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**"THE GAUHATI HIGH COURT AT GUWAHATI**  
**(THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR,**  
**TRIPURA, MIZORAM AND ARUNACHAL PRADESH)**

#### **N O T I F I C A T I O N**

No.HC.XI-4/81/255/RC, the 14th June, 2002. The Gauhati High Court (High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh) is pleased to make the following amendments in the Civil Rules and Orders, Volume I which will come into force with immediate effect.

**CORRECTION SLIP NO.22".**

#### **CHAPTER I**

Sub-Rule (3) to be substituted as follows:-

- (3) On the second and the fourth Saturdays of every month the Courts will remain closed. On the remaining Saturdays of every month the hours of sitting for courts will be as in Sub-Rule (1) above.

After Rule 13 sub heading 2 should be as under:

#### **2. PLEADING, PETITIONS, AFFIDAVITS AND CAVEATS :**

Rule 24 shall be renumbered as Rule 24 (1) and the following Sub-Rules shall be added.

- (2) (i) Every Application under order 9 Rule 9 and Order 9 Rule 13 shall be accompanied by written up notices annexed with copies of the application and the process fee and postal requisite to send by Registered post for service thereof on the opposite party. Unless so accompanied order for issue of notice shall not be passed. The notice also may be served by hand and affidavit filed in support of it.

(ii) The notice as aforesaid shall specifically state that the date fixed therein is the date of hearing of the application and that the opposite party may file the written objection if any on the said date itself.

(iii) Every application shall be disposed of on merits even ex parte within a month of service of notice.

(iv) In case where the applications as aforesaid are made within 7 days of the order dismissing the suit or passing the ex parte decree notice of the application may simultaneously be served on the pleader of the opposite party in the suit in which the applications are made in the light of the provisions of order 3 Rule 5 of the code.

(3) (i) When temporary injunction is granted immediately steps shall be taken. The notice shall be accompanied by copies of the plaint, the affidavit, the petition and of the documents if any as there are opposite parties to go along with the notice for the opposite party by Regd. Post or by hand. Unless so done, order on the petition passed, shall fall through automatically.

(ii) In all cases where the court decides to grant the injunction without notice to the opposite party reasons for doing so shall be recorded and the order should not be continued beyond 7 to 10 days as the circumstances of the case may require. The court shall finally dispose of the application in the light of provisions of order 39 Rule 3A.

AFTER RULE 39 THE FOLLOWING SUB HEADING SHALL BE ADDED

### C-CAVEATS

And the heading of Rule 40 shall be deleted Rule 41 to 45 in this chapter shall be renumbered as rule 40 A to 40 E respectively.

### CHAPTER 2

The title of the chapter should be PRESENTATION OF PLEADING AND REGISTRATION AND EXAMINATION OF PLAINTS.

Existing Rule 42 should be numbered as Rule 42 (1) the note thereunder should be deleted and a new sub rule numbered (2) should be added as follows:

(2) Every plaint brought for presentation shall be accompanied by

(i) As many copies of the plaint as there are defendants, unless the court for sufficient reason like length of the plaint or the number of defendants permits the plaintiff to present along with the plaint like number of concise statements of the claim and the relief claimed in the suits.

(ii) Duly filled up summons in prescribed form and fees for service thereof.

- (3) Unless the court dispenses with service by registered post under the proviso to rule 19A of order 5 the plaint shall also be accompanied by a second set of written up summons for additional and simultaneous service by registered post.
- (4) Where the provision of Sub Rule (2) above is not complied with the court shall fix a date not later than 7 days of presentation of the plaint requiring the plaintiff to comply with the said provisions. The court may grant a further extension of time on being moved so to do by a verified application showing good grounds for the inability to comply. A plaint remaining bereft of the accompaniments under Sub-Rule (2) above for a period of fifteen days in total shall be rejected under 7 Rule 11 (e).

**AFTER RULE 49 THE FOLLOWING RULES TO BE ADDED,**

Rule 49 (3) should be numbered as 49(2), 49(2) after renumbered as 49(3) should be as follows:

49. (3). [a]. The officer examining the plaint is required to certify on the top left hand margin of the first page of the plaint the sufficiency or otherwise of the stamp borne and to note the deficiency, if any. A second Certificate is to be appended if and when the deficiency is collected.

