

HANDBOOK

***Day to Day
working
of
Ahlmad
Execution Clerk
Stenographer
Grade-I,II & III***

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Disclaimer

This handbook is a compilation of rules and regulations of procedure prescribed in the Punjab & Haryana High Court Rules & Orders, finding source in the Civil Procedure Code & the Criminal Procedure Code.

The material in this handbook is for general information and guidance of Ministerial Staff in conduct of their duties.

Utmost care and caution has been exercised in compiling these guidelines. Yet, if any discrepancy is found between the guidelines and the rules of procedure contained in the above provisions, in that event the provisions shall prevail.

ROLE OF AHLMAD

- To maintain all the relevant registers properly as prescribed by High Court Rules and Orders.
- Register the new institutions and to index the same.
- To issue processes in the files as ordered by the Court.
- On receipt of the summons/processes from the Process Serving Agency, to make reports on the order sheets of the concerned file.
- To make proper entries in the registers regarding result of the cases and to enter Goshwara number in the registers.
- To prepare fresh and complete indexes of the files for consignment and to consign the same in the record room within the prescribed time.
- Maintenance and safe custody of judicial files.
- Preparation of periodical statements.
- To get files inspected under rules for the parties/counsel.
- To send record, complete in all particulars to copying agency.
- On receipt of requisition slip, send the requisitioned record to the quarters concerned.
- The Goshwara number given by the Record Officer in the challan to be entered in the Court registers, get them checked and compared by the Presiding Officer on the first working day in the months of February, May, August and November with Goshwara numbers entered in the challan in order to confirm that entries are correctly made.
- Get all the Court registers checked and signed by the Presiding Officer monthly.

GENERAL GUIDELINES FOR AHLMADS

- Submit all files fixed for next day to the Reader before lunch for preparation of cause list.
- Receive processes from the Process Serving Agency in the files fixed for next day, place them on record and affix initials with the report of processes issued and processes received with date.
- Before starting the work of the day, sort out files received from the Court, fixed for previous day.
- Divide them into four categories:
 - 1) Newly instituted
 - 2) Decided cases
 - 3) To be complied cases
 - 4) No compliance to be made
- Restore the 4th category of cases in shelves according to dates.
- To enter newly instituted cases in the relevant registers and simultaneously put the register number on each file.
- Index the files and keep them category wise.
- Take up the 3rd category of files.
- Divide them in order of priority:
 - 1) urgent compliance
 - 2) not so urgent compliance
- Render compliance priority wise.
- Restore the complied files in bundles on shelves as per dates fixed.
- Take up 2nd category of files.
- Prepare the files for consignment. Consignment to be done within 15 days of decision. Prepare certificate to be annexed with monthly statement.
- While conducting work not to allow advocates and litigant to interfere.

DO's/DON'T's

- Inspection of files be allowed strictly in his presence and supervision, after making entry in the inspection register.
- Allow advocates to make notes, which they want to take in lead pencil.
- Take charge of the files so as to guard against tampering with record.
- Not allow any file to be taken away by any Advocate or his Clerk for taking photocopies of record.
- Not to give files to PP's or APP's without permission of the Court for inspection.
- Inspection never to be allowed to Clerks of counsel.

DAILY WORKING OF AHLMADS – CHRONOLOGY

- Pick up the case records to be called for the next day from Almirahs.
- Bifurcate the records according to categories i.e remand papers fixed for service/fixed for written statement/Reply, fixed for evidence/fixed for consideration/fixed for final arguments/fixed for orders/ judgment.
- Prepare a rough list of the cases fixed for next day.
- Receive processes from the Process Serving Agency in the cases fixed for next day. Check the processes, served or unserved. Attach them with the record. Make a report of service of processes on the left margin of the running Zimni Order sheet and put initials.
- Check the file for any torn page. Check the index for updation.
- Send the peshi to the Reader of the Court by 12:00 PM preferably and in any case not later than lunch.
- Coordinate with the Reader in case of any record not tallying with the daily cause list.
- Receiving new cases from the filing section.
- Check them.
- Place them before the Reader.
- Check the copy application received from copying agency. Comply and send the record after due entry in the concerned register.
- Comply with process service application.
- Comply with application for record room.
- Comply with dockets from Appellate/Revisional Court.
- Handle the peshi of the previous day received from the court.
- Divide the files into 4 categories:
 1. New institutions
 2. Decided cases
 3. To be complied cases
 4. No compliance cases
- Restore the 4th category cases in the shelves according to dates.
- Enter the new institutions in relevant registers and simultaneously affix registration number on each file.
- Index the files and keep them with category 3 files.
- Take up category 3 files.

- Further divide them into:
 1. Urgent compliance
 2. Not so urgent compliance
- Render compliance – priority wise.
- Restore the complied files in bundles on the shelves according to dates.
- Take up category 2 files.
- Prepare files for consignment.
- Prepare certificate to be annexed with monthly statement.

ALHMAD - STEPS ON INSTITUTION OF SUIT

STEP -1

- Suit/petition/application received to be entered in institution register.
- Receipt of plaint in Court by Reader.
- Reader to examine the plaint and endorse the same with date of receipt and sign.
- Prepare list of all plaints and applications received.
- Appeals/plaints/petitions to be checked for proper stamp.
- Refer to the Presiding Officer for orders, file all pages and documents.
- Examination of plaints/petition/application by court.
- Rejection of plaint.
- Alhmad to note in institution and deposal register.
- Admission/registration of plaints.
- Plaintiff to give copies of plaint on plain paper as many as defendants.
- Copies be examined by reader and endorsed.
- Fix date for summoning.

ROLE OF AHLMAD

- Receipt of plaint by Ahlmad
- Register in – institution register no.1

ISSUE OF SUMMONS

- Summons to be issued on the prescribed printed performa to be supplied by the plaintiff duly filled in leaving date blank. (Notification dated 10.02.1982, Order 7 Rule 9 (1A) of CPC.
- Alongwith copies of the plaint to be supplied by the plaintiff equal to number of defendant.
- Process fee in lump sum to be paid (High Court correction slip- 129/113, Rules/11D4 dated 14.11.03)
- Alhmad will write the date fixed for appearance and date for the process server to return the summons to the court.
- Summons should be clear and legible
- Summons should be signed by the Presiding Officer/Official as authorized to sign and affix seal of the court on the same.
- Following foot notes to be noted on summons:
 - a) Defendant shall within 30 days from date of service be present and will file a written statement.
 - b) Service of summons to be made by delivering or tendering copy thereof to defendant in person or through authorized agent after obtaining signatures in acknowledgement.
 - c) Where defendant or agent refuses to accept service of summons or where he is absent or where defendant cannot be found despite efforts, the process server to affix the summons on the outer door or some conspicuous part of his house or place of business.
- On receipt of summons from Process Serving Agency with the report of process server, place the same on the file and give a note regarding service or otherwise against the zimni order with his signatures.
- With the record of each civil case and each criminal case in which process fee is levied, should be kept a separate sheet of parties to be term 'Diary of process fee' which should be devoted to the sole purpose of maintaining a record of process fee. This diary should be in the prescribed form.

ISSUANCE OF SUMMONS OR OTHER PROCESSES ON PERSONS RESIDING WITHIN JURISDICTION OF ANOTHER COURT.

Within jurisdiction of another court, but within same district .

- Through Process Serving Agencies located at Tehsils.
- Ahlmad to hand over summons to local Process Serving Agency, who in turn will send by post to concerned process serving agency.

Within the state or U.T but another district

- Transmit process by post straightway to the Senior Sub Judge of that district.

District in other States or U.T

- Forward summons by post to the District Judge of that District by post.
- Can also resort to dasti summons, if the court so order.

PRECAUTIONS- ISSUANCE OF PROCESS

Civil cases

- No process shall be prepared or issued until proper fee for the service thereof has been paid.
- As soon as process fee has been paid (talbana submitted by litigant), issue receipt thereof to party/pleader.
- Take the court fee label- affix the same to the diary of process fee and immediately punch the same.
- Prepare automated summons.
- Issue separate process for each person to be served.
- With their application for the issue of process, parties have the liberty to file printed forms duly filled up in accordance with the rules. The date of appearance and date of issue of process is to be left blank to be filled up by Ahlmad.
- In that case parties/pleaders shall sign the forms in the left bottom corner and will be held responsible for inaccuracy of information entered in forms.
- Ahlmad to fill up date fixed for appearance and date of issuance.
- The necessary number of printed forms of processes will be supplied to parties/pleader free of cost, on their application to Ahlmad.
- Summons to be in duplicate accompanied with copy of plaint/application.

Criminal cases

- Non cognizable cases- summons to be served through Process Serving Agency of Court.
- Cognizable cases-summons to be served through Process Serving Agency of police station.
- Summons issued for service at any place outside the local limits of jurisdiction, be ordinarily sent in duplicate to Magistrate within local limits of whose jurisdiction the person summoned resides.
- In case of urgency, permit the prosecuting agency to send summons directly to police station concerned.
- If summons have to be sent to any district, vernacular of which differs, then summon to be accompanied by translation in English.

INSTRUCTIONS REGARDING ISSUE OF SUMMONS FOR PARTICULAR CLASS OF PERSONS

Government Servants

- Issue summons in duplicate, to the head of the office in which summoned person is employed, who will cause summons to be served upon that person.

Bodies Corporate: Such As M.C, Improvement Trust Etc

- Issue summons in the name of Secretary, local Manager or Principal Officer of the body corporate.

Soldiers in Military Employment:

- Issue summons, addressed to head of the officer or head of department or officer commanding the regiment where the summoned person is serving.

Railway Officials:

- Issue summons in duplicate, to the head of the office in which summoned person is employed, who will cause summons to be served upon that person.

Police:

- To summon an officer of the police as a witness, route the summons through Superintendent of Police or in case of outpost, the Assistant or Deputy Superintendent of Police, In-charge of that outpost.

Medical Officers:

- Clearly mention on summons whether the Medical Officer concerned is being called to give evidence as an expert or to give evidence in case with which he dealt in ordinary course of his duties.
- Forward the summons to Civil Surgeon.
- Furnish complete particulars of documents required for witnesses.

SUMMONS FOR SERVICE IN FOREIGN TERRITORY THROUGH POLITICAL AGENT OR COURT (ACCORDING TO THE PROVISIONS OF O.V RULE 27 CPC)

Instructions:

(a) **Channel of correspondence:-** The summons should be forwarded in an envelope through the District Judge, with a covering letter to the High Court for transmission to the State Government, duly certified that service by post has been tried and failed and in what manner it has failed. The channel of communication within India of summonses for service in foreign countries is the State Government and the Government of India, Ministry of External Affairs. The summons should never be sent direct. An exception is made in the case of certain countries, viz., the Federation of Malaya, Iraq and Nepal to which processes may be forwarded direct by the Indian Court.

(b) **Date of returns of summons:-** In no case should a precise date be fixed in the summons or forwarding letter for the return of the service. It is impossible for a Court in India to order a date before which a foreign judicial authority must execute a request which the foreign judicial authority is under no obligation to execute at all.

A sufficiently long date however (in any case not less than four months) may be fixed for the appearance of the parties before the Court in expectation of the return of the service after making allowance (a) for the time which is bound to be taken by the various channels through which the documents have to pass, and (b) the time which should be given to the person on whom service is effected to prepare his case and attend the Court.

c) **Duplicate copies and translation:-** The covering letter, both copies of the summonses and all other documents should be prepared in duplicate and translated in English and type-written and must be checked and legibly signed by the presiding officer of the Court and should bear the seal of the Court. Where it is not possible to type them in English they should be neatly and legibly written by the presiding officer in his own hand writing. All translations should be certified to be correct.

d) **Name and addresses and translation in foreign language-** The names and addresses of the persons on whom service of summonses is desired should be neatly and legibly written and should also be given in the forwarding letter. The name and address of the Court should be legible, and its seal should also be legible and properly affixed. Summonses, notices copies of plaint and other judicial documents should be accompanied by translation in duplicate in the language of the country in which service is to be effected, at the expense of the party at whose instance summonses, etc., are issued. Where the party concerned is unable to prepare such translation a request should be made that translation be arranged by the Foreign Office.

The approximate charges for translations into certain foreign language are the same as given in paragraph 27 of Chapter 10-D, Volume I.

Similarly, request should be made that the executing officer should cause translations of all the documents sent by him to be made in English and money for this purpose should be recovered in advance from the party concerned.

