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NOTIFICATION

No. HC. XI-9/92/4973-5023/RC, Gauhati High Court
(High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram & Aru-
nachal Pradesh) is pleased to make the following amendments to the Civil Rules
and Orders Volume-II which will come into force with immediate effect.

CORRECTION

Substitute Form No. (M) 6 by the modified
Form No. (M) 6 (Civil) which is enclosed below.

By Order

D. Biswas,
Registrar (Judicial).

FORM NO. (M) 6 (Civil)

FORM OF INSPECTION OF THE COURTS OF ASSISTANT DISTRICT
JUDGES/MUNSIFF :

PRELIMINARY

Inspection of the Courts of Assistant District Judge/Munsiff on

.....

This court was last inspected by

Name or names of Presiding Judge or Judges since the last inspection and the period during which each held office.

Date of joining of the present Presiding Judge. His special powers, if any. .

When was the last annual inspection made by the Presiding Judge ?

1. JUDICIAL WORKS

1. (a) Statement of pending cases categorywise and yearwise should be submitted in a separate sheet showing the number of suits and other proceedings pending for disposal for over :

1 year

2 years

3 years

4 years

5 years

(b) Reasons for arrears—

(i) Steps incomplete

(ii) Stayed by Appellate/Revisional Courts

(iii) Ready for trial.

(c) (i) Does the disposal keep pace with the institution ?

(ii) If not, what are the reasons given by the officer? Are the reasons satisfactory? If not, is the undue pendency due to negligence or inefficiency of the officer?

(d) If there is excessive filling what remedy do you suggest?

2. Does the Judge sit in Court in the prescribed hours? (Court Diary should be examined).

3. Is the Court Diary kept neatly and legibly?

4. Are the order sheets neatly and properly written? Is the writing legible and are cases entered in advance and arranged in the manner indicated in rule 9?

5. Are orders requiring judicial discretion drawn up by the officer and do they contain adequate reasons?

6. Is the Court Fee Register maintained properly? Is it signed daily?

7. Are cases taken up for hearing in their chronological order? If not, are the reasons for not doing so sufficient?

8. Are the instructions in Rule 745 followed by showing case requiring judicial discretion as decided in contest or after full trial?

9. Are issues framed by the Judge himself?

10. Are dates once fixed for peremptory hearing adhered to and where adjournments are granted, are the reasons recorded? (If too many adjournments have been given in such cases, give instances.)

11. Where adjournments for arguments are given, are the reasons recorded?

12. Does the Presiding Judge personally attend to fixing dates of peremptory hearing?

13. Are cases fixed for each day for peremptory hearing and other purpose restricted to such a number as after making allowance for unavoidable postponements, the Presiding Judge may reasonably expect to be in a position to deal with?

14. Are orders for local investigation drawn up in the hand of the Judge (rule 230) and do the proceedings contain full instructions regarding the commissioners' duties?

15. Are all commissions distributed in strictly fair order (rules 219, 220 & 235)?

16. Are orders on petitions passed without unnecessary delay?

17. Are such costs paid in to the hands of parties present in Court whenever practicable (rule 117 (3))?

18. Does the Court insist on the filing by pleaders of receipt showing that moneys paid to or withdrawn by pleaders on account of adjournments and other costs have been paid to the clients (rule 117 (3))?

19. (The District Judge should sit in Court for atleast half an hour with the Presiding Judge).

20. Is evidence recorded swiftly and properly?

21. Can he control irrelevant, prolixtion ?

22. How are the members of the Bar, the litigants and witnesses treated?

23. When documents are received in accordance with Order 13, Rule 2, does the Judge record the reasons in his own hand?

24. Are admissions or denials of documents recorded in the Judge's hand?

25. Do the judgements written in exparte cases, state specifically and explicitly which of the reliefs in the plaint are granted and against which of the defendants? (Rule 127). Are ex-parte cases generally disposed of on the days fixed for such hearing ?

26. Does the presiding Officer exercise proper control over the execution of decrees ?

27. Are objections filed in execution cases resulting in miscellaneous cases expeditiously disposed of ?

28. Is the Daily Cause List exhibited regularly and at the prescribed hour?(rule 10)

29. Is the sale list prepared and maintained as required by rule 182?

30. Are all other lists and information books written properly and made available to the public every day within the prescribed hour? (rules 11, 139 etc.)