[d]. An application for extension of time for supplying the requisite court fee shall be supported by an affidavit specifying the cause of exceptional nature preventing the plaintiff from supplying the deficit court fee. The court before extending the time earlier fixed must record reasons for its satisfaction that the plaintiff was prevented by any cause of exceptional nature from supplying the deficit and that refusal to extend such time would cause grave injustice to the plaintiff.

[e]. The total period of extension thus granted shall not exceed 60 days excluding 10 days fixed by the first order in the suit.

49.A. The defendant shall present the written statement of his defence on the day of his appearance in Court in response to the summons. The court may permit him further time up to a maximum of sixty days from the day of appearance with or without costs if sufficient cause is shown for his inability so to present the written statement. The application showing cause on each occasion for seeking time must be supported by an affidavit and shall be disposed of by the court after hearing the parties by a reasoned order.

**CHAPTER 3**

Add the following note as note after the existing Rule 60 and relocate Rule 61 as note 2 under existing Rule 60.

Note 1. Nazir will see that these processes are forwarded to the outlying courts as early as possible but not later than 7 days from the date of receipt.

Special circumstances excepted normally the outlying courts will cause the processes to be served within 15 days of receipt and return the same direct to the issuing court.

Note 2.- The Judge of any Superior court may for sufficient reason direct on the application of the party applying for any particular process, which should ordinarily be sent service to an outlying court, that be served or executed by a special process-serving peon from head quarters.

Add Rule 61 as follows :

Rule 61. Summons to defendant shall be in form No. 2 in Appendix B to the code of Civil Procedure as amended by C.P.C. (Amendment) Act 1976. Form No. (P) 5 in Civil Rules and Orders Vol. II may be amended suitably to accord with Form No. 2 in Appendix B to the code of Civil Procedure.

## CHAPTER 5

The present Rule 106 should be renumbered as Rule 106 (1) and the following Rule should be added below it-

- (2) In exercising the discretion under 13 Rule 10(1) the Court shall scrutinize the affidavit supporting the application to ascertain that the requirements of Rule 10 ( ) of order 13 have been fulfilled. Wherever possible the application shall be accompanied by authenticated copy of the document original of which is sought to be called for.
- (3) When a copy as aforesaid is produced the court shall at the hearing inquire whether the opposite party admits the copy. If the copy is admitted the original need not be called for.
- (4) In passing the order under 13 Rule 10 calling for a document from any other record the court shall also bear in mind the provisions of order 7 Rule 14 and order 8 Rule 1 requiring a list of documents to be presented along with the pleading and see whether the document sought to be called for is listed in the list of documents so to be furnished.

## CHAPTER 6

IN RULE 113 AFTER SUB-RULE (8) SUB-RULE(9) AS FOLLOWS SHOULD BE ADDED.

- (9) The gurdian-ad-litem shall submit his report within 30 days of his appointment, with the leave of the court. he may be granted a further 7 to 14 days time in total file the report.

## CHAPTER 7

AFTER SUB RULE (2) OF RULE 115 THE FOLLOWING SUB RULE NUMBERED AS (3) SHOULD BE ADDED.

- (3) Before the trial of ready cases begin on a particular day the court may pass routine orders in other cases which take only a short time in the first hour of sitting between 10:30 A.M to 11:30 A.M.

AFTER SUB RULE (4) OF RULE 116 THE FOLLOWING A SUB RULES SHALL BE ADDED.

- (5) In all cases of adjournment be it on advance notice as prescribed in the foregoing Sub Rule or on the day of hearing of a suit or a case the opposite party should be adequately compensated for the entire expenses incurred on the day of adjournment. To enable the court to determine the appropriate compensation by way of costs the parties may annex their own estimate of expenses incurred to the application and to the objection if any. Costs so determined shall be a condition precedent as mandated under section 35 B of the Code of Civil Procedure.
- (6) Every application for adjournment shall either be verified or supported by an affidavit as required under Rule 16 ante. Wherever possible the application shall in addition be supported by documentary proof of the averments made therein.
- (7) Every application for adjournment shall be disposed of by a speaking order and the court in passing the order shall bear in mind the mandate of the proviso to order 17 Rule 1.

In Sub Rule (2) of Rule 117 in the second sentence after the word "All such costs" and before the word "remaining" the word "accidentally" should be inserted.

In Sub Rule (3) of Rule 117 after the word "etc" and before the word "to the advocate" the following words "Payment to the party is the rule, but payment of the same in an exceptional case" shall be inserted in place of the words "Payment of the same".