(e) **Cost of translation and service:** - An amount equal to 50 per cent more than the estimated cost of effecting service and translation should be recovered from the party concerned in advance and deposited. This amount need not be sent along with the process as heretofore but should be sent when a demand is made to that effect.

(f) **Presiding Officer responsible for completion of the documents:-** The preparation of summonses must not be left to clerks. The presiding officer of the issuing Court primarily be held responsible for its accuracy and completeness in every respect before transmission to the High Court and it is the duty of the Superintendent to the District Judge to examine the summonses and its accompaniments carefully and to see that all instructions have been complied with.

(g) **Index and schedule of documents sent:-** The forwarding letter should either at the foot thereof contain a schedule of all the documents sent alongwith it or be followed immediately by an index of such documents. The first document should be a concise narrative of the action of the parties thereto and of the course to be pursued. The documents should be numbered or lettered so as to correspond with the schedule or index mentioned above.

- (h) **Copies to be certified:-** All copies should be certified by an official of the Court that they have been examined and are true copies. Such certified copies should also bear the seal of the Court.
- (i) **Stitching of papers sent:-** The forwarding letter and all its accompaniments should be on strong paper and sewn together in a parchment paper cover down the left hand side, the end of the silk, tape or thread with which they are sewn being brought out on the front cover and the ends sealed down and the binding signed and sealed by the Judge so that there is no possibility of the removal substitution or addition of any sheet without breaking the seal.
- (j) **Directions to be given in forwarding letter:-** The forwarding letter or the first annexed document should indicate clearly (a) which is the actual document (or documents) to be served, and (b) if any special method of service is desired (as opposed to a case where any method usually employed by the courts of the foreign country in question will suffice) the method of service desired: (viz., that one copy of the documents to be served should be left with the intended recipient; that a certificate of service by the process-server should be written on the copy of the documents to be served; that the recipient should be asked to sign a copy of the document served, etc., as the case may be.)
- (k) **Address:** The letter to a Foreign Court, where the proper description of the Foreign Judicial Authority in question is not known, should be addressed to the competent Judicial Authority in _____ (Name of the country concerned.)

5. Service in the State of Punjab of processes of courts outside India:-

Summonses and other processes issued by civil or revenue Courts outside India may be sent to the Courts in the territories to which Code of Civil Procedure extends and may be served as if they were summonses issued by such courts in accordance with the provisions of section 29 of the Code.

Clause (a) of the section refers to Courts in territories specified in clauses (a) to (d) of section 1(3) of the Code.

As regards clause (b), civil and revenue courts in the State of Pondicherry are only courts outside India which are continued by the authority of the Central Government outside India, vide clause (4) of the French Establishments (Administration, Order, 1954, issued under the Foreign Jurisdiction Act, 1947) (See Chapter 15.)

With reference to clause (c) the provisions of section 29 have been applied to Courts in the following countries:-

Sr. No.	Name of Country	Number and date of notification	Courts in respect of which notification has been issued
1	Singapore	S.R.O. 1233, dated 29th May, 1956	All Civil Courts
2	Ceylone	No. 247, dated 16-2-1909	Ditto
3	France	No. 852-C, dated 3-2-1913	Civil Courts
4	Spain	No. 852-C, dated 3-2-1913	Ditto
5	Belgium	No. 852-C, dated 3-2-1913	Ditto
6,	Russia	No. 852-C, dated 3-2-1913	Ditto
7	Portugal	No. 852-C, dated 3-2-1913	Ditto
8	Iraq	No.F.209-23, dated 6-6-1923	Civil and Revenue Courts
9	Kenya	No.F.811-23, dated 4-6-1924	Civil Courts
10	Egypt	No. 369, dated 31-5-1938	Mixed Courts
11	Japan	No. 1924, dated 25-11-1920	Civil Courts
12	Sweden	No.F.12/17/35, dated 20-1- 1936	Ditto
13	Persia	No.F.840/25 dated 3-5-1928	Ditto
14	Nepal	No.F.576/24 dated 15-8- 1925	Courts specified in the schedule to the notification
15	Pakistan	No. S.R.O. 1340, dated 1-9- 1951	All and Revenue Corts
16	Federation of Malaya	No. S.R.O. 223, dated 24-1- 1956	All Civil Courts
17	Sikkim	No. S.R.O. 63, dated 6-1- 1956	High Court of Sikkim in the exercise of its Civil jurisdiction. All Civil and Revenue Court

6. Special procedure in regard to some particular foreign countries is given below:-

(i) Afghanistan

Procedure with regard to particular foreign country:- There is no agency in Afghanistan for the service of summonses on witnesses issued by the Punjab Courts. It is, therefore, useless to issue such summonses.

Defendants can only be summoned under rule 25 of Order V of the Civil Procedure Code: in other words by issue of a summons direct to them by post and not through any agency.

If action under Rule 25 of Order V, fails Order V, Rule 26 does not apply for the service of such summonses in Afghanistan.

The Punjab Courts should in no case, address Afghanistan Courts or officials or the authorities in Kabul direct.

Violation of these instructions by Subordinate Judges Magistrates and members of their staff, concerned with the despatch of summonses cause much embarrassment to the Government of India.

It will be impossible to treat breaches of them with leniency even though they may have been the result of mere carelessness.

In cases of any further contravention, disciplinary action will be taken by way of stopping the increments of the official or officials concerned or otherwise as may be considered suitable.

(ii) MAURITIUS

Every process for service in the town of Mauritius shall be accompanied by a remittance of Rs 3 per person to be served. If the process is to be served in the country, a further sum at the rate of 75 cents or about two rupees per mile (to and fro) should be remitted. When documents are written in the vernacular, a sum of Rs 10 should be remitted as translation charges. But in all cases an English translation should be sent. (iii) UNITED

(iii) United States of America

Service in this country is normally done by appointing a local lawyer acting as agent for the parties. Where desired Indian Consular Officer will recommend suitable firm of local lawyers.

(iv) Kenya

Processes for service should be sent in duplicate; the copies to be identified "original" and "duplicate" and should be sealed with the Court's Seal. A Postal Order of 10 shillings for expenses of service should accompany the process.

(v) Union of South Africa

Summonses and the processes should not be sent direct to that country but should be sent as mentioned in rule 4(a).

The returnable date of the summonses or other processes should be at least six months.

The charges for service should be sent along with the summonses or other processes.

The fees ordinarily charged by the Courts in the various provinces of the Union of South Africa for the service of summonses issued by Courts in India are given below:-

Province	Fee of service	Travelling allowance (per mile or, fraction of a mile)	Radius (from Deputy Sheriff's office) within which no transport allowance allowed
Cape	5	Civil matters 1/6 Criminal" 1.	3
Orange free State	6/3	1/3 ^d	1
Natal	5	2 (for outward journey only)	1
Transval	7	1/3 ^d	3

For procedure for service in Japan, Thailand, Netherland, East Indies, Iran, Nepal, Federated Malaya States, Iraq, etc. see Chapter 10-F, Volume I.

(vi) Pakistan

1. **Service in Pakistan:-** It is provided by the proviso. to rule 25 of Order V of the Code that where a defendant resides in Pakistan, the summons, together with a copy thereof, may be sent for service on the defendant to any Court in that country (not being the High Court) having jurisdiction in the place where the defendant resides ; and further that where any such defendant is a public officer in Pakistan (not belonging to the Pakistan Military, Naval or Air Forces) or is a servant of a railway company or local authority in that Country, the summons together with a copy thereof, may be sent for service on the defendants, to such officer or authority in that country as the Central Government may, by notification in the Official Gazette, specify in this behalf.
2. **Also Central Govt. Notification S.R.O 1342 dated 1st September, 1951.**

PROCEDURE UNDER THE GUARDIANS AND WARDS ACT, 1890

- Rules made by Punjab & Haryana High Court under Section 50(1)(J) of the Guardians & Wards Act, 1890 (Volume-2, Chapter-2, Part-B, High Court Rules & Orders).
- Application for appointment of guardian of person and property of minor is received by the guardian judge.
- Enter the application in Civil miscellaneous register no. 2.
- Notice to respondent to be issued in **Form-B** (Vol-2, Chapter-2, Part-B, High Court Rules & Orders). (**Annexure-34**)
- Where guardian is appointed for property of the minor and he is directed to file accounts periodically, make entry in register no. XXVI (**Form-E**) (**Annexure-20**).
- Particulars prescribed in the register shall be entered from time to time as soon as orders are passed by the court.
- Cases be entered in the register chronologically and an alphabetical index thereof be given in the beginning of the register.
- When guardian is appointed by the Court under the Act, a certificate of guardianship in **Form-F** (Volume-2, Chapter-2, Part-B, High Court Rules & Orders) has to be granted to the guardian. (**Annexure-36**)
- Guardian so appointed shall execute a bond in **Form No.D**, (Volume No.2, Chapter-2, Part-B, High Court Rules & Orders). (**Annexure-35**)

HOW TO DEAL WITH RETURN & REJECTION OF PLAINT

Where the matter is not within the jurisdiction of the Court, the Court shall order return of the plaint to be presented before the Court of competent jurisdiction.

Role of the Reader –

- To record on the plaint under signatures of the Judge
- Date of presentation and return
- Name of the party presenting it
- Brief reasons for return

Role of Ahlmad

- To complete the index of file
- To check the documents
- Make entries in Register No. VIII
- Hand over the file to the plaintiff
- Keep a copy of the file
- Original zimini order and final order to be placed on the file to be retained
- Certified copy of the final order to accompany the original file handed over to the plaintiff.

Alternate procedure

- Where the plaintiff made an application and specified the Court in which he proposed to present his plaint after return, and prayed to the Court for fixing a date for appearance of parties in the said Court,
- The Court may fix a date for appearance of the parties in the said Court,
- In that case also the same procedure as above is to be followed,
- The Ahlmad shall forward a copy of the order to the proper Court having jurisdiction [Rule 10 (A) Order VII CPC]

REJECTION OF THE PLAINT

- The grounds on which the court rejects and plaint enshrined in order VII Rule-11 of the CPC.
- Initial procedure of institution is the same.
- On disposal, entries be made in Register No. VIII , Volume 6, Part-A(IV), HC Rules and Order
- The Ahlmad shall thereafter consign the file to record room.

REFERENCE TO ADR

In compliance with Section 89(1) CPC read with Order X-A, when pleadings are complete, where court finds an element of settlement of the dispute, the case shall be referred to any of the following Forums:

- Arbitration
- Conciliation
- Judicial Settlement / through Lok Adalat
- Mediation

On receiving Orders of the Court, Ahlmad shall,

- Step 1 :** Arrange the file sequence wise and prepare an index entering all the pleadings and documents after page making.
- Step 2:** Send the original file along with referral order to the forum concerned.
- Step 3:** Make entry in dispatch register.
- Step 4:** Keep a track that case file is received back by the court with the report, on or before the date fixed.
- Step 5:** If file is disposed of then proceed according to procedure for disposed of cases.

***Note:** in case of reference of matter to Mediation, following procedure:-*

- File received by the Ahlmad from the Court with Mediation Referral Order, with date fixed for parties to report at Mediation Cell.
- Ahlmad to send copy of the petition alongwith referral order to the Mediation Centre well before date fixed (make entry in dispatch register).
- On receipt of information from Mediator on mediated case information form, put up the same before the Presiding Officer alongwith the entire record for further orders (**Annexure-12**)

DOCUMENTARY EVIDENCE

- All documents produced by parties in the course of the suit, whether with pleadings or during evidence have to be received on the record.
- The Ahlmad has to compare the documents with the list of documents.
- If found correct, he has to sign on the list.
- Later on, he has to make a note on the list whether the document, on trial, was admitted in evidence or rejected or returned to the party concerned or impounded.
- Documents in original to be kept in safe covers to avoid damage.
- Documents which are admitted in evidence have to be placed in a strong cover. Keep separate covers for documents produced by plaintiff and defendant. Storing covers will be supplied by parties at the initial stage.

RETURN OF DOCUMENTS

Documents admitted or not admitted in evidence can be returned to the parties producing them, on the final disposal of the case.

Subject to the provisions of Order XII, Rule 9, as amended by High Court notification No. 563 –G dated 24.11.1927.