II. WORKING OF ESTABLISHMENT, ETC.

31. State the number of Officers employed.

32. Is the work of each person duly apportioned? Suggest improvements, if any.

33. Has the District Judge considered the question of any official's transfer to another post or another station if he has been in the same post or at the same station for more than three years continuously? (Rule 310).

34. Are the duty cards maintained and up-to-date? (Rule 838).

35. Are separate files for General and Special Letters and Rules and Circular orders issued by the High Court Circulars and Notifications of the Central and State Governments and Circulars of the Accountant General, Assam, maintained? Are they chronologically arranged with date stamp and pages marked? (rule 846)

36. Has an index in alphabetical order been added to the files of General and Special Letters?

37. Are all corrections to the Civil Rule and Orders pasted as they are received and the index to the addenda and corrigenda slips regularly written up?

38. Are returns, opinions, replies, indents etc sent with promptitude?

39. Are the register of papers received and the register of papers despatched properly maintained?

40. Is the pending list (rule 836) regularly written up and put to the presiding Officer and do entries show prompt despatch of business?

41. Are registers more than 12 years old, which are required to be sent to the District Record Room sent there in time?

42. Are unexhibited documents kept separately and returned promptly? (Rule 353). And are those not returned within 6 months, destroyed periodically as required by rule 356?

43. Are records of disposed of cases, transmitted to the record room on due date?

44. Are orders for attachment or release of estates promptly notified to the Collector (rule 166 & 167)?

45. Is Quarterly statement of sales of such estates regularly forwarded to the Collector (rule 193)?

46. Examine some affidavits sworn in regard to facts (i) within the deponent's knowledge and (ii) stated from information or belief and state if they are in proper form (rule 32).

47. Does the Commissioner's endorsement contain the particulars required by the rules 34-36?

48. Are Decrees generally drawn up within the prescribed time and with care and in the order of the dates of disposal (rule 137 & 138)?

49. _____ es in cases directed by the Court under rule 137? Are the directions in note 1 to rule 357 followed?

50. Are decrees properly drawn up and are they selfcontained (rule 134)?

51. _____ in the notice board before signature (rule 139)?

52. Are decrees in pauper suits promptly sent to Collector?

53. Does the Sheristadar inspect periodically the registers, etc. kept by the other officials and is the Supervision sufficient? (rule 836)

III. EXAMINATION OF RECORD

54. Does the sheristadar examine the complaints carefully? (rule 49 (i))

55. Does the report on each complaint about the sufficiency or otherwise of the stamp? (rule 19 (2)).

56. Are the stamp centres duly punched?

57. Are processes promptly sent to the nazarat? Rule 91)

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58. Are petitions drawn up in accordance with rule 14 & 20?
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59. Are petitions and pleadings in clearly legible writing and with the required margin (rule 14 (i)) ?
-
60. Are exhibited documents marked and endorsed in the manner required by Order 13, Rule 4 ?
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61. Is the document, when rejected, returned after it has been endorsed as prescribed by on 13, Rule 6 ? (Rule 358 (i))
-
62. Are the rule in part III regarding classification of suits followed ?
-
63. Are records split up into requisite number of files and properly indexed ?
-
64. Are table of contents written up as papers are filed ?
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IV REGISTERS

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65. (Compare the entries with some records taken at random and state)
-
66. Are the registers of title suits, rent money suits correctly and neatly kept?
-
67. Are the entries up-to date and made in accordance with the instructions at the foot of the registers ?
-

68. Are the addition or substitution of parties, particulars of claim cause of action etc. correctly and regularly entered?

69. Are results of disposals of suits and appeals correctly entered?

70. Are intimations of appeals received regularly from Appellate Courts and results properly entered?

71. Are the entries relating to execution cases correct and complete?

72. Are the entries made contemporaneously with passing of orders during the progress of the case or subsequent proceedings if any?

73. (a) Are statistical registers written up properly day by day?

(b) Are these registers properly maintained?