## CHAPTER 8

RULE 118 SHOULD BE SUBSTITUTED AS FOLLOWS:

- 118 (1) On presentation of the written statement the next date in the suit shall be fixed for filing of documents and for steps for discovery and Admissions, if any in accordance with the provisions of order 11 and 12 of the Code of Civil Procedure. The next date in the suit shall be for first hearing of the suit in accordance with the provision of order 10 of the Code and for framing of issues.

- (2) On the day fixed for first hearing and framing of issues the court shall peruse the pleadings carefully and ascertain from the parties or pleaders admissions and denials if any that may arise from the nature of the particular pleading and record them. To clear up the pleadings further the court may also examine the parties orally. The presiding officers shall himself record the issues in accordance with the provisions of order 14 Rule 1(5) and all the materials described in order 14 Rule 3 as available should be utilized for that purpose.
- (3) After framing of the issues one more date should be fixed for Discovery and Admission if any. The court may suo motu call upon the parties to admit documents to save cost and time in the light of Rule 3A of order 12.
- (4) All the above preliminary work should be completed before the suit is fixed for final hearing within a period of three months from the date of presentation of the written statement.

#### CHAPTER 9

#### RULE 124 SHALL BE SUBSTITUTED AS FOLLOWS:

124. When after the conclusion of the hearing of a case the judgement cannot be delivered at once, as provided in order 20 Rule 1 a date not later than fifteen days of such conclusion shall be fixed by an order. If on the date so fixed also the judgement is not ready for delivery another date not later than thirty days shall be fixed by an order explaining reasons for the delay. Delay, if any, beyond thirty days shall be explained in writing to the District Judge as well as the Registrar (I & E). If the court committing the default is the District Judge explanation in writing shall be to the Registrar (I & E).

In Rule 134 the Note 6 thereunder should be deleted in view of the provisions of order 23 Rule 3 as amended with effect from 1.2.77.

#### RULE 138 SHOULD BE SUBSTITUTED BY THE FOLLOWING

#### RULE 138—

- (1). Decree shall be ordinarily prepared within 7 days of the date of receipt of the record in the office after delivery of the judgement. The Bench Assistant shall send the record within 3 days of the date of the judgement to the office by making a note of the date of despatch in the margin of the order sheet against the order recording the delivery of the judgement.
- (2) A register shall be maintained to record the date of despatch and the date of receipt of the record with signature of the Bench Assistant and the Decree writer.

NOTE - As far as possible decrees should be prepared in the order of the dates of disposal of cases.

IN RULE 139 THE PRESENT SUB RULE 2 SHOULD BE RENUMBERED AS SUB RULE 3 AND A NEW SUB RULE (2) AS FOLLOWS SHOULD BE SUBSTITUTED

- (2) The notice in form No. (M) 4 should be maintained in the form of a registrar. Besides a copy thereof shall be displayed in the notice board of the court. On the expiry of the fourth day of such display of the notice in Form No. (M) 4 the notice shall be deemed to have been received by the pleader or the party.
- (3) To ensure that the decrees are prepared correctly and timely the Judge shall in the order recording the delivery of judgement invariably add the following sentence - "Prepare decree accordingly and put up for signature within fifteen days from today, latest on ..."
- (4) The Judge shall satisfy himself that the decree has been drawn up in accordance with the judgement and shall make an autograph note stating the date, month and year on which the decree was signed and initial the corrections or alterations.

NOTE 1 - When a party or his pleader perusing the draft decree has no objection to file he shall sign it.

NOTE 2 - The result of objection (if any) should be recorded in the order sheet.

NOTE 3 - Pleadings are responsible for seeing that decrees are correctly drawn up and that the costs are rightly calculated.

BEFORE THE NOTE UNDER RULE 141 SUB RULE (3) AS FOLLOWS SHOULD BE ADDED

- (3) The court in awarding costs under Rule 1 of order 20 A extant since 1.2.1977 shall follow the rules as under :

IN RESPECT OF -

- (a) Expenditure incurred for the giving of any notice required by law before the institution of suit the costs shall not exceed Rs. 100/-
- (b) Expenditure incurred for giving any other notice given before institution of the suit though not required by law the costs shall not exceed Rs.25/-
- (c) Expenditure incurred for typing etc. of pleadings filed by the party the costs shall be @ Rs. 3.00 per page.
- (d) Charges paid by a party for inspection of the records of the court for the purposes of the suit the costs shall be @ Rs. 1.00 per record.
- (e) Expenditure incurred by a party for producing witnesses, even though not summoned through court the same expenses as determined under Rule 569 post for witnesses summoned through court shall be the costs.