- In compliance with orders of the court, return the original document, subject to placing on record certified copy of the same.
- Make entries in Register No.XXIV, Volume-6, Part-A-IV, High Court Rules and orders. **(Annexure-19B)**
- In pending cases – application is maintainable before the court.
- In decided cases – officer in charge record room
- Other cases – Original court or Successor Court

FORGED OR DEFECTIVE DOCUMENTS

- If at any stage, it comes to the notice of Ahlmad that the document or record seems tampered, erased, interlined on suspicious.
- Make a note to that effect on the margin of zimini order with date.

PREPARATION AND ISSUE OF WARRANTS OF ARREST AND OTHER PROCESSES.

- Every warrant should be in Form-II given in Schedule-V of Cr.P.C (Annexure).
- Warrant issued under Section 90 Cr.P.C, should be in Form-VII.
- Format :
 - Person
 - Father's name
 - Caste
 - Tribe or Nationality
 - Residence
 - Place his identity beyond doubt
- Exercise great care in distinguishing summons from warrants.

HOW TO DEAL WITH CRIMINAL FILES PRESENTATION OF POLICE CHALLAN/REPORT U/S 173 CR.P.C

STEP-1

- Magistrate orders the Ahlmad to check up the documents and report.

STEP-2

- Ahlmad will examine that there are copies of police report equal to the number of accused persons.
- Report that all the documents/statements mentioned in list of documents are enclosed with police report.
- Place on the file FIR received in the Court from the police station by Illaqa Magistrate/Duty Magistrate on which Magistrate had recorded the date and time of its receipt.
- Place on the file any statement recorded under Section 164 Cr.P.C.
- Place on record any statement/dying declaration.
- Place on Court file- all remand papers, bail applications, Court proceedings, Court orders, bail orders pertaining to that FIR received from Superior Courts, bail bonds, surety bonds, Sapurdari bonds etc in case of release of case property during pendency of trial.

STEP-3

- Ahlmad shall make a report after doing the needful and will submit the file to the Court and will not hand over the file to the police officer presenting the challan in the court.

STEP-4

- Under order of the Court the Ahlmad will thereafter enter the police challan in the appropriate register kept in the Performa given in Part-B-IV of the High Court Rules & Orders, Volume-6 and mention the registration number on the challan.
- In case of private complaint, the same shall be received by the Court. The Court shall pass appropriate order of registration of the same.
- Ahlmad will register the complaint in appropriate register and place register number on the file.

ISSUANCE OF PROCESSES FOR APPEARANCE OF ACCUSED/WITNESSES.

- Where Court passes orders for issuance of process, Ahlmad shall prepare summons/warrants as per order of the Court in the prescribed form i.e. Form No.1 in the second schedule for summons and Form No.2 for warrants of arrest onailable warrants.
- Process shall be in writing in duplicate, signed by the Presiding Officer and shall bear seal of the Court.
- Summons shall be sent to Process Serving Agency and warrants shall be issued to the police for execution of process.
- Ahlmad shall make entry in dispatch register and hand over the process to Process Serving Agency or the Naib Court as the case may be after obtaining signatures in token of the receipt of their execution.
- When process received back after compliance or any report, Ahlmad shall place it on the relevant case file and make a report about compliance/non compliance on the left side of the Zimni order at least one day before the date fixed for hearing of the case.

WARRANTS FOR EXECUTION OUTSIDE JURISDICTION

- When warrant is to be executed outside local jurisdiction of the issuing Court, the warrant may be handed over to the police or forward it by post or otherwise to the Magistrate of that area within the local limits of whose jurisdiction it is to be executed.
- Forward alongwith the warrant, the substance of the complaint/FIR against the accused as may be sufficient to enable that Court whether bail should or should not be granted to the accused.

ISSUANCE OF PROCLAMATION WARRANTS UNDER SECTION 82 CR.P.C

- Issue on Form No. 4 appended to Schedule-II of Cr.P.C.
- A clear endorsement on the warrant:
 - a. It shall be publically read in some conspicuous place at the town or village in which such person ordinarily resides.
 - b. It shall be affixed at some conspicuous part of the house on homestead in which such person ordinarily resides or to some conspicuous place of such town or village.
 - c. A copy thereof shall be affixed to some conspicuous part of the Court house.
- Prepare four copies of the warrant,
 - Three to be affixed,
 - Fourth to be returned back to Court with report.
 - On the warrant, as a foot note write a direction to the serving constable to appear before the Court on a particular date to record his statement regarding execution of the warrant.

TRAFFIC POLICE CHALLAN CASES

- Step 1:** List of police challan, in duplicate, along with police challan, be presented to the Illaqa Magistrate by the police official directly.
- Step 2:** Illaqa Magistrate will endorse and direct the Ahlmad to comply.
- Step 3:** Ahlmad will receive the challans, give receipt to the police officials after checking and counting the challans comparing with List.
- Step 4:** Ahlmad shall make an entry in Register No.13 (Register of traffic cases, Volume-6, High Court Rules & Orders). **(Annexure-30)**
- Step 5:** Enter the Serial No. (as in the register), on the second copy of the list and hand over the same to police official with his (Ahlmad's) signatures.
- Caution:** In no case Ahlmad or Reader shall receive traffic challans without order of the Magistrate concerned and if any challan is found lying with the Ahlmad or Reader which has not been entered in the Traffic Challan Register, the matter has to be reported by the Magistrate to District & Sessions Judge to take action.
- Step 6:** Arrange the challans according to the dates fixed by police.
- Step 7:** Enter the challans in Disposal Register No. XI (Volume 6 Part B-IV) HC Rules and Orders. **(Annexure-30A)**
- Step 8:** Enter all challans date wise for disposal even if the accused does not appear, his challan be entered in disposal register. Notice be issued to the accused absent.
- Step 9:** Decided challans to be consigned to Record Room.

CANCELLATION/UNTRACED REPORTS

- Step 1:** Cancellation/untraced report is received by the Presiding Officer from the Naib Court through the public prosecutor.
- Step 2:** Presiding Officer shall pass an order directing the Ahlmad to register the same after checking.
- Step 3:** Ahlmad to check the same in the manner as he is to check the report u/s 173 Cr.P.C.
- Step 4:** Enter the same in separate register meant for such cases (Register No.3) Volume 6, Part B-IV. **(Annexure-27)**
- Step 5:** Cancellation/untraced report be put up before Magistrate for further proceedings.
- Step 6:** As soon as the order allowing the cancellation/untraced report is passed by the Court, the file (excluding orders passed by the Court) – shall be dispatched by the Ahlmad to the SSP/SHO/Quarters concerned as per directions issued by the Court alongwith copy of the last order passed by the Court.
- Step 7:** Make an entry thereof in the dispatch register and hand over to the Naib Court against proper receipt for delivery to the quarter concerned.
- Step 8:** The Naib Court will bring a receipt from the quarters concerned and the same shall be placed on the record by the Ahlmad.
- Note:** In some cases, Court issues notice to the complainant before passing final order. In all those cases, the cancellation/untraced report shall be entered in the cause list on the date of hearing and on each date proceedings shall be recorded on the file and action shall be taken by Ahlmad in accordance with orders passed by the Court.
- Step 9:** After the pronouncement of the final order, the judicial papers shall be consigned to record room.

PROCEDURE REGARDING RE-ARREST OF CASES OF APPEALS IN HIGH COURT

In certain cases where accused is acquitted by the trial Court, the appeal is admitted or decided.

The High Court, at times, passes orders that accused be re-arrested and produced before the Court.

In all those matters, Ahlmad will put up the orders received from the High Court before the Court and receive further directions from the Court.

Issue and enter the re-arrest warrants in **Register No.XVI** (Volume 6, Part BV, HC Rules and Orders). (**Annexure-32**)

Send the warrants to P.S. concerned for execution.

Similar action may be required where convict files appeal against conviction, where convict on bail is not present before High Court, where appeal is dismissed, re-arrest warrants are to be issued.

When such convict is produced before the CJM, sentence warrant has to be prepared.

The Hon'ble High Court has been informed on the completion of the process.

The bail bonds and surety bonds, if any, executed by the accused/ convict before CJM, shall be forwarded to High Court for being placed on the record of appeal file.

COMMITMENT OF CASES

Duties of Ahlmad in compliance with order of commitment

- Step-1:** Receive the file with the order of the Presiding Officer for commitment of the case.
- Step-2:** Arrange the file in accordance with instructions contained in Vol.-4, Chapter 16, Part-E, High Court Rules & Orders.
- Step-3:** Attach statements u/s 164 of the Cr.P.C/Dying declarations, if any lying separately.
- Step-4:** Prepare index of the file.
- Step-5:** Check for any unsigned exhibits on documents/statements.
- Step-6:** Prepare Calendar (**Annexure-46**)
- Step-7:** Issue notice to the Public Prosecutor regarding commitment on Form **No.31**, Schedule-2, Cr.P.C.
- Step-8:** Make entry in Register No.1 in Column No.14 & 18.

FORM No. 31

XXXI- NOTICE OF COMMITMENT BY MAGISTRATE TO PUBLIC PROSECUTOR (See section 209)

The Magistrate of hereby gives notice that he has committed one for trial at the next Sessions; and the Magistrate hereby instructs the Public Prosecutor to conduct the prosecution of the said case.

The charge against the accused is that, etc. (state the offence as in the charge).
Dated, this ... day of ... , 20...

(Seal of the Court)

(Signature),

- Step-9:** Prepare letter reporting committal of the case to the Sessions on Form No.144, Volume-6 Part-B-III, HC Rules & Orders (**Annexure-47**)
- Step-10:** Make necessary entries in desptach register and transmit the file to the Court of Sessions.
- Step-11:** Comply with the directions contained in the Chapter of transmission of record.

PROCEDURE TO BE FOLLOWED BY AHLMAD OF THE COURT OF SESSIONS ON RECEIPT OF THE CASE BY COMMITMENT

- Step-1:** Check the file and tally with index.
- Step-2:** Put up the file before the Presiding Officer who shall order registration of the case.
- Step-3:** On receipt of the record with orders of the Presiding Officer to register the same, make entries in register no.5. **(Annexure-28)**
- Step-4:** Prepare fresh index for Sessions trial
- Step-5:** Proceed with the matter as fresh institution and comply with the orders time to time.

DEATH REFERENCE TO THE HIGH COURT

Documents to be forwarded to High Court when sentence requires confirmation- If the sentence is one, which has to be referred to the High Court for confirmation, under section 374 of the Court of Criminal Procedure, the record of the Court of Session, with the exception of the final judgment, should be submitted in original. In addition to the typewritten copy of the judgment which takes the place of the original (retained in the Court of Session) two extra type-written copies will be forwarded for use in the High Court together with type-written copies of the following documents on the Sessions record:—

- (1) First report at police station (if any).
- (2) Inquest Report;
- (3) Statement under section 364, Criminal Procedure Code;
- (4) Examination under section 364 by the Magistrate;
- (5) Magistrate's charge-sheet;
- (6) Record of evidence in Court of Session with any further examination under section 364, Criminal Procedure Code, and altered charge, if any;
- (7) Material documentary evidence, if any;
- (8) Record of verdict of the jury, if any.

Note.- Photographs and italics should be treated as “documentary evidence” and should be marked with letters like other documents, and should always be sent to the High Court.

Note 2- One of the copies of the record to be forwarded unduly this rule should be authenticated in the manner laid down in rule 7 of Chapter-25G.

Rule 7- Typewritten copies of record and judgment to be sent to High Court-

Whenever the appeal of a person, convicted by a Court of Sessions is forwarded to the High Court, particular care should be taken to see that the petition of appeal is accompanied by a typewritten copy, in English, of the whole proceedings of the Sessions trial. When the sentence is one of the death or imprisonment for life, two typewritten copies of the record should be sent.

Reference to High Court should be in prescribed form-

The copy of the final judgment should be signed by the Sessions Judge himself, and not by the Superintendent or other office of the Court on his behalf, as certifying such copy to be a true copy. The reference to the High Court for confirmation of the death sentence should be made in the prescribed form.

APPEAL IN CRIMINAL CASES

The Law and procedure of filing criminal appeals is contained in Section 372- 394 of Cr.P.C.

Appeal is filed before Appellate Court either against conviction by the convict or against acquittal by the state.

Appeal against conviction

- Step-1:** Appeal filed fresh institution, checked by reader, necessary orders passed by the court.
- Step-2:** If sentence is suspended, bail bonds are to be furnished by the convict before the court.
- Step-3:** Ahlmad shall forthwith issue release warrants.
- Step-4:** Enter the same in dispatch register, hand over the release warrant with due promptitude to the Naib Court for onward transmission to jail.
- Step-5:** Personal bond to be executed by the accused/ convict in jail, shall be returned to the court. On receipt Ahlmad shall place the same on the record with bail bonds.