Registers of miscellaneous judicial cases :

Register of appeals :

Register of applications for execution of decrees :

Register of insolvency petitions :

74. (Take some items from these registers and compare them with the suit register)

Register of application for sale certificates :

(a) Are sale certificates promptly drawn up? State if any undue was noticed.

(b) Are sale certificates prepared and made ready for delivery strictly in the order in which the necessary stamps have been filed?

(c) Are copies of certificates sent to the registry office in batches and if so, how often ?

75. Register of application for return of documents—

(a) Are applications for return complied with promptly and proper receipts taken ?

(b) Are the documents return strictly in the order in which applications are made ?

(c) Are the all applications entered whether rejected or granted ?

76. (1) Register or stamp duty and penalty—

(a) Are copies of impounded documents sent to the Collector promptly (Section 33 of the stamp Act and rule 298) ?

(b) Are the sums levied collected at once and remitted to the treasury promptly ?

(c) Are the certificates of realisation promptly sent the Collector (Section 38 Stamp Act) ?

2. Register of court fees and petitions—

(a) Are these properly and neatly maintained ?

(b) Compare register of court fees with some petitions, plaints, etc. taken at random and state result.

(c) Are the orders on petitions generally passed on the day these are filed ?

77. Registers of decrees sent to or received from other Courts for execution.

Is the register properly maintained ?

78. Have decrees for the execution of which no application have been made promptly returned at the end of 6 months ? (rule 208)

79. Are results under section 41, Civil Procedure Code, certified without undue delay ? (rule 208)

80. Are the register of records received from the record room of any court properly maintained and record returned promptly ?

81. Register of recognised clerks of pleaders-

(a) Is the register properly maintained and revised annually ?

(b) Are applications for annual renewal of cards made within the prescribed time and order passed promptly. (rule 797)?

(c) Is care taken not to issue cards to clerks who writes a bad or illegible hand ?

82. Service Registers-

(a) Are these maintained in respect of every permanent member of the establishment ?

(b) Are these in good condition and kept under lock and key by the Chief Ministerial Officer and the Nazir ?

(c) Are the entries up-to-date, verified annually and certified to that effect by the presiding Officer ?

(d) Are leave accounts maintained correctly and in the proper form up-to-date and periodically checked and attested ?

83. (a) (i) Are all account books with the exception of the register of deposits received) paged throughout and certified before brought into use ?

(ii) Are a corrections correctly made and initialed ?

(b) Are the following registers properly maintained and up-to-date ?

Register of challans.

Register of payment orders

Daily register of deposits (A&B)

Clearance register of A deposits

84. Register of judicial deposits (other than civil deposits and peremptory receipts) and refunds therefrom ?

85. (i) Compare cashier's cash book with the register of challans and payment orders and state result (rule 660)

(ii) Compare the register of deposit, receipts and repayment with each other and with the register of challans and the register of payment orders and state result (rules 671 & 672).

(ii) Compare the clearance register with the register of A deposits received and state result (rule 693).

(iv) Is the receipt of daily advice list from the treasury insisted upon?

(v) Compare some treasury advice lists with the register of challans and payments and state result.

86. (i) Are attachments of amounts or prohibitory orders relating thereto duly noted in the deposit register ?

87. (i) Examine the register of payment orders No. (A) 15 and register No(R) 34 and note whether there has been undue delay in passing and making over payment orders (Rule 643).

(ii) Is there any case of undue preference to applicants of later date?

(iii) How many payment orders were returned from the District Record Room without counter-signature on the allegation of defect during the last six month?

VI. NAZIR'S AND CASHIER'S ACCOUNTS

88. (i) (a) Are the following accounts duly maintained :—

Contingent register :

Contract contingent register :

(ii) Are the vouchers duly filed and cancelled ?

(b) (i) Register of service postage stamps.

(ii) Do the entries correspond with the entries in the register of correspondent ?

89. (i) Is the cash book written up daily ?

(ii) Are the heads of account properly classified ?

(iii) Is the daily balance struck and written in words as well as in figures ?

(iv) See that the balance are correctly brought to the next day's account.

(v) Is the cash in hand correct on verification with the entries in the register ?

(vi) Does the judge in-charge verify the cash balance every day ? (Rule 660).

90. (a) Does the cash book show scrutiny by the accountant at the close of each day (rule 641) ?