- (f) Charges incurred by a party, in the case of appeals for obtaining any copy of judgement and decree required to be filed along with memorandum of appeal the costs shall be in accordance with cost of copies prescribed under Rule 482 post.

#### CHAPTER 10

AFTER RULE 148 THE FOLLOWING RULE NUMBERED AS RULE 148A SHOULD BE ADDED

- 148A. Every presiding officer should appoint a day or two every week to hear Execution cases on a priority basis and Execution cases and Miscellaneous Judicial cases arising there from should be fixed on such a day or days if so appointed. An attempt should be made to dispose of simple execution cases within 6 months and the complicated ones within 12 months.

#### CHAPTER 11

AFTER RULE 214 THE FOLLOWING SUB RULE SHOULD BE ADDED  
THE NOTE BELOW RULE 214 WILL REMAIN

- (3) All commissions issued shall be executed within the time fixed by the court or extra time granted under Sub Rule (2) and the commission shall be returned to the court on or before the date so fixed. The date so fixed shall not be extended except on being satisfied by an application by the Commissioner showing sufficient cause for his inability to meet the time fixed. The court shall record the reasons for granting the extension if any.
- (4) All order regarding commission and extending time for execution of the commission shall be in the hand writing of the Judge and not written by the Bench Assistant and the appointment of the Commissioner shall be promptly cancelled for willful delay, negligence etc., on the part of the Commissioner in executing the commission. The defaulting Commissioner may be refused and remuneration and any remuneration already received may be asked to be refunded in appropriate cases.

#### CHAPTER 12

EXISTING RULE 243 TO BE RENUMBERED AS RULE 243 (1) AND  
FOLLOWING SUB-RULES SHOULD BE ADDED

- (2) In all suits by or against the Government or Public Officer acting in public capacity a date for settlement of the case if possible in the light of Rule 5 B of order 27 of the Civil Procedure should be fixed and an adjournment if needed for the purpose of settlement may be granted.
- (3) In all such cases the application if any, filed for leave provided under Section 80 of the Code of Civil Procedure shall be supported by an affidavit detailing the urgency of the relief sought in the suit.

## CHAPTER 14

## APPEALS AND REMAND

Add the following Sub-Rules after Rule 249 (3)

**Rule 249 (4).** Where the appeal is against a decree for payment of money the court should ordinarily allow 7 days time to deposit the amount disputed in the appeal or to furnish security in respect thereof and only in an exceptional case of difficulty time may be extended upto 14 days [vide rule 1(3) of order 41 code of Civil Procedure.]

**Rule 249 (5).** The appellate Court shall direct service of notice on the respondent by registered post simultaneously under order 48 Rule 2 read with order 5 Rule 19A.

**Rule 250** will be renumbered as Rule 250(1) and following Sub Rule should be added.

**Rule 250(2)** Rule 45 to 49 in chapter 2 ante will be applied in so far they are applicable by reading the words "memorandum of appeal" for the word "plaint" in those rules. Ordinarily every memorandum of appeal shall be registered by entering the same in the Register of appeal on the day it is presented. Special orders of the presiding Judge has to be obtained by the Sheristadar if it cannot be registered within 24 hours of its presentation for any reason.

**Rule 250(3)** Simultaneously with the registration of the memorandum of appeal it shall be laid before the presiding Judge for fixing a date of hearing of the appeal under order 41 Rule 11. In fixing the date of hearing under 41 Rule 11 the presiding Judge should bear in mind provisions of Rule 11A of order 41 as also the urgency of the appellant.

**Rule 250(4)** An application under 41 Rule 5 for stay of execution of the decree appealed from shall be taken up along with the hearing under order 41 Rule 11 and only if the court decides not to dismiss the appeal at that stage the question of stay or otherwise may be considered.

#### **RULE 251 TO BE SUBSTITUTED AS FOLLOWS.**

**Rule 251(1)** When an appeal is presented after the expiry of the period of limitation specified therefore the application supported by an affidavit accompanying the appeal under order 41 Rule 3A shall be dealt with by presiding Judge in accordance with Sub Rule 3A(2) of order 41 before fixing a date of hearing of the appeal under Rule 250 (3) above.