Where appeals not dismissed summarily and admitted for hearing -

Notice of time and place of hearing to be issued to following:

2. Appellant or to his pleaders.
3. Such officer as the State Government may appoint in this behalf (prosecutor).
4. If appeal is from a judgment of conviction in a case instituted on a complaint, then to the complainant.
5. If appeal is under Section 377 or Section 378 Cr.P.C., then to the accused.
6. Notice should accompany copy of the grounds of appeal.

When appeal is finally decided Ahlmad shall comply with final order of the court.

He shall

1. Enter Column no-7 of Register no.VI (**annexure-29**)
2. Prepare release warrant and send to jail.
3. Reduction of sentence warrant and send to jail.

- File of Trial Court shall be returned to the same quarters from which it was requisitioned along with copy of judgment in appeal (make entries in dispatch register).
- Appeal file shall be consigned to record room.

Procedure where bail bonds forfeited – Section 446 Cr.P.C.

Step-1: When any accused on bail during trial of case has jumped the bail, his bail is cancelled and his personal bond and surety bonds are forfeited to the state by the Court. The Ahlmad shall thereupon open a new file containing the bail orders, personal bonds and surety bonds, executed by the accused and surety along with orders of the court forfeiting the bail bond. The Ahlmad shall enter this file in the relevant **Register no.III (annexure 27)** and assign the file number on the said file.

Step-2: When the court passes an order for the recovery of the bail bond amount as fine, the Reader shall immediately make an entry of the said amount recoverable as fine, in his fine Register and get it attested from the court. Thereafter the Ahlmad shall issue process for the recovery of penalty amount as fine and continue to issue the process till the same is recovered from the defaulters.

Step-3: If the penalty is not paid and it cannot be recovered although repeated processes were issued, the person so bound as surety is liable to imprisonment to civil jail for a term, which may extend to 6 months under the orders of the court, which passed orders for the recovery of penalty. As soon as it is found that penalty has not been recovered although repeated processes were issued, the Ahlmad shall submit the file in the court by making its entry in the court list with the report that the penalty has not been paid and for taking further action under Section 446 (2) of Cr.P.C. for imprisonment of the surety.

SERVICE OF PROCESSES

Summons to defendant

- a. Ordinary summons
- b. Summons for final disposal

Ordinary summons

- To be issued for settlement of issues. Mention that written statement of defendant to be filed within 30 days from the date of service.

Final disposal summons

- Should be printed on coloured paper to distinguish from ordinary summons shall be assigned serial number and proper record of movement of such summons shall be maintained from time of issuance till receipt back.
- Summons should be clear and legible.
- Signed by Presiding Officer or person authorized by Presiding Officer such as Suptt., COC, Reader.
- Signature to be fully and legibly written.
- Seal of court must be affixed.
- Copy of plaint to be attached to each summons.
- Reference to provision of Section 27, 28, 29, 143, Order III Rule 3, 5 & 6, Order-V Rule 9 to 30, Order VI Rule 14A, Order XXVII Rule 4, Order XXVIII Rule 3, Order XXIX Rule 2, Order XXX Rule 3, Order XLI Rule 14, Order XLVIII Rule 1,2 & 3 of CPC.

PART C

CANCELLATION OF COURT-FEE STAMPS ***Rules made by the High Court for regulating the*** ***cancellation of Court-fee Stamps***

RULES

1. Cases when cancellation of Court-fee is to be effected- The cancellation of court-fee stamps shall be effected-

- (a) When a document bearing a court-fee stamp is received by a court competent to receive the same;
- (b) When a court-fee stamp is paid in on account of process-fee;
- (c) When a court-fee stamp is affixed to a document issued by any court or office;
- (d) When the record of a case in which court-fee stamps have been filed is finally made over to the Record keeper for safe custody.

2. Mode of Cancellation of stamps on documents received by a court or received on account of process fee-

Steps to be followed by the Ahlmad/Officer appointed by the Court.

- Step-1:** Court-fee stamps falling under clauses (a) and (b) of the foregoing rule shall be cancelled immediately on receipt of the document or stamp, by punching on the stamps with a round punch so as to deface them.
- Step-2:** Affix your signature and date across each label in durable ink so that the signature crosses over the punched stamp.
- Step-3:** with regard to stamps on documents falling under Clause (C), cancel the stamps by punching out a portion of the label in such a manner as to remove neither the figure head nor the part of the label on which its value is expressed.

As additional precaution right your signatures across the label and upon the paper on either side of it.

Step-4: Certificate:-

Whenever the custody of the court containing court fee stamps is transferred from one official to another before final disposal, the receiving officer shall examine the court fee stamps in the record and either certify on the index of the papers that they are complete, or immediately bring to notice any deficiency as the case may require.

INDEXING OF PAPERS, CONSIGNMENT AND CHECKING OF RECORD

Pending Cases

- Each civil and criminal record should have prefixed to it an index of its contents and such index should be in the prescribed form.
- Each paper admitted on the record be entered on the index on the same day of admission of the papers.
- Documents which are admitted in evidence should be placed in strong covers, one used for documents produced by plaintiff and the other for documents produced by the defendant. (HC Rules and Orders Vol.IV, Chapter-19A)
- Where document produced in the course of hearing of a case, it shall be the duty of reader to enter the same himself in the index or have it entered by Ahlmad in his presence in the index before sending back the record to Ahlmad.
- Documents such as will/pronote/cheques etc shall be shown in red ink in the index.
- The party producing the document is to provide a strong cloth lined cover, alongwith photocopy of the document.
- The cloth lined cover to be sealed.

Decided Cases

- Arrange the record in columns/Nathis as prescribed in the next chapter, which is in accordance with directions contained in High Court Rules and Order, thereafter, page number the parts separately (Part-A, Part-A (i) and Part-B).
- For each part (Nathi) there shall be a separate index.
- The index on Part-A will show all the papers which were originally on the record.
- The index on Part-A (i) and Part-B will only show those papers which are transferred to those parts.
- When any paper is transferred to Part-A(i) or Part-B, an entry should be made in the remarks column of the index of Part-A showing the part to which the paper has been transferred.
- Enter in red ink, the words 'Not to be destroyed' in the remarks column of the index of part-A of the record against any paper which is to be preserved under Rule 17 or Part-F of Vol. 4, Chapter-16, Part-A High Court Rules & Orders.
- Attach certificate at the foot of the index, duly signed by Ahlmad.
- Make over the record to the record department.

ARRANGEMENT OF CERTAIN RECORDS (NATHIS)

The following Civil Records shall be arranged in three part A, A(i) and B, namely, those of –

- 1) Suits involving the title to immovable property as defined in section 3, clause 25, of the General Clauses Act, 1897, other than suits for arrears of rent, or for a share in the produce, when the right is not disputed and only the amount is contested;
- 2) suits relating to succession to an office, or to establish or set aside an adoption, or otherwise determine the status of an individual, and all suits relating to trusts or religious endowments;
- 3) Proceedings under the Indian Succession Act, 1925 and under the repealed Acts entered in Schedule 9 of that Act;
- 4) Proceedings under the Indian Divorce Act, 1869.

Part A shall contain the following papers:-

- 1) The index of papers.
- 2) The order sheet or chronological abstract of order.
- 3) The plaint together with any schedule annexed thereto.

Note: *In miscellaneous cases the petition or written application of the party setting the Court in motion will take the place of the plaint.*

- 4) The written statements and pleadings of the parties
- 5) The memorandum of issues with amended or additional issues, if any.
- 6) All depositions of witnesses.
- 7) All documents received by the Court during the trial, as evidence between the parties other than copies of Civil, Revenue or Municipal records.
- 8) Commissions, proceedings held thereunder, and reports of Commissioners.
- 9) Applications referred to arbitration, the award or other final return of the arbitrators, with the proceedings, depositions and documents submitted therewith and any application to set aside the award with the Court's orders thereon.
- 10) Instruments of withdrawal, compromise or confession of judgment.
- 11) The Judgment or other final order.
- 12) The decree and all documents relating to the preparation or amendment thereof.
- 13) All notes in the handwriting of the Judge.

- 14) Any order by the Court accepting an application for review of judgment or for a new trial.
- 15) Judgments and decrees of Appellate Courts, if any. Vol.IV 4 Ch. 16-F.
- 16) All orders passed in execution proceedings with applications, objections, writs of which service has been effected, notices, reports and returns relating thereto.
- 17) All receipts and acknowledgements filed in execution proceedings.
- 18) Processes by which service is effected on the defendants in civil suits decided ex parte.
- 19) Powers of attorney of Counsel or agents of parties.

Part A (i) shall contain the following papers:-

- 1) Copies of Civil, Revenue and municipal record received by the Court during the trial as evidence between the parties.
- 2) Applications of parties who are strangers to the suit with the Court's orders thereon.
- 3) Reports furnished by the Record Department.
- 4) Orders of arrest or attachment before judgment with all documents relating thereto.
- 5) Applications for review of judgment or for a new trial, with the Court's orders thereon, other than orders accepting such applications.

Part B shall consist of all papers not included in Parts A and A(i).

4. Records to be divided into two parts- A and B.- All other Civil records and all Criminal records shall be arranged in two parts –A and B.

5. Papers included in parts- A and B of civil record- In the case of such other Civil Records Part A shall contain the following Paper:-

- (a)** In original cases, other than those to which Rule 3 applies, heard by any Court other than a Court of Small Causes.

Those papers specified in Rule 3 as contained in Parts A and A (i).

(b) In cases heard by a Court of Small Causes-

- 1) The index of papers.
- 2) The order sheet or chronological abstract of orders.
- 3) The plaint with the papers annexed thereto.
- 4) Any cross-claim set up by the defendant by way of set-off.

- 5) All documents received by the Court during the trial as evidence between the parties.
- 6) Any award of arbitrators, or deed of withdrawal, compromise or confession of judgment.
- 7) The judgment or other final order.
- 8) The decree.
- 9) All notes in the handwriting of the Judge.
- 10) Any application for review of judgment, or for a new trial, with the Court's orders thereon.
- 11) Any order passed by the High Court as a Court of reference or revision. Papers included in parts- A and B of civil record. Vol.IV 6 Ch. 16-F
- 12) All orders passed in execution proceedings with all applications, writs of which service has been affected, notices, reports and returns relating thereto.
- 13) All receipts and acknowledgements filed in execution proceedings.
- 14) Written statements of parties.
- 15) Processes by which service is effected on the defendants in suits decided *ex parte*.
- 16) Powers of attorney of Counsel or agents of parties.

(c) In appeal cases—

- 1) The index of papers.
- 2) The order sheet or chronological abstract of orders.
- 3) The petition of appeal.
- 4) Copies of judgments and decrees of Lower Courts.
- 5) Any cross-objection filed by the respondent under Order XLI Rule 22, of the Code of Civil Procedure.
- 6) Issues referred for trial by the Appellate Court, with the evidence and findings thereon.
- 7) Commissioner's proceedings held thereunder, and reports of Commissioners.
- 8) Any additional evidence, oral or documentary admitted by the Appellate Court under Order XLI, rule 27 of the CPC, Vol.IV 7 Ch. 16-F.
- 9) Application to the Appellate Court to refer to arbitration, references, the award or other final return of the arbitration with the proceedings, depositions and documents submitted therewith and any applications to set aside the award, with the Court's orders thereon.

- 10) Deeds of withdrawal, compromise or confession of judgment.
- 11) The judgment or other final order.
- 12) The decree of the Appellate Court.
- 13) All notes in the handwriting of the judge.
- 14) Applications for review of judgment, with the Court's orders thereon.
- 15) Any judgment and decree of a superior Court of appeal.
- 16) Powers of attorney of Counsel or agents of parties.

Part B shall consist of all papers not included in Part A.

6. Papers included in parts-A and B of Criminal record- In the case of criminal records Part A shall contain the papers noted below:-

(a) In original cases tried by a Court of Session-

- 1) The index of papers.
- 2) The order sheet or chronological abstract of order
- 3) The charge, original and as amended by the Sessions Judge. Papers included in parts-A and B of Criminal record. Vol.IV 8 Ch. 16-F
- 4) All depositions of witnesses and statements of accused persons, including depositions and statements transferred from the file of the Committing Magistrate.
- 5) All documentary evidence.
- 6) The final order.
- 7) The verdict of the jury.
- 8) All notes in the handwriting of the Judge.
- 9) The judgment or order of the High Court as a Court of appeal, reference or revision.
- 10) Warrants returned after execution of sentence.
- 11) All proceedings relating to the realization of fines.