(b) Compare several items in the treasury pass book with the cash book and state result ?

(c) Are receipts of Rs. 500 and over signed by the treasury Officer ?

91. (a) Is the peremptory cash register properly maintained and correctly entered ?

(b) Does it bear evidence that the accountant examined the entries each day with the counterfoils of receipt books and with payment vouchers. Is the supervision effective ?

(c) Compare a few items in the peremptory cash register with the receipt book and state result.

92. (i) Is the maximum fixed for peremptory cash adhered to and is adequate?

(ii) Does the cash exceed the limit? If so, how often during the last one year? Suggest remedy.

(iii) Is systematic attempt made to reduce excess over the limit by transfer civil deposits?

93. (i) Is the sale account register properly kept and put up before the presiding Judge at the close of the day?

(ii) Is the forfeiture of the earnest money or the payment of the balance of purchase money watched?

94. (i) Are credits to Government (e.g, earnest money forfeited, intestate, properly unclaimed, sale proceeds of stores, furniture etc) correctly and promptly made?

(ii) Are stamp duties and penalties recovered separately credited?

95. (a) (i) Is the register of moveables attached properly maintained? (To be answered with special reference to columns 9,10,11,13.).

(ii) Are the arrangements for keeping attached moveables and the livestock satisfactory?

(b) (i) Is the register of jewellery, securities, etc properly maintained?

(ii) Examine the register and compare the actual stock in the hands of the Nazir

96. Is application made and is the order of the Courts concerned taken by the Nazir before the refund of unexpended diet money or other amounts in the peremptory cash? (Rule 657)

97. (i) Do the Nazir's account books show that the seristadar inspects them periodically as required by rule 716,?

(ii) How often does he inspect?

VII. NAZARAT DEPARTMENT

98. (a) Are the rules in Section 2, Ch. III regarding arrangement of work and distribution of processes understood and followed?

(b) Examine the division of beats and the villages comprised within each beat and suggest improvements, if any?

(c) (i) Are processes distributed evenly and impartially among the process servers with due regard to the number and class of processes and beats?

(ii) Is there any complaint by the process-servers regarding the distribution of processes?

(d) What procedure does the Nazir adopt to secure such even distribution? Suggest improvements, if any.

(e) (i) Are all the process-servers given both short-beat and long beat work in order to equalise works?

(ii) Report if some process-servers are systematically employed in short-beat work.

(f) Does the Judge in charge preside over the distribution of processes from time to time? (Rule 90)

99. Are processes issued from the nazarat without undue delay (rule 88)? And are they returned after service to the courts concerned within the prescribed time (Rule 97)?

100. Are cases of undue delay brought to the notice of the Judge in-charge and dealt with by him? (Rule 84)

101. Are many processes returned unserved on the ground of want of time? Ascertain whether the Nazir or the peon was at fault and suggest remedies.

102. Do the reports of the process, servers contain the particular required by the rules? If a process is affixed on a person's house, is it stated in the report what attempt was made to find him out?

103. Note observance of the rule in Note 2 of rule 64. Are verifications of service obtained from chaukidars and dafadars as often as possible?

104. Report if there was any negligence or undue delay in effecting service of processes received from courts outside the jurisdiction of the Court inspected? (Rule 85, Note 2).

105. What is the average number and percentage of processes executed during the last three working months by a process-server ?

106. Is the proportion of personal service of processes and of execution of warrants of arrest and attachment of moveables satisfactory ?

107. (a) Compare some items taken at random from the process register with process server's diaries and state result.

(b) Is the diary submitted by the process servers immediately on return to headquarters, and is it regularly scrutinised by the Nazir ? (Rule 84 (iv) and Note 4 to rule 99).

(c) Report on the general condition of the discipline among the process servers and the efficiency of the administration and if the Judge in-charge proper supervision and control over the department.

108. (a) Are the rules regarding grant of receipts by process servers for money realised in execution of decrees strictly observed (rule 152) ?

(b) Examine some receipt books of the process servers and compare them with entries in the cash book and state result.

(109. (a) Are receipt books for payment into peremptory cash issued by the cashier in conformity with rule 636 ?

(b) Is the book number attested with the initials of the Judge in-charge ?