**Rule 251(2)** Only if the application is not rejected at the stage indicated above a date of hearing of the application shall be fixed and notice shall

be issued to the respondent. After the hearing of the application, on the same day the hearing under order 41 Rule 11 shall be completed.

Rule 251(3) If the respondent appears on the day of hearing of the application no further notice of hearing of the appeal as required under Rule 12 of order 41 need be issued. If even after service of notice the respondent does not appear at the hearing of the application and the application is allowed the court may order issue of notice of hearing of the appeal as required under Rule 12 of the order 41 if it deems fit.

Rule 251(4) No order staying execution of the decree appealed from shall be passed before deciding to condone the delay in filing the appeal and completing the hearing under order 41 Rule 11.

In Rule 253 the words, "within a year" should be substituted by the words "within 90 to 120 days"

The present Rule 268 should be preceded by the following Rule numbered as 268 (1).

Rule 268(1) Where the appellate court remands a case under Rule 23 or under Rule 23A or frames issues and refers them for trial under Rule 25 it shall, under order 41 Rule 26A fix a date of appearance of the parties before the original court. The date shall be so fixed that the parties will have no difficulty on grounds of distance etc. in appearing. The appellate court shall direct and supervise the sending down of the original record along with the appellate judgment etc. So that the same reaches the original court by the date fixed for appearance of the parties.

Rule 269 (1) and (2) should be renumbered as Rule 269 (2) and 269 (3) respectively and should be preceded by Rule 269 (1) as follows.

Rule 269 (1) The appellate court shall direct and supervise the sending down of the original records along with the copy of its judgment and decree to the original court within the shortest possible time and invariably within 45 days of disposal of the appeal.

After Rule 269 the following Rules should be added.

Rule 269 A (1) The notice to the lower Court under order 41 Rule 13 shall specifically direct the lower court to send the original records within 10 days of the date or receipt of the notice and for that purpose the appellate court may fix in the notice itself.

(2) The Presiding Officer of the lower court shall be personally responsible to see that the records sent to the appellate court on notice as above are properly arranged and divided in accordance with the Rules in Chapter 17 post and the exhibits in the case are properly marked and signed.

- (3) Any breach of the Sub-Rules above shall be reflected in the confidential Report framed under Rule 775 post.

➤ Rule 269 B. Any breach of the Rules in this chapter committed by the appellate court should be reflected in the confidential Report framed under Rule 775 post.

## CHAPTER 15

At the end of Rule 307 (14) Note as follows should be added.

NOTE — The Arbitration Act, 1940 has been repealed by the Arbitration and Conciliation Act, 1996, which came into force on 22.8.1996.

A new Sub heading 12A and a new Rule 307A as follows should be added.

### 12A. THE ARBITRATION AND CONCILIATION ACT 1996 (Act 26 of 1996)

307 A. (1) The following Rules shall be cited as the Arbitration Rules. All references therein to "the act" shall be read as meaning the Arbitration and Conciliation Act, 1996.

(2) Every application made to a Court under the Act shall be signed and verified in the manner prescribed by order 6 Rules 15 of the Code of Civil Procedure unless directed by the Court to be supported by an affidavit. The application shall contain a statement in summary form of the material facts showing that the Court has jurisdiction to deal with it and shall specify the nature of the relief sought from the Court.

(3) Without prejudice to the generality of the provisions of Sub Rule (2) above an application under section 8 of the Act shall specifically state whether the first statement before the Court has been filed and if so when. An application under section 8 shall be registered as a Miscellaneous judicial Case and shall be disposed of within a month of such registration on hearing the applicant and the opposite party on his objections if any. On referring the parties to arbitration in accordance with the prayer in the application the Court shall pass orders either dismissing the suit or staying it as it deems fit considering the submissions of the parties.

(4) Without prejudice to the generality of the provisions of Sub Rule (2) herein above an application under section 9 of the Act for interim measures shall be accompanied by a duly certified copy of the arbitration agreement. The relevant provisions of the Code of Civil Procedure and the rules in chapter 2, 6 and 10 ante will apply mutatis mutandis. The application shall be registered as a Miscellaneous Judicial Case.

(5) Without prejudice to the generality of the provisions of Sub Rule (2) above an application under section 14(2) of the Act shall be heard and disposed of with notice to the arbitrator and the opposite party.