(b) In Magisterial inquiries and trials-

- 1) The index of papers.
- 2) The order sheet or chronological abstract of orders.
- 3) The final Police report (Chalan), or petition of complaint.
- 4) All depositions of witnesses and statements of accused persons.
- 5) All documentary evidence.
- 6) The charge, where a formal charge is drawn up.
- 7) The final order of the Court. Vol.IV 9 Ch. 16-F

- 8) All notes in the handwriting of the Magistrate.
- 9) The judgment of the Appellate Court, if any.
- 10) The judgment of the High Court in revision, if any.
- 11) Warrants returned after execution of sentence.
- 12) All proceedings relating to the realization of fines.
- 13) Bonds for good behavior taken under section 110 of the Code of Criminal Procedure.

(C) In appeal cases-

- 1) The index of papers.
- 2) The order sheet or chronological abstract of orders.
- 3) The petition of appeal.
- 4) Copy of the judgment of the Lower Court.
- 5) Any additional evidence taken under section 428 of the Code of Criminal Procedure.
- 6) The final order of the Court.
- 7) All notes in the handwriting of the Judge.

Part B shall consist of all papers not included in Part A.

CONSIGNING RECORDS TO THE RECORD ROOM.

- Records of cases decided by all criminal and civil Courts excepting those courts which have separate record-rooms of their own (e.g., the Courts of District and Sessions Judges and Courts of small causes at Amritsar) are consigned to the District Record Room under the control of the Deputy Commissioner.

Note-1- Records of Small Causes Court- The records of a suit decided by a Sub-Judge in exercise of the powers of a Judge or Registrar which have been specially conferred, or of a Judge or Registrar of a court of Small Causes in exercise of the powers of a Sub-Judge, are consigned to the record of the Deputy Commissioner.

Note-2- Insolvency and Guardianship- Records of cases under the Guardians and Wards Act and the Provincial Insolvency Act decided by a Sub-Judge specially empowered in this behalf, are consigned to the record room of the Deputy Commissioner.

Note-3- Records of a civil appeal or revision decided by a Sub-Judge specially empowered- Records of Civil Appeals and Civil Revisions decided by a Sub-Judge specially empowered, are consigned to the record room of the District Judge except in the districts which are not the headquarters of a District Judge where they are consigned to the record room of the Deputy Commissioner.

Instructions for Civil and Criminal Courts-

While sending records for consignment to the District Record Room under the control of the Deputy Commissioner, shall comply with the following instructions:-

- (i) In the case of courts at headquarters of districts, a challan in duplicate in form given hereinafter, alongwith the court registers, duly completed, will accompany the records. The court registers will be immediately returned after being signed by the Record Room Clerk receiving the records. One copy of the challan will be returned later, after entry of Goshwara number with date against each record and signature in full of the Record Room Clerk. The other copy of the challan will be retained by Record Room staff.
- (ii) In the case of outlying courts, the challan will be prepared in triplicate and sent to the District Record Room along with the records sought to be consigned. The Record Room Clerk will acknowledge receipt of the

CUSTODY OF RECORD- HANDING OVER CHARGE

HC Rules and Orders Volume-4, Chapter 16 Part-D.

Following are the designated record custodians.

- | | | |
|---|---|--|
| <ul style="list-style-type: none"> • Courts of District & Sessions Judge
Addl. District & Sessions Judge | } | Ahlmad
Record Keeper |
| <ul style="list-style-type: none"> • Civil Judge (Sr. Divn.)
Civil Judges | } | Ahlmad
Execution Moharir
Guardian Moharir
Reader |
| <ul style="list-style-type: none"> • Small Cause Court | } | Ahlmad
Naib Sheriff incharge of
Execution work
Insolvency Clerk |
-
- When any official named in Rule-1 having custody of pending judicial records is transferred to another office permanently, or proceeds on leave for a period of two months or more> make over full and complete charge of the records in his complete custody>to the officer relieving him.
 - Relieving officer- to check all record, leaf by leaf, with indices, see that no document is missing, sign a certificate to that effect
 - Record checked
 - Received documents mentioned in indices
 - No document found missing or lost
 - When official incharge proceeds a leave for a period of less than 2 months or temporarily transferred.
 - Segregate the records which are to come up for hearing on dates of his absence.
 - Hand over charge of same to relieving official.
 - Follow the same procedure as on transfer
 - Remaining record to be locked up, the key of the lock to be in the custody of Presiding Officer.
 - Presiding Officer appoint temporary custodian- who has to check the record under supervision of Presiding Officer take temporary custody of the same.

TRANSMISSION OF JUDICIAL RECORD

PROCEDURE FOR THE AHLMAD OF THE COURT TRANSMITTING THE RECORD. (Vol-4 Chapter-16, Part-B)

- Prepare list of records transmitted in duplicate, in vernacular in the prescribed form.
- Send list alongwith files.
- This list will be in addition to the regular index of papers attached to each record.
- Signature of the dispatcher in column-9 will, in the absence of report to the contrary, operates as certificate that the record is complete according to the index.
- All records transmitted from one office to another, except in the case of record transmitted to or from Tehsil be sent under cover or an English docket. In which indication must given of the number and date of requisition and the class of number of the case in the court for which the records are being transmitted.
- In transmitting record of an original court to appellate court, where there are duplicate records in English and vernacular, one part should be sent to the appellate court at one time and the other part separately thereafter.

PROCEDURE FOR AHLMAD/OFFICIAL OF THE RECEIVING QUARTER-

- On receipt of transmitted record, check the list attached with the record.
- If the list is correct, note the date of receipt of the record in the appropriate column of both copies and signed the entry.
- If list is incorrect, make note to that effect and forthwith report the fact to the head of the office for order.
- One copy of the list be returned to the dispatching office immediately after examination, with intimation that the papers received are correct or if incorrect, with a note of objection.
- A similar note of receipts etc should be made in column no.11 by each succeeding official into whose hands the record pass.

- When the records are no longer required, the second copy of the list will be returned with the records to the office which they were received.

List of files issued

In the court of _____ Dated _____

Number of file in issue register	Record room no. of file	Name of parties	Description of case	Date fixed for hearing	Date on which the file left the record-room	Verification of Ahlmad of Court.
1	2	3	4	5	6	7

PREPARATION OF AND MAINTENANCE OF RECORD BY AHLMAD

- Ahlmad is a Class-C employee of the organization and member of Ministerial Staff attached to Civil Judges and District Judges.

Role

- To have the custody of cases instituted in the respective court.
- To look after the maintenance of the case.
- To do work on the cases as per procedural laws and duties assigned by head of the organization and the Presiding Officer of the Court.
- To render compliance with the order of Presiding Officer on the case files.
- Overall custodian of the docket of the Court.

REGISTERS

General instructions for maintenance of registers:- derived from Chapter-24 Vol. 4 of Punjab & Haryana High Court Rules and Orders.

- All prescribed registers are to be obtained from controller of printing and stationary, Punjab at Chandigarh.
- Indents are to be submitted by the District & Sessions Judge in accordance with the instructions laid down in Punjab Printing and Stationary Manual.
- If any officer desire to suggest alteration of prescribed register, he should address the District & Sessions Judge and not the controller.
- Heading (Peshanis) an each register in English as well as Urdu are to be maintained in English except where Presiding Officer of the Court permits-maintenance in Urdu.
- Presiding Officer ultimately responsible for correct and regular maintenance of registers.

COMMON MISTAKES IN MAINTENANCE OF REGISTERS

- Many registers have no peshanis or headings at all.
- Many registers have torn peshanis.
- Entries are made in running order across several columns. Each column is to be filled within its bounds.
- Entries do not follow the column headings.
- Entries are confusing.
- Entries partly in English partly in Urdu.
- Cancelled entries do not bear initials.
- Persian terms such as 'raqums' are used instead of English 'numerical'.
- Entries made in Pencil are objectionable.
- Separate serial number not given for each Calendar year as against the requirement to start fresh serial numbers with each starting year.
- Sometimes serial number is changed with change of register number where as serial number should change only with change of year.
- Column of order of the court 'not properly maintained'. Entries such as are in complete. Crux of the order passed by the court is to be mention in this column to show how the case was disposed of.
- Register with columns mentioning name of the judge, should have full name of the judge. Entries such as 'Lala Sahib' or 'Sardar Sahib' are meaningless.
- All civil and criminal registers are to be consigned to the record room to which judicial files are consigned, to be destroyed under supervision of the record keeper in accordance with Chapter-16-F, Vol. 4, High Court Rules and Orders.
- Officials will remain responsible for custody of old volumes of registers maintained by them/their predecessor till they are consigned to the record room.

CIVIL REGISTERS

Vol-6, Part-A-IV

High Court Rules & Orders

**REGISTERS MAINTAINED BY ALHMAD
COURT OF CIVIL JUDGE/JUDICIAL MAGISTRATE
COURT OF DISTRICT & SESSIONS JUDGE**

REGISTER NO-1

Register of Civil Suits (Annexure-1)

To be maintained:-

- In Court of Civil Judge
- By Ahlmad
- Peshanis (Annexure-1)

Guidelines:-

- a) Separate register to be opened in each court.
 - b) Serial number _____ of the suit
 - c) If suit is restored after dismissal in default, give it original number and old number to be noted in red ink under serial number at which case is re-entered in the register that will be the number of the suit for all intents and purposes.
 - d) Simultaneously, in the remarks column of old/original entry, the serial number at which case is re-entered after remand/restoration has to be noted.
- Column no.3 and 4 – ‘description’ which includes
 - a) Parentage
 - b) Caste
 - c) Residence
 - d) Where multiple parties of all
 - Column no.5 – ‘Particulars’ description of suit according to the categories mentioned in columns of District Statement no.2 and also mention the number of column as per **annexure-2**.
 - Column no.6 – classifications.
See District statement No.X (**annexure-3**).
Write the classifications as per the columns in annexure (3).
 - Colum no.7 - write value for the purpose of jurisdiction (not court fee) as mentioned in the plaint.

- Column no.9 – State briefly, the purpose for which suit is fixed i.e. “appearance of” “plaintiff evidence” etc.
- Column no.14 – to be maintained after disposal of any modification, appeal/review/revision/amendment of decree etc and by which court.
- Column no.20 – also write the number at which suit is entered in record register and thereafter, it is consigned to record room.
- Column no.16 ‘date of application’ – mentioned the date of presentation and date of registration.
- Column no.10 – terms of the decree passed a compromise should always be entered in detail. Mere note “decreed as compromised” not sufficient.

REGISTER NO.II

Register of Miscellaneous suits, cognizable only by a Principal Court of original jurisdiction.

To be maintained:-

- In Court of District Judge.
- Court of Sub Judge/Civil Judges – who empowered.
- Cases cognizable by principal Court of original jurisdiction for which no special request is prescribed i.e. application relating to minors etc.
- Peshanis – (**Annexure-4**)

Note:

- Column no.3 & 4 'description' includes – parentage, Caste, residence, multiple parties of all.

REGISTER NO.III
REGISTER OF DIVORCE AND MATRIMONIAL CASES

For cases of Special Marriage Act, Hindu Marriage Act, Indian Divorce Act etc.

To be maintained:-

- In Court of District Judge/Addl. District Judge.
- By Alhmad.
- Peshanis (**See annexure-5**)

Note:

- Column no.3 & 4 'description' includes – parentage, Caste, residence, multiple parties of all, if more than one petitioner/respondent – description of only one.
- Column no.7 & 8- State 'purpose' briefly, total duration of the cases in days and every purpose be noted in red ink.
- Column no.12 – note the number at which case entered in record keeper's register after consignment.

REGISTER NO.IV

Register of Cases under Land Acquisition Act

To be maintained:

- In Court of District Judge
- By the Ahlmad
- Peshanis (**See annexure-6**)

Note:

- 'Description' includes – parentage, Caste, residence, multiple parties of all.
- Column no.10 – terms of the decree passed a compromise should always be entered in detail. Mere note “decreed as compromised” not sufficient.

REGISTER NO.V

Register of Probates, Letters of Administration and Succession Certificates

To be maintained:

- In Court of District Judge.
- Court of Sub Judge where empowered.
- by Ahlmad
- Peshanis (**See annexure-7**)
- Thus register may be maintained as a subsidiary to register no.II and as a part of the same, if convenient.

