

HIGH COURT OF DELHI: NEW DELHI

NOTIFICATION

No. 249/Rules/DHC

Dated: 29.05.2012

Whereas the High Court of Delhi, by way of amendments, proposes to introduce / amend the existing Rules in various Orders in the First Schedule of the Code of Civil Procedure, 1908 (Central Act of 1908), which would read as under:-

1. In Order III

Sub-rule (1) of Rule 3 shall be substituted by the following:-

“(1) Process served on recognized agent or an Advocate of the party shall be as effectual as if the same has been served on the party in person unless the Court otherwise directs.”

2. In Order III

In sub-rule 2 of Rule 4, the existing Explanation shall be substituted by the following new Explanation:-

“Explanation- For the purpose of this sub-rule, the following shall be deemed to be proceedings in the suit,-

- i. an application for the review of decree or order in the suit,
- ii. any application or act for the purpose of obtaining copies of documents or return of documents produced or filed in the suit or of obtaining refund of moneys paid into the Court in connection with the suit,
- iii. an application or a proceeding for transfer under Sections 22, 24 or 25 of this Code,
- iv. an application under Rule 4 or Rule 9 or Rule 13 of Order IX of this Code,
- v. an application under Rule 4 of Order XXXVIII of this Code,
- vi. an application for review of judgment,
- vii. a reference arising from or out of suit,
- viii. an application for amendment of the decree or order or the record in the suit or an appeal, reference or revision arising from or out of the suit,

- ix. an application for the execution of any decree or order in the suit,
- x. an application u/S 151 of this code,
- xi. any appeal (including an appeal under the Letters Patent of the High Court) or revision application from any decree or order in the suit or an appeal arising from or out of the suit,
- xii. any application relating to, or incidental to, or arising from or out of, such appeal or revision or a reference arising from or out of the suit (including an application for leave to appeal under the Letters Patent of the High Court or for leave to appeal to the Supreme Court),
- xiii. any application for directing or proceeding for prosecution under Chapter XXXV of the Code of Criminal Procedure, 1898, relating to the suit or any of the proceedings mentioned hereinbefore or an appeal or revision arising from an out of any order passed in such application or proceeding,
- xiv. any application or act for the purposes of obtaining copies of documents or the return of documents produced or filed in the suit or in any of the proceedings mentioned hereinbefore,
- xv. any application for the withdrawal or for obtaining the refund or payment of or out of the monies paid or deposited into the Court in connection with the suit or any of the proceedings mentioned hereinbefore (including withdrawal, refund or payment of or out of the monies deposited as security for costs or for covering the costs of the preparation and printing of the Transcript Record of the appeal to the Supreme Court).
- xvi. any application for expunging any remarks or observations on the record of or made in the judgment in the suit or any appeal, reference or review arising from or out of the suit,
- xvii. any application for the certificate in regard to the substitution of heirs in appeal to the Supreme Court arising from the suit,
- xviii. application under Order XXXIX Rule 2A CPC and Contempt Petitions arising out of the suit, and
- xix. any application under Rule 15 of Order XLV of the Code :
Provided that, where the venue of the suit or the proceedings shifts from one Court (subordinate or otherwise) to another, situate at a different station, the pleader