- (6) An application under section 34 of the Act shall be accompanied by the original arbitration agreement or a duly certified copy thereof and shall clearly state the ground or grounds for setting aside the award and also state that the application has been made within the time prescribed in sub-section 3 of section 34. The application shall be registered as a Miscellaneous Judicial Case and the notice of the application shall be served on the arbitrator and the opposite party.
- (7) An application under section 36 for enforcement of an arbitral award shall be dealt with as an application for execution of a decree under the Code of Civil Procedure. The application shall be accompanied by a copy of the award and shall be supported by an affidavit stating that the time for setting aside the arbitral award under section 34 of the Act has expired or that such application having been made has been refused.
- (8) An application under sub-section 2 of section 39 of the Act shall be registered as a Miscellaneous Judicial Case and notice of the application shall be served on the arbitrator and the opposite party.
- (9) An application under section 45 of the Act shall be accompanied by the original arbitration agreement or a duly certified copy thereof and shall be supported by an affidavit stating besides the material facts stating facts showing that provisions of section 44 of the Act have been fulfilled. The application shall be registered as a Miscellaneous Judicial Case and shall be disposed of by a reasoned order upon notice to the opposite party. On disposal of the application the suit in which the application is made shall either be dismissed or stayed depending on the submissions of the parties.
- (10) An application under section 45 of the Act shall be dealt with in accordance with Rule 9 herein above except that the affidavit in support of the applications shall state facts showing that the provisions of section 53 of the Act have been fulfilled.
- (11) (a). An application under section 47 read with section 49 of the Act for enforcement of a foreign award shall be dealt with as an application for execution of a decree under the Code of Civil Procedure.
  - (b) The application, besides being accompanied by the materials stated in section 47 of the Act shall be supported by an affidavit stating facts that the award is enforceable under the Act.
  - (c) On registration of the application as an Execution case, a notice to show cause why the award shall not be enforced shall be served on the opposite party. The notice shall be with necessary modification, in Form No. (P) 22 used for purposes of order 21 Rule 22 Code of Civil Procedure available in Vol. II Civil Rules and Orders.

- (d) Objection, if any, filed under section 48 of the Act by a party shall be registered as a Miscellaneous Judicial Case. The objection shall be supported by an affidavit stating the material facts supporting the ground or grounds on which the objection is based and shall be accompanied by the proof as stated in section 48 of the Act.
- (12) An application under section 56 read with 58 of the Act for enforcement of a foreign award shall be dealt with in accordance with the provisions of Rule 11 herein above with the following modification in Rule 11(b) in place of section 47, section 56 shall be read and in Rule 11(d) in place of section 48 section 57 shall be read.
- (13) Rules in chapter 14 ante shall so far as they are applicable, apply to appeals under section 50(1) (a) and section 59(1)(a) of the Act.
- (14) Except where specially prescribed notice required to be given by the court shall be in Form (P)9 with necessary modifications available in Vol. II civil Rules and Orders.
- (15) Fees for the service of notices and processes shall be levied according to Rule 549 post.

## CHAPTER 25

In Rule 482 the table of charges should be amended as follows :

Item 2 (a) should be numbered as (a) (i) and below it (a) (ii) should be added as follows.

(a) (ii) Copies of type written judgements under order 20 Rule 6B.	Rs. 0.75 per typed page maximum Rs. 30/-	By means of court fee stamps to be affixed to the application.
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After Rule 529 the following Rule should be added.

Rule 529 A. Any application complaining of delay or any other complaint regarding copy before its issue must be accompanied by the counterfoil of the application for copy in Form No. (M)49. Any application for adjournment of a case on the ground of non-receipt of copy of any deposition, judgment etc. shall be accompanied by the counterfoil ; of the application for copy.

## CHAPTER 27

In Rule 549 the heading of the table of process fee should be amended to replace the word "Munsiff" and "Subordinate Judge" occurring therein by the words "Civil Judge (Junior Division)" and the words "Civil Judge (Senior Division)"

## CHAPTER-28

In Rule 569 Sub-Rule 3(a) should be substituted as follows:

3. (a) Rate of Subsistence allowance Rs.25.00 per head.

Explanation - The rate above is intended to meet the cost of one day's meals. In every case therefore the court may, considering the circumstances of the individual and the local condition, grant a reduced or enhanced allowance bearing in mind the actual expenses in a given case.