REGISTER NO.VI

Register of Miscellaneous petitions and applications.

To be maintained:

- In all the Civil Courts
- By Ahlmad
- Peshanis – (**See annexure-8**)

Note:

- All miscellaneous applications/petitions be filed in the course of a suit.
- Column no.3 & 4 'description' includes – parentage, Caste, residence, multiple parties of all.
- If parties are multiple, write the name of one petitioner/respondent.
- Column no.15 – number at which case is entered in the Record Keeper's register after consignment to record room.

REGISTER NO.VII

Register of applications to sue and appeal as a paupers.

To be maintained:

- In all the Civil Courts/District Judge/Additional District Judge
- By Ahlmad
- Peshanis – (See annexure-9)

REGISTER NO.IX

Register of dates fixed for trial of original suits, appeals and execution of decrees.

To be maintained:

- In Courts of District Judge/Additional District Judge and Civil Courts.
- By Alhmad in Civil Judges Court
- By Reader in District Judges Court
- Peshanis (**See annexure-11**)

Note:

- In column no.4 – in case of multiple plaintiff/defendant, write the name of one each plaintiff/defendant.
- Column no.7- extract of work done and date- e.g. issues framed/witnesses/etc
- If number of appeals, execution is large, maintain separate registers for suits/appeals/executions.

REGISTER NO.XIII

Register of appeals from decrees.

To be maintained in:

- Courts invested with appellate powers
- Ahlmad of that Court
- Peshanis (**see annexure-16**)

Note:

- When memo of appeal is admitted, the Court will endorse on the same date of presentation then register the appeal in this register and Court will render compliance with Order XL1 Rule 9 of Act V of 1908.

REGISTER NO.XIV

Register of miscellaneous appeals (appeals against orders)

To be maintained in:

- Courts invested with appellate powers
- Alhmad of that court
- Peshanis (**see annexure-17**)
- All appeals from orders, which do not appears in register no.XIII.

REGISTER NO.XVI

Register of JD's imprisoned in execution of decrees.

To be maintained in:

- All civil courts
- By Alhmad
- Peshanis (**see annexure-18**)

Note:

- Mention complete particular in Column no.10.
- Reason for release must be noted invariably in Column no.13.

REGISTER NO.XXI-B

Register of Commissions issued to special Qanungo.

To be maintained in:

- All civil courts
- Alhmad
- Annexure-**19A** (at page 176 Vol. I, High Court Rules and Orders)

REGISTER NO.XXV

Register of deposits and refund of commission on sale proceeds in execution proceedings.

To be maintained in:

- Court of District Judge/Addl. District Judge
- by Reader
- All other Civil Courts
- by Alhmad
- Peshanis (**See annexure-19**)

REGISTER NO.XXVI

Register relating to the property of minors and annual accounts of their estates.

To be maintained in:

- District Judge
- by Reader
- Sub Judge when empowered
- by Ahlmad
- Peshanis (**See annexure-20**, page 664, High Court Rules & Orders -Vol.2)
- Refer to Chapter-2B, Volume-2, High Court Rules & Orders.
- Guardian and Wards Act, 1890.
- Rules framed by Punjab & Haryana High Court, under Section 50(1) (1) of Guardian & Wards Act, 1890.

Rules 7 says-

- Every application under Guardian & Wards Act to be registered in register no.2.
- Where guardian of property is appointed.
- He is directed to file accounts periodically.
- It shall be entered in this register.
- Particulars to be entered in the register from time to time as and when received.
- Cases should be entered chronologically.
- Prepare alphabetical index in the beginning of register.

REGISTER NO.XXVIII

Register of applications under Section 31 of the Punjab Relief of Indebtedness Act, 1934.

To be maintained in:

- All Civil Courts
- Alhmad of Civil Judges
- Peshanis (**See annexure-21**)

REGISTER NO.XXXII

Register of appeals under the Muslim Personal Law (Shariat) Application Act, 1937

To be maintained in:

- Court of District Judge
- By Alhmad
- Peshanis (**See Annexure-22**)

REGISTER NO.XXXIII

Register showing decrees transferred to other courts and vice-versa

To be maintained in:

- All Civil Courts
- By Alhmad/Execution Clerk
- Peshanis (**See annexure-23**)

REGISTER NO.XXXIV

Register for application for Revision under Section 65 of Punjab Gram Panchayat Act, 1952.

To be maintained in:

- Court of District Judge or any other Court with delegated powers.
- Reader/Alhmad – as per discretion of court
- Peshanis – (**See annexure-24**)

CRIMINAL REGISTERS
Vol-6, Part-B-IV
High Court Rules & Orders

REGISTER NO.I

*Register of Cases Under Indian Penal Code
Substituted by Punjab Correction Slip No.9 dated 27.03.91*

To be maintained:

- In Court of all Magistrates
- By Ahlmad
- Peshanis (**Annexure-25**)

Guidelines:-

1. A Separate note may be made to show how many of the persons entered in Column 7 were arrested by the police and how many were arrested by other agencies (e.g.) Forest or Excise Officers. Private persons etc.
2. Date of institution means' date of appearance in the Court of the accused.
 - I. In this register should be entered all cases under the IPC sent up for trial by the police or entertained by the Magistrates on complaint preferred directly to themselves.
 - II. Appealable cases should always be marked as such.
 - III. Column 15 should mention the "Head of Crime" applicable as given in the police statement A, Part-B-V of the Rules and Orders volume VI-B.

REGISTER NO.I

Register of Cognizable And Non-cognizable Offences Instituted on Complaint or on Magistrates Own Motion of Report by the Police Under Sections 157 And 173 of The Code of Criminal Procedure.

To be maintained:

- In Court empowered to receive complaints or reports.
- By Ahlmad
- Peshanis (**Annexure-25A**)

Guidelines:-

- i. Under section 157 Cr.P.C intimation is to be sent to the Magistrate having jurisdiction of all complaints or information preferred to the police of all cognizable offences, Column 1 to 13 of the register should be filled up by the proper officer of the court as soon as order has been passed by the Magistrate on the complaint or report submitted by the police.
- ii. Entries in column 3 should be classified as “Alif” or “Be” according to the instructions given in the printed heading.
- iii. Column-II should not be left blank as is often done. See foot-notes to form in Volume VI-B, Part-B-IV.
- iv. Summary case should be entered in this register as soon as these are received in Court. When the accused appears the case can then be entered in Register No.XVII.

REGISTER NO.II

Register of Cases under Special And Local Laws And The Criminal Procedure Code substituted by Punjab Correction Slip No.9 dated 27.3.91.

To be maintained:

- In Court of all Magistrates.
- By Ahlmad
- Peshanis (**Annexure-26**)

Guidelines:-

A separate note may be made to show many of the persons entered in Column No.11 were arrested by the police and how many were arrested by other agencies e.g. Forest or Excise Officers, private persons etc.

- All cases of offences punishable under Special and Local Laws and security cases under Chapter VIII of the Code of Criminal Procedure should appear in this register.

REGISTER NO.III

*Register of Misc. Criminal Cases
substituted by Punjab Correction Slip No.9 dated 27.3.91*

To be maintained in:

- Sessions Court and Court of all Magistrates.
- By Ahlmad
- Peshanis (**Annexure-27**)

Guidelines:-

- In this register should be entered all cases under the Code of Criminal Procedure not involving offences and miscellaneous cases not forming the subject of a regular trial, such as inquiries into claims to suspected property trial, such as inquiries into claims to suspected property claims to restore property declared to be forfeited under section 87 and 88 of the Criminal Procedure Code, rights to unclaimed property under Section 25 to 27 of Act V of 1861 etc.

REGISTER NO.IV

*Register of decided cases In Each Court
substituted by Correction Slip No.9 dated 27.3.91*

To be maintained:

- In Court of all Magistrates.
- By Ahlmad
- Peshanis (**Annexure-27A**)

Guidelines:

A separate note may be made to show how many persons entered in Column 5 were arrested by the Police and how many were arrested by other agencies (e.g. Forest or Excise Officers, private persons etc).

- This and register VI are intended to furnish materials for the compilation of the annual returns.
- The entries in this register are to be made at once on the conclusion of the trial. In columns 38 to 41 a distinctive mark should be used to show whether the imprisonment was rigorous or simple. At the close of the year the persons and cases in the pending file must be added in the appropriate columns 5 to 10 and 20 to complete the figures for the annual statements. When a case is transferred from one Court to another in the same District, the case will not be entered in the register of the transferring Court, but will be shown as if it had been originally instituted in the Court, which eventually disposed it of.
- When a case is transferred to another District or State a note in the column of remarks should show the District or State to which the case has been transferred.
- In cases in which a complainant is required to pay compensation to the accused, the fact should be noted in the column of remarks.
- A note in the column of remarks should also show whether the persons entered in columns 29 to 31 were imprisoned in default; and if so, for how many days they remained in prison, the amount of security or recognizance demanded being specified.

REGISTER NO.V

*Register Of Sessions Trials
substituted by Punjab Correction Slip No.9 dated 27.3.91*

To be maintained:

- In Sessions Court.
- By Ahlmad
- Peshanis (**Annexure-28**)

REGISTER NO.VI

*Register of Appeals And Revision In Criminal Cases
substituted by Punjab Correction Slip No.9 dated 27.3.91*

To be maintained:

- In Court of District Magistrate (for revision only), other Magistrate empower to hear revisions and Sessions Court.
- By Ahlmad
- Peshanis (**Annexure-29**)

Guidelines:

- Separate registers for appeals and for revisions will be maintained. Revision cases under section 51 of the Punjab Gram Panchayat Act, 1952 will be entered in this register

REGISTER NO.VII

*Register of Dates fixed for Trial of Criminal cases including Dates or Receipt of Cases sent up for trial by the police.
substituted by Punjab Correction Slip No.9 dated 27.3.91*

To be maintained:

- In Court of all Magistrates and Sessions Court
- By Reader/Ahlmad
- Peshanis (**Annexure-29A**)

Note:

1. In challan cases, the State should be shown as the complainant in column no.3.
2. In column 6 a very brief statement of the work done should be given e.g. "Six prosecution witnesses examined" and so forth.

Guidelines:

- Section 344 of the Code of Criminal Procedure limits to a maximum of 15 days the period for which an adjournment or remand can be granted and under section 247 summons should always fix a date.

REGISTER NO. XIII

*Register of Traffic Cases
substituted by Punjab Correction Slip No.9 dated 27.3.91*

To be maintained:

- In Court of all Magistrates appointed to try traffic cases.
- By Ahlmad or any other official to be nominated by the Court.
- Peshanis (**Annexure-30**)

Guidelines:

For instructions regarding the maintenance of this Register, see note in the column of Remarks, against criminal Register-XXI at page 16 of Chapter-24, High Court Rules and Order, Volume-IV (1994 edition) as inserted by correction pamphlet No.4 dt. 3rd June, 1945.

- 1) All cases relating to traffic filed by the Police under any Act other than the Indian Penal Code shall, after entry in the Police Traffic Register, be handed over to the Ahlmad of the Magistrate appointed to try traffic cases. The Ahlmad shall sign the Police Traffic Register in token of receipt of the complaints and other papers, shown in the Police Traffic Register, and shall within 24 hours enter these cases in the Court Register of Traffic Cases (Register No. XXI).
- 2) Cases, entered in this Register shall not be entered in Criminal Register Nos. I and III (prescribed in Volume VI, Part B-IV of Rules and Orders of the High Court) For purposes of statistical returns, e.g., pending and old cases, figures relating to traffic cases, which were formerly taken from Criminal Registers Nos. I and III will now be taken from the Register of Traffic Cases.
- 3) The Traffic Magistrates shall check once a month the Register of Traffic Cases maintained in his Court and in the course of his check he shall have before him the Police Traffic Register. He shall in particular, satisfy himself that all cases and licences shown in the Police Traffic Register have been entered in the Court's Register. At the conclusion of his check, he shall sign both the registers.
- 4) If any case it has been impossible to obtain the appearance of the accused, the Magistrate before consigning the records to the Record Room shall satisfy himself that any licence shown as having been impounded and attached to the report is still present. He shall then forward the impounded licence to the licencing authority by whom it was originally issued through the Police by attaching it to the "Conviction Slip" in which a reference should be made to it
- 5) As far as possible, the records of traffic cases-which are not actually being heard by the Magistrates should be kept under lock and key, the keys being retained either by the Magistrates himself or some particular court official on whom individual responsibility can be fixed in the event of any loss.
- 6) This register will be maintained only in court to be selected by the District Magistrate Every entry in the register should be signed and dated by the Presiding Officer.

