dates on which they left Headquarters	If not returned whether time extended and why	If time extended when due	Total number of processes of each entrusted and percentage of processes in which service is duly effected	Amount entrusted before the trip	Amount whether spent/returned	Amount if any outstanding and explanation for the same	Remarks of the process Nazir & Orders of Presiding Officer
1	2	3	4	5	6	7	8	9

Note:- The process Nazir shall submit this Register to the Presiding Officer of the Court at the end of each day and the Presiding Officer shall examine and initial the same.

APPENDIX C

Extract from the relevant Circulars fixing the fee for Expert Opinion.

GOVERNMENT OF MYSORE

Office of the Inspector-General of Police,

Mysore State, Bangalore.

HANDWRITING EXPERT

(Mysore State Police)

The following is for information of all concerned

1. x x x
2. x x x
3. The scheduled scales of fee for rendering service to private parties is as follows:

(1) For expert Opinion.- Rs.40 for examination of Documents and Expert Opion **plus** Photographic charges.

Photographic Charges approved in Government Order No. P 7956-58, Police 174-47-3, Bangalore, dated 19th March 1948 are:

Quarter size	Rs.5
Half size	Rs.10
Full size	Rs.20

(2) For Expert Evidence.- Rs. 20 for each day spent in attendance at Court (and also)* in travelling to and from Court.

Travelling allowance be payable as per Mysore Service Regulations.

(3) The amount calculated at the above scales of fee is to be credited into the Court at which the party wishing to call the Expert requests for the appointment of the Expert as a Commissioner for the Examination of the Documents.

(4) The party or his counsel calling the Expert should hand over a "Memo of Instructions" in duplicate to the Court, detailing the Writings Disputed and Admitted, and the points on which the opinion is required.

(5) The "Memo of Instructions" in duplicate, the Commission Warrant and the original records may be caused to be forwarded by Registered or if necessary

* The word used in the Circular in this place is "or" but in view of the G.O. No.HA 21011-2085-Pol.97-5-42, Bangalore, dated 19th July 1954, the words "and also" are mentioned instead, in this extract.

Insured Post to the "Officer-in-charge, Scientific Laboratory, (C.I.D. in Mysore), Cenotoph Road, Bangalore-2".

(6) The Examination of Documents is conducted by the Expert in the Laboratory only. Requests for Examination of Documents in the premises of Courts, Offices, are not undertaken.

(7) Sufficient stamps to return the Documents by Registered or Insured Post to the Court or the sender should be enclosed with the letter forwarding the records.

(8) The Expert forwards a certificate to the Court or Sender and encloses a Bill being his charges for the Expert Opinion.

(9) The amount of the Bill is credited under Head of Account XXIII-Police, Collection of Payments, for services rendered in a Mysore State Government Treasury and the Duplicate Challan forwarded immediately by the Court to the Officer-in-charge, Scientific Laboratory.

(10) When the Party calls the Expert to tender Expert Evidence he has to deposit the necessary fee and Travelling Allowances in the Court and on issue of summons by the Court the Expert will appear and tender his evidence before the Court.

(11) The fee for tendering Expert Evidence before the Court is to be deposited in the Court and credited under the Head of Account XXIII-Police-Collection of Payments for services rendered, in a Mysore State Government Treasury and the duplicate challan is handed over to the Expert by the Court immediately after he appears before the Court in response to the summons.

(12) The Travelling Allowances admissible as per Rules is paid to the Expert in cash by the Court.

(13) As the obtaining and the size of the photograph depends on varying circumstances, the party calling the Expert should undertake in the memo of instructions to pay the necessary fees claimed in the bill of the Expert to the Court as Schedules prescribed by the Government from time to time.

Bangalore,

Dated 19th January 1952.

GOVERNMENT OF MYSORE

OFFICE OF THE INSPECTOR-GENERAL OF POLICE,
MYSORE STATE, BANGALORE

F.P.B.C. 87-55, dated 19th October, 1955

FINGER PRINT BUREAU

(Mysore State Police)

The following is for the information of all concerned:-

1. The Government of Mysore in their Order No. J. 1651-52-Pol. 198-06-08, dated 28th November, 1907, permitted parties concerned in Civil Cases or any of them that desire for Expert opinion from the Finger Print Bureau in the matter of deciphering Finger impressions and other work of a similar character on payment of fee prescribed.

2. The Government of Mysore have fixed the scales of fee as per Government Order No. HA 6105-06-Pol. 272-54-2, dated 16th February 1955 for comparison and opinion.

3. Rule 201 of the Civil Rules of Practice, Vol. I, details the fee to be levied in Civil Cases.

- | | | |
|------|---|--------|
| (i) | Impressions of a single person concerned
in one and the same case..... | Rs. 20 |
| (ii) | Impressions of more persons than one
concerned in one and the same case- | |
| | (1) First person..... | Rs. 20 |
| | (2) For each additional person..... | Rs. 10 |

4. The fee for taking photographs is prescribed in Government Order No.P. 7956-58 Police. 174-47-3, dated 19th March 1948:

Quarter size	...	Rs. 5
Half size	...	Rs.10
Full size	...	Rs.20

5. The comparison and opinion fee and the photographic charges should be credited in the Court through which the documents are sent or to a Treasury under Head XXIII-Police Services rendered, and challan forwarded to the Finger Print Bureau.

6. Whenever photographs are necessary the amount to be deposited will be intimated by the Finger Print Bureau.

7. When the Expert who has furnished the Certificate is required to attend the Court personally his travelling allowance as admissible under M.S.R. should be paid as per Government Order No. J 1651-52 Police, 198-06-8, dated 28th November 1907, in the Court on the date he so appears.

8. The party or his counsel calling the Expert should hand over "A memo of Instructions" in duplicate to the Court detailing the impressions disputed and admitted and the points on which opinion is required.

9. The memo of instructions in duplicate, the Commission Warrant addressed to the Officer-in-charge, Finger Print Bureau, (Inspector-General of Police's Office), Bangalore-2, and the original documents containing the impressions should be forwarded either by registered or insured post, to the officer-in-charge, Finger Print Bureau.

[10] Government Order No. J 1651-52, Police, 198-06-8, dated 28th November 1907, lays down that Exhibits should be sent to the Bureau at Bangalore for the written opinion of the Expert and Summons for the attendance of the Expert should be issued to the Officer-in-Charge of the Bureau only when the Court is satisfied that such evidence is absolutely necessary for the case.

[11.O The fee detailed in the Government Order No. H.A. 6105-06-Pol. 272-54-2 dated 16th February, 1955, will be levied from all Departments of Government other than Police and Anti-corruption and Efficiency Audit (G.O. No. M. 18052-4-I.M. 27-51-2, dated 8th January, 1952).

12} Government Order No. P.3267-9-Pol. 87-38-7, dated 23rd December, 1938, directs that in Criminal Cases the fee of Rs.10 be levied for each comparison of Finger Prints on requisition from Private Parties in Criminal Cases except the accused person.

APPENDIX D

(R.P. 114)

Copy of the Notification issued by the State Government under Order XXI Rule 48 C.P.C.

GOVERNMENT OF MYSORE

Mysore Government Secretariat
Vidhana Soudha
Bangalore, Dated 31st July 1965
Shravana 9, Saka Era 1887

NOTIFICATION

In exercise of the powers conferred by Order XXI, Rule 43 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908), the Government of Mysore points the Officers specified in column 3 of the sub-joined table to be persons to whom notice should be given by the Courts of orders of attachment of the salary or allowances of the persons specified in column 2 thereof.

TABLE

Sl. No.	Class of Judgment-debtor	Officer to whom notice of attachment should be given
1	2	3
1.	Gazetted Officers drawing their salaries and allowances on bills from Treasuries.	Treasury Officer concerned
2.	Gazetted and other Officers whose salaries and allowances are drawn on cheques.	Officers drawing cheques
3.	Non-Gazetted Officers other than those referred to in 2 above.	Heads of Offices who draw the salaries and disburse to the Officers concerned.
4.	Servants of Local authorities, i.e., Taluk Boards, Municipal Councils, Village Panchayats.	The Commissioner, or other Chief Executive Officer of the Board or Council concerned
5.	Gazetted Officers on the University staff	Chief Pay and Accounts Officer of the University.
6.	Non-Gazetted staff of the University	Heads of the respective Institutions.