Sub-Rule (b) should be amended as follows.

In Note (ii) there under the words "25 naya paise a mile" should be replaced by the words "Rs.1.00 a Kilometre" and the rest of the words occurring therein should be deleted.

In Note (iii) the words "Rs 4.00" should be replaced by the words "Rs.20.00"

## CHAPTER-36

In Rule 740 table B should be amended by adding item (45) as follows.

(45). Applications under section 8,9,34,39,45 and 54 of the Arbitration and Conciliation Act 1996 (Act. No.26 of 1996).

In the following Rules the words "Subordinate Judge" and "Munsiff" occurring there should be substituted respectively by the words "Civil Judge (Senior Division)" and "Civil Judge (Junior Division)."-

Rule 15(V), Rule 25, Rule 39, Rule 60, Rule 62(A), Rule 125-Note, Rule 133, Rule 222, Rule 222B, Rule 233- Note 2, Rule 252, Rule 440. Rule 482- Note 1 (A), Rule 549- heading of the table for process fee, Rule 569(4)- Note Rule 572 headings 3,5 of the table, Rule 582, Rule 596, Rule 609, Rule 610 - Note, Rule 618, Rule 643(2) - Note 2, Rule 665-Note, Rule 724, Rule 725, Rule 757(1) (2) Rule 773 (C) (2), Note under Rule 773 (10), Rule 774.1), Rule 808 (1), Rule 822, Rule 845(I), Rule 849(1), Rule 858, Rule 859(4), Rule 860(1), Rule 861, Rule 870(2), Rule 871(3), Rule 873(4), Rule Rule 876. 878, Rule 879, Rule 880, Rule 883(2), Rule 893(1), and Rule 893 (2).

In Vol. II of Civil Rules and Orders Appendix A under the Sub heading III list of periodical Returns and Statements in Column (3) wherever the words "Subordinate Judge" and the word "Munsiff" occur should be replaced by the words "Civil Judge (Senior Division)" and the word "Civil Judge (Junior Division)" respectively.

In the Note under the above said sub-heading the words "Munsiff" and "Subordinate Judge" should be replaced respectively by the word "Civil Judge (Junior Division)" and the word "Civil Judge (Senior Division)".

In the table containing description of various forms in column (2) thereof item (M) 7 and (M)8 should be amended by replacing the word "Munsiff" and

the word "Subordinate Judge" by the word "Civil Judge (Junior Division)" and the word "Civil Judge (Senior Division)" respectively.

In Form No. (A)9- Note, No. (R) 6 (i), R 6(ii), R 6(iii) - Note No. (R) 11, No. (S)1 - Note No. (S)3 No. (S)4 - A (1) and A(2), No. (S)5 - B (1) and B (2), No. (S)6 - C(1) No. (S)7, No. (S)8, No. (S) 10 - Part II/III, No. (S)II, No. (S) 12, No. (S)13, No.(S)14, No.(S)15, No.(S)16, No.17, No. (S)20, No. (S)21, No.(S)25, No.(27), No.(J)3, No.(M)6, No.(M)7, No.(M)8, No. (M)12, No. (M)29 - B, C and Note No.(M)47 and Note (M)48 the word "Subordinate Judge" and the word "Munsiff" wherever they occur should be replaced by the word "Civil Judge (Senior Division)" and the word "Civil Judge (Junior Division)".

In Form No. (J)14 the Note should be amended by substituting the word (Munsiff) by the words "Court of Civil Judge (Junior Division)."

In Appendix D to Civil Rules and Orders Vol. II in the Note under Column (3) containing Description of Form No. (S)28 the word "Munsiffs" and the word "Subordinate Judges" should be replaced by the word "Civil Judge (Junior Division)" and "Civil Judge (Senior Division)" respectively. Similarly in the description of Form No. (M)7 and (M)8 the word "Munsiff" and "Subordinate Judge" should be replaced by the word "Civil Judge (Junior Division)" and "Civil Judge (Senior Division)".

In Rule 103, 104, 105, 110 and Rule 854 group of words such as "High Court of Assam at Gauhati," "High Court of Gauhati", "High Court of Assam at Gauhati," "High Court of Assam," "Assam High Court" respectively shall be replaced by the words "Gauhati High Court".

By Order etc.  
Shri A.C. Upadhyay,  
Registrar General.