REGISTER NO.XIV

*Register of Bail Applications presented in the Court of _
substituted by Punjab Correction Slip No.9 dated 27.3.91*

To be maintained:

- In all Criminal Courts.
- By Ahlmad
- Peshanis (**Annexure-31**)

Guidelines:

- Every entry in the register should be signed and dated by the Presiding Officer.

REGISTER NO. XV

*Register of First Information Report
In the Court of _____ Magistrate _____ District
substituted by Punjab Correction Slip No.9 dated 27.3.91*

To be maintained:

- In all Criminal Courts.
- By Ahlmad
- Peshanis (**Annexure-31A**)

Guidelines:

- Size of the Register to be as follows 43 Cm. X 30 Cm.

REGISTER NO. XVI

Register Warrant of Arrest

To be maintained:

- In all Criminal Courts.
- By Ahlmad
- Peshanis (**Annexure-32**)

REGISTER NO. XXXIV-B

*C. - Register of miscellaneous proceedings,
& C. - Received from other Districts or Courts*

To be maintained:

- In all Civil and Criminal Courts.
- By Ahlmad
- Peshanis (**Annexure-33**)

REGISTER NO. XXXIV-B

D. Register of Despatch of packets and Letters

To be maintained:

- In all Civil and Criminal Courts.
- By Ahlmad
- Peshanis (**Annexure-33**)

REGISTER NO. XXVI

Register E of Guardians

To be maintained:

- By Ahlmad
- Reference to High Court Rules and Orders, Volume II, Chapter-2B.
- Peshanis (**Annexure- 20**)

INSOLVENCY REGISTERS

To be maintained:

- By Ahlmad
- Reference to High Court Rules and Orders, Volume II, Chapter-4.
(Annexure-37 to 45)

EXECUTION CLERK

EXECUTION CLERK

Step-1 : Receipt of Execution application by the Court passing the decree.

Step-2: Execution Clerk to report on the following points:-

- Whether such decree passed by the said court or not.
- Whether information in all columns of the execution petition are complete as prescribed.
- Whether it is the 1st execution application.
- If not the 1st application, what was the fate of the previous execution, whether partly or fully satisfied or unsatisfied.
- If any payment on the basis of previous execution application has been made or recovered.
- If there is any stay order issued by any higher court of appeal.
- If any appeal filed if so what is the fate of that appeal.
- Whether court has the jurisdiction to execute the decree.
- Whether decree passed by said court or predecessor court.
- Whether execution received or transfer of decree.
- Whether there is any mention in the application where property of judgment debtor falls or where judgment debtor resides.

Step-3: Only after the detailed report, the matter shall be put up before the Presiding Officer who shall then order registration of execution application.

Step-4: Receipt of file from Court by execution clerk, who shall enter the same in Register No.X, Volume-6 Part A-IV, High Court Rules & Orders.
(Annexure-13)

Step-5: Fill the various columns of the register. Affix the serial number on the register & on the execution application.

Step-6: Issue process as ordered by the Court, get the same signed from the Presiding Officer.

Step-7: Enter in dispatch register.

Step-8: Hand over the processes to the Nazir for execution whose signatures shall be obtained in dispatch register in token of handing over the said process.

Step-9: On the Zimni order sheet, below the order of the Presiding Officer make an endorsement to the effect that process issued, date.

Step-10: Place the execution file in the peshi for date fixed.

TRANSFER OF EXECUTION APPLICATION

- Whether the Decree Holder requests for transfer of execution application to some other court.
- Comply with orders passed by the court, transferring the decree.
- Prepare a certificate to the effect that the satisfaction of the decree has not been obtained by execution in that court.
- In case of part satisfaction it shall be mentioned as to what part of the decree has been executed and what remains to be executed.
- This certificate has to be prepared on a separate sheet of paper and shall be signed by the Presiding Officer or person competent/authorized by Presiding Officer to sign it.
- Attach a copy of the order passed by the Court directly the transfer of the decree to the said court.
- Attach copy of the decree.
- See **Appendix-E, No.2, 3,4 & 5** of Civil Procedure Code.
- Make entries in Register No.XXXIII.

**APPENDIX-E
EXECUTION
No. 2
Precept
(Section 46)**

(Title)

Upon hearing the decree-holder it is ordered that this precept be sent to the Court of..... at..... under section 46 of the Code of Civil Procedure, 1908, with directions to attach the property specified in the annexed schedule and to hold the same pending any application which may be made by the decree holder for executive of the decree.

**No.3
Order Sending Decree for Execution to another Court
(O. 21, R. 6) (Title)**

(Title)

Whereas the decree-holder in the above suit has applied to this Court for a certificate to be sent to the Court of..... at..... for execution of the decree in the above suit by the said Court, alleging that the judgment-debtor resides or has property within the local limits, of the jurisdiction of the said Court, and it is deemed necessary and proper to send a certificate to the said Court under Order XXI, rule 6, of the Code of Civil Procedure, 1908, it is

Ordered :

That a copy of this order be sent to..... with a copy of the decree and of any order which may have been made for execution of the same and a certificate of non-satisfaction. Dated the..... day of..... 2016.

Judge

**No. 4
Certificate of Non-Satisfaction of Decree
(O. 21, R. 6.)**

(Title)

Certified that no[476] satisfaction of the decree of this Court in suit No..... of 19....., a copy which is hereunto attached, has been obtained by execution within the jurisdiction of this Court. Dated the..... day of..... 19.....,

No. 5
Certificate of Execution of Decree Transferred to Another Court
(O. 21, R. 6)

(Title)

- No of suit and the Court by which decree was passed
- Name of parties
- Date of application for execution
- Number of the execution case
- Processes issued and dates of services thereof
- Costs of execution Amount realized
- How the case is disposed of
- Remarks

1.

2.

3.

4.

5.

6.

7.

8.

9.

Rs.

a.

p.

Rs.

a.

P.

Signature of Maharir Incharge

Signature of Judge

PREPERATION OF WARRANT OF ARREST IN EXECUTION

- The warrant of arrest in execution shall be in the prescribed **Performa no.13** of Appendix-E of CPC.
- Warrant of arrest shall be addressed on endorsed to an officer of the court (bailiff).
- To bring the JD before the court.
- Mention in the warrant that if the JD pays the said amount mentioned in the warrant alongwith costs specified, he shall not be arrested (Performa No.13, Appendix-E, CPC)
- If the JD is order to be detained in custody, prepare custody warrant as per Performa **No.14**, Appendix-E, CPC.
- If JD makes the payment, while in jail he shall be released in jail. If he is produced before court and court order the release of JD on payment of decreetal amount or otherwise, prepare release warrant according to **Performa No.15**, Appendix-E, CPC.

No. 13
Warrant of Arrest in Execution
(O. 21, R. 38)
 (Title)

To The Bailiff of the Court. Whereas was adjudged by a decree of the Court in suit No. of 19, dated the day of 20., to pay to the decree-holder the sum of Rs. as noted in the margin, and whereas the said sum of Rs. has not been paid to the said decree-holder in satisfaction of the said decree, these are to command you to arrest the said judgment-debtor and unless the said judgment-debtor shall pay to you the said sum of Rs. together with Rs. for the cost of executing this process, to bring the said defendant before the Court with all convenient speed.

You are further commanded to return this warrant on or before the day of 20.,with an endorsement certifying the day on which and manner in which it has been executed, or the reason why it has not been executed.

Given under my hand and the seal of the Court, this day of 20 .. ,

Judge.

Decree

Principal

Interest

Costs

Execution

Total

No. 14
Warrant of Committal of Judgment-Debtor to Jail
(O. 21, R. 40)
(Title)

To The Officer in charge of the Jail at

Whereas who has been brought before this Court this day of 20 , under a warrant in execution of a decree which was made and pronounced by the said Court on the day of 20 , and by which decree it was ordered that the said should pay ; And whereas the said has not obeyed the decree nor satisfied the Court that he is entitled to be discharged from custody; You are hereby commanded and required to take and receive the said into the civil prison and keep him imprisoned therein for a period not exceeding or until the said decree shall be fully satisfied, or the said shall be otherwise entitled to be released according to terms and provisions of Section 58 of the Code of Civil Procedure, 1908; and the Court does hereby fix [478]* * * per diem as the rate of the monthly allowance for the subsistence of the said during his confinement under this warrant of committal.

Given under my hand and the seal of the Court, this day of 20 ,

Judge.

No. 15
Order for the Release of a Person Imprisoned in Execution of a Decree
(Sections 58, 59)

(Title)

To

The Officer in charge of the Jail at

Under orders passed this day, you are hereby directed to set free judgment-debtor now in your custody.

Dated.

Judge.

ATTACHMENT IN EXECUTION

- Issue of precept: the court may issue precept under Section 46 CPC to any other court for attaching property of JD.
- This attachment will remain in force only for two months unless period is extended for orders of the court which passed the decree, or during the period, the decree has been transferred to such court.
- Precept – on **Performa No.2 (Section-46)**, Appendix-E, CPC.

APPENDIX-E EXECUTION No. 2 Precept (Section 46)

(Title)

Upon hearing the decree-holder it is ordered that this precept be sent to the Court of..... at..... under section 46 of the Code of Civil Procedure, 1908, with directions to attach the property specified in the annexed schedule and to hold the same pending any application which may be made by the decree holder for executive of the decree.

Dated the day of 19/20....

Judge.

ATTACHMENT OF SALARY OF JD

- If court order attachment of salary of JD- issue attachment warrant as per **Performa No.19**, Appendix-E, CPC.
- Attachment of immovable property of JD.
- Issue warrant as per **Performa No.24**, Appendix-E, CPC.
- Notice be also issued to the JD to attend court on the specified date.
- Proclamation be also prepared on the prescribed performa to be executed by beat of drum or some other customary mode and affixation process be issued for affixation at the property attached and one copy to be affixed a court house.
- In all four copies be prepared and the fourth copy to be returned to the court.

No. 19 Order to Attach Salary of Public Officer or Servant of Railway Company or Local Authority (O. 21, R. 48)

(Title)

To

Whereas, judgment-debtor in the above-named case, is a (describe officer of judgment-debtor) receiving his salary (or allowances) at your hands; and whereas, decree-holder in the said case, has applied in this Court for the attachment of the salary (or allowances) of the said to the extent of due to him under the decree; You are hereby required to withhold the said sum of from the salary of the said in monthly installments of and to remit the said sum (or monthly installments) to this Court.

Given under my hand and the seal of the Court, this day of 20. . .

Judge.

No. 24 Attachment in Execution Prohibitory Order, Where the Property Consists of Immovable Property (O. 21, R. 54)

(Title)

To
Defendant

Whereas you have failed to satisfy a decree passed against you on the day of 20., in Suit No. of 20., in favour offor Rs.; It is ordered that you, the said, be, and you are hereby, prohibited and restrained, until the further order of the Court, from transferring or charging the property specified in the schedule hereunto annexed, by sale, gift or otherwise, and that all person be, and that they are hereby, prohibited from receiving the same by purchase, gift or otherwise. [480] [It is also ordered that you should attend Court on the day of 20. to take notice of the date fixed for setting the terms of the proclamation of sale.] Given under my hand and the seal of the Court, this day of 20. Schedule

Judge

Removal of attachment- warrant

- Once the decree has been satisfied or decree is reversed by appellate court.
- Issue notice to this effect to the Collector in case of landed property.
- On payment of charged by the JD, a proclamation may be issued in the same manner, proclaiming that attachment has been released.

REGISTER NO.X

Execution Register

To be maintained in:

- Court of District Judge/Add. District Judge
- Court of Civil judges
- Peshanis (**See annexure-13**)

Note:

- All second and subsequent execution application arising out of the same case is to be entered in red ink to ensure an accurate total of Column no.8 to be obtained at the close of the year for annual district statement.
- Column no.2 – enter both dates i.e. date of presentation and registration of execution.

REGISTER NO.XII

Register of application for; reviews in suits and appeals for amendment of decrees.

To be maintained:

- In Court of District Judge/Addl. District Judge
- Civil judges
- By Alhmad
- Peshanis (**see annexure-15**)

CUSTODY AND DISPOSAL OF ATTACHED PROPERTY

- To proper custody and disposal of movable property attached (other than agricultural produce) provision of Order XXI Rule 43 to 43D of the CPC lay down necessary guidelines and are required to be followed.
- As ordered by the court, where property is attached and produced before the court, consist of valuable and portable property.
- Light and readily portable articles of all binds and especially valuable property of small bulk, such as Jewels etc, shall after seizure on attachment be taken to executing clerk.
- Executing clerk will make them over to the custody of such officer as it deems fit.
- If made over to the custody of the Nazir to place in his cash chest.
- Ahlmad will forward a copy of the order alongwith inventory to the Nazir for compliance make entry in dispatch register.
- Schedule of property to be annexed to the bond which is to be furnished by custodian of attached movable property.

Schedule of property

Number of Lot	Description of property to be	The revenue assessed upon the estate or part of the estate, if the property to be sold is an interest in an estate or a part of an estate paying revenue to Government	Detail of any encumbrances to which the property is liable	Claims if any which have been put forward to the property and any other known particulars bearing on its nature and value	[The value of the property as stated by the decree-holder	The value of the property as stated by the judgment debtor]

SALE WARRANTS

On order of the court to issue sale warrants

- Draw the sale warrant in **Form No.29 of Appendix-E to CPC**, after notice to decree holder and judgment debtor.
- No fresh notice to JD is required where notice under Order 21 R 54 was issued prior to attachment.
- Take due care that entire property of JD mentioned in the list provided by DH is not to be sold.
- Only so much of the property is to be sold which is sufficient to satisfy the decree.
- Four copies of sale warrant to be prepared.
- Different dates may be given for proclamation at court house and proclamation at spot.
- If court directs, cause the proclamation to be published in official Gazette or in a local newspaper or both.
- There should be a difference of 15 days between actual date of sale and proclamation at the spot or court house.
- If the sale is adjourned on stopped under Rule 69 of Order 21 CPC, for a period of more than 30 days, then fresh proclamation has to be issued.
- If decree holder applies to court, and court grants him permission to participate in auction- intimation in this respect to the officer holding auction
- After the auction takes place and report is made to court. The court has two options, either to set aside the sale or confirm the sale.
- If court confirms the sale then issue certificate of sale in **Form No.38 of Appendix-E to CPC**.
- This certificate has to be stamped at the expenses of auction purchaser. The court will decide the amount of stamps according to provision of Stamp Act.
- Original certificate to be issued to auction purchaser.
- One copy be retained in the execution file.
- Another copy shall be sent the Sub Registrar.

No. 29
Proclamation of Sale
(O. 21, R. 66)

(Title)

(1) Suit No. of 19. . . . , decided by the. of in which was plaintiff and was defendant—Notice is hereby given that, under rule 64 of Order XXI of the Code of Civil Procedure, 1908, an order has been passed by this Court for the sale of the attached property mentioned in the annexed schedule, in satisfaction of the claim of the decree-holder in the suit (1) mentioned in the margin, amounting with costs and interest up to date of sale to the sum of. . . .

The sale will be by public auction, and the property will be put up for sale in the lots specified in the schedule. The sale will be of the property of the judgment-debtors above-named as mentioned in the schedule below; and the liabilities and claims attaching to the said property, so far as they have been ascertained, are those specified in the schedule against each lot.

In the absence of any order of postponement, the sale will be held by at the monthly sale commencing at o'clock on the. at. In the event, however, of the debt above specified and of the costs of the sale being tendered or paid before the knocking down of any lot, the sale will be stopped.

At the sale the public generally are invited to bid, either personally or by duly authorized agent. No bid by, or on behalf of, the judgment-creditors above-mentioned, however, will be accepted, nor will any sale to them be valid without the express permission of the Court previously given. The following are the further.

Conditions of sale

1. The particulars specified in the schedule below have been stated to the best of the information of the Court, but the Court will not be answerable for any error, mis-statement or omission in this proclamation.
2. The amount by which the biddings are to be increased shall be determined by the officer conducting the sale. In the event of any dispute arising as to the amount bid, or as to the bidder, the lot shall at once be again put up to auction.
3. The highest bidder shall be declared to be the purchaser of any lot, provided always that he is legally qualified to bid, and provided that it shall be in the discretion of the Court or officer holding the sale to decline acceptance of the highest bid when the price offered appears so clearly inadequate as to make it advisable to do so.
4. For reasons recorded, it shall be in the discretion of the officer conducting the sale to adjourn it subject always to the provisions of rule 69 of Order XXI.
5. In the case of movable property, the price of each lot shall be paid at the time of sale or as soon after as the officer holding the sale directs, and in default of payment the property shall forthwith be again put up and re-sold.
6. In the case of immovable property, the person declared to be the purchaser shall pay immediately after such declaration a deposit of 25 per cent. on the amount of his purchase-money to the officer conducting the sale, and in default of such deposit the property and forthwith be put up again and re-sold.
7. The full amount of the purchase-money shall be paid by the purchaser before the Court closes on the fifteenth day after the sale of the property, exclusive of such day, or if the fifteenth day be a Sunday or other holiday, then on the first office day after the fifteenth day.
8. In default of payment of the balance of purchase-money within the period allowed, the property shall be resold after the issue of a fresh notification of sale. The deposit, after defraying the expenses of the sale, may, if the Court thinks fit, be forfeited to Government and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may be subsequently sold.

Given under my hand and the seal of the Court, this. day of 20. . . .

Judge

No. 38
Certificate of Sale of Land
(O.XXI Rule 94)
(Title)

This is to certify that has been declared the purchaser at a sale by public auction on the day of 20 . . ., of in execution of decree in this suit, and that the said sale has been duly confirmed by this Court.

Given under my hand and the seal of the Court, this. day of 20 . . .

Judge.

DELIVERY OF POSSESSION TO AUCTION PURCHASER

- After issuance of sale certificate on the orders of the court
- Draw warrant of possession in **Form No.39 of appendix-E** to CPC
- If property is in possession of tenant or co-sharers, symbolic possession alone would be delivered.
- In such case warrant of possession has to be affixed alongwith copy of certificate of sale at some conspicuous part of the property or by beat of drum.
- Give a specific note on the warrant of possession.

Form No.39

Order for Delivery to Certified Purchaser of Land at a Sale in Execution
(O. 21, R. 95)

(Title)

To

The Bailiff of the Court,

Whereas..... has become the certified purchaser of at a sale in execution of decree in Suit No..... of 19...../20. ; You are hereby ordered to put the said. , the certified purchaser, as aforesaid, in possession of the same.

Given under my hand and the seal of the Court, this..... day of 20 ..

Judge.

EXECUTION OF DECREE FOR SPECIFIC PERFORMANCE

- Where the court order the DH to prepare a draft of the sale deed.
- Received the draft of sale deed.
- Issue notice to JD alongwith copy of the draft sale deed calling for objection if any.
- The court will approve the draft sale deed and appoint Local Commissioner to execute the sale deed.
- On order of the court, warrant of possession has to be issued in favour of DH.
- After execution o sale deed and deliverance of possession to DH, the amount of sale deposited in the court has to be released to JD.

CUSTODY AND DISPOSAL OF THE PROPERTY ATTACHED UNDER THE CRIMINAL PROCEDURE CODE (Volume 4, Chapter-10, Part-B, High Court Rules & Orders)

In order that all property which is at the disposal of the Government under section 88 or attached under sections 386 or 332 or any other section of the Criminal Procedure Code may be brought to account and the responsibility of the Government may be properly discharged, the following rules have been made under Article 227 of the Constitution of India, by the High Court with the approval of the State Government.

Rules

1. **Arrangement for the safe custody, preservation and proper management of the property attached-** Whenever property is attached under the orders of a Criminal Court, the Court shall make suitable arrangement for its safe custody, preservation and proper management.
2. **Registers to be maintained-** The Court shall maintain the following registers in which all property attached shall be entered:
 - i. Miscellaneous Register K/1.
 - ii. Index Register.

The forms of these registers are appended to these rules.

In the Index Register the names of the persons whose property is attached should be entered in chronological order and an alphabetical index giving reference to the pages of the register should be maintained in the beginning.

3. **Time for the disposal of the attached property by sale:-** The attached property of a proclaimed offender other than that ordered by the Court immediately to be sold under the provisions of section 88(5), Criminal Procedure Code, shall not be sold until the expiration of six months from the date of attachment and until all claims preferred or objections made under section 88 have been disposed of.
4. **Time for disposal of the attached property by sale:** If the proclaimed offender does not appear before the Court within six months from the date of attachment and after all the objections, if any, made under section 88 have been disposed of, the Court shall take steps to sell the property unless for sufficient reasons it deems fit to postpone the sale.

5. **Directions as to the delivery of property released:** Whenever the Court directs the release of the property attached in favour of any person, in whole or in part, it shall be delivered to him or his authorized agent in the presence of the Court or by an officer of the Court in the presence of respectable witnesses.
6. **Deposit or sale-proceeds or income of property in Treasury:** The price realized from sale of the property attached or its income shall be forthwith deposited in Government Treasury under the head "XXI-Administration of Justice".
7. **Refund of sale-proceeds or income:** Whenever the price or income of the property is ordered to be delivered to a person, it shall be paid to him by means of a refund voucher.

Index Register

Date of attachment	Name and address of the person whose property has been attached	Particulars of the case	Reference to miscellaneous Register K/1	Date of release	Remarks

Miscellaneous Register K/1 of the Movable and Immovable Property

Serial No.	No. in Index Register	Name and address of the person whose property has been attached	Particulars of the case and date of attachment	Details of property attached and marks of identification	Estate value and income	Arrangement for custody and management	How disposed of and when	Amount realized	Signature of person whom property is delivered	Remarks
1	2	3	4	5	6	7	8	9	10	11

Note.- In column 8, if released, give reference to date of order. If sold, mention the agency through which it has been disposed of. State also for what price sold and whether by public auction or private.

2. In column 9 give the number of the Treasury receipt.

3. In column 11 mention the various orders passed by the Court.

**STENOGRAPHERS
GRADE-I, II & III**

STENOGRAPHERS GRADE-I, II & III

- In their duties are governed by Punjab & Haryana Civil Courts preparation and supply of certified copies of Typewritten Judgment Rules 1982 (Chapter 17A, Volume-4, High Court Rules & Orders).

Copy: Certified copy of typewritten, appealable interim orders and judgment prepared in accordance with rules.

- Steno/judgment writer are authorized to supply copies of
 - (e) Appealable interim orders
 - (f) Judgment

To whom:

- (a) Party to a civil case
- (b) Party to proceedings of civil nature

Procedure

- Court shall, before commencement of the arguments inform the parties and their pleaders about their right to supply of a copy on an application made by them at any time before conclusion of arguments.
- Application for supply of copy shall be made by party/authorized agent or pleader on a plain paper with court fee stamp 40 P. and court fee stamp to cover cost of copy.

Copying fee:

- Rs. 2/- per page subject to minimum of Rs.5/-
- For each addition copy Rs.1/- per page in the shape of court fee stamps.
- Copy to be delivered only after copying fee has been paid.

Procedure to make endorsement/certification:

“ Certified to be a true copy”
 Signature : (Steno/Judgment writer)
 Date :
 Authorized by Section 76 of Indian Evidence Act, 1872

- If copy is on more than one sheet of paper, endorse the word on every sheet i.e.

“attested”
 Sign:
 Date:

- Cancel the court fee stamps.
- Maintenance of register (Pg. 211, Vol-I, Chapter-11, Part-A)

- **Columns of register –**

- i. Serial No.
- ii. Date of application
- iii. Date of pronouncement of judgment
- iv. Number and title of the case
- v. Name of the applicant
- vi. Number of pages of the judgment
- vii. Amount recovered as copying charges
- viii. Date of delivery of copy; and
- ix. Remarks by the Presiding Officer of the Court.

Accounting Income

- After close of each month, total the income,
- Prepare statement of monthly income,
- Counter signed by Presiding Officer by 15th day of the succeeding month.
- Send the statement to Officer-Incharge of Copying Agency.

Remuneration:

- 40% of the income derived from the supply of copies prepared by stenographer/steno-typist, shall be paid to steno, by Officer-Incharge of Copying Agency within 15 days from receipt of statement under Rule 10, out the contingent grant of the Court.

Other duties:

- Typing dictations and computerizing judgments and orders of the judge
- Making entries in fair copy register
- To attend to all other duties assigned by District Judge/Presiding Officer, either by means of Office Order or Oral Order.
- Drafting decree in Civil Cases.