(c) Is a separate stock book maintained of the receipt books and are all receipts and issues correctly entered ?

(d) Is the stock verified annually by a gazetted Officer ?

(e) Compare the balance according to the stock book with the number in actual stock and state result.

VIII. COPYING DEPARTMENT

110. (a) Examine a number of applications for copies and on a reference to the register of copies, ascertain whether the rules in Part IV are strictly observed in every particular, step by step, before copy is ready (Each rule should be reported on separately when the prescribed system is not followed).

(b) Is the arrangement for lighting, safe custody of records and exclusion of the public satisfactory ? Suggest improvement, if any.

111. (a) Examine some of the entries in the register of copies and ascertain whether all the columns are properly and correctly filled up ?

(b) Are the entries made contemporaneously with several stages through which an application for copy passes ?

112. Have cases of serious delay occurred—

(i) In furnishing originals from any office,

(ii) In the preparation of copies after receipt of originals,

(iii) In comparing the copies,

(iv) In returning originals after preparation of copies ?

113. (a) Are estimates regarding folios and court fees properly notified in the prescribed manner (rule 496 A) ?

(b) (i) Are applications rejected if folios are not supplied within the prescribed time ?

(ii) Examine some rejected applications and ascertain whether they were properly rejected.

114. Do the estimates generally correspond with the folios actually used in the copy?

115. Are unused folios actually returned?

116. Does each page of the copies contain the prescribed number of words?

117. Is the number of words written or typed noted on each page and does each page contain the required number of words?

118. Are the columns in the register of copies showing folios supplied, used and returned unused totalled every month?

119. Does the total number of folios supplied agree with those used and returned unused?

120. What is the number of typists and copyists? Has any new appointment been made since the last inspection? If so, state reason (rule 585).

121. Should the services of any copyist or typist be dispensed with on account of unsatisfactory work (rule 534 (3))?

IX. FORMS

122. Is the register of printed forms properly maintained? Are receipts and issues regularly entered and is the balance struck six-monthly and verified by an Officer other than the assistant in-charge of forms detail the purpose by the Judge in-charge?

X. FURNITURE, ETC.

123. Is a register kept of all furniture and properties of the Court properly and are the entries up-to-date?

XI. LIBRARY

124. Is the catalogue of library books kept up-to-date? Have the books been properly classified and indexed?

125. Is a physical verification of the stock of books made by the Judge in-charge annually (rule 820)? When was last verification made?

XII. RECORD ROOM (OUTLYING STATION)

126. Are the records neatly placed on the racks and well cared for?

XIII. MISCELLANEOUS

127. Is the guard file prescribed by rule 812 properly maintained?

128. Has necessary action been taken with reference to all the material defects pointed out by the District Judge in previous inspection. If not what is the explanation? Note any undue delay of omission in this respect?

FORM NO. (M) 6--A

Form of inspection of the district record rooms (see rule 806)

129. When was the record room last inspected ?

130. Does the Judge-in-charge inspect the record room from time to time?

131. Is a note book kept in the record room in which all important orders are recorded?

132. Is a statement hung up in the record room showing how to find where a particular document is deposited?

133. Take the lists of the bundles of records received during the last six months and note—

(a) If they were received on due dates from all Courts.

(b) Were the different classes of records accompanied by lists in due form.

(c) By what dates were the records of each month—

(i) examined?

(ii) deposited on racks?

134. Examine a number of records with a view to see whether—

(i) the rules relating to classification and arrangement have been carried out.

(ii) the contents of each file correspond with the table of contents;

(iii) the title pages are properly attached to each record,

(iv) table of contents are properly written out.

135. Is the register of records sent out from the record room properly maintained and every entry correctly made?

136. Are the racks properly used (rule 382)?

137. Are all the registers prescribed properly maintained by the record-keeper?

138. Is destruction of record carried out quarterly (rule 434)?

139. (a) Is the register of inspection allowed under proper condition?

(b) How many applications for inspection were filed during the last four quarters?

140. (a) Is the register of application for information properly kept? Are information sheets delivered within the prescribed time with the required information?

(b) How many applications for information were filed during the last four quarters?

(c) Is there any reason to suppose that there is leakage of information?

141. Other remarks.

Date :

District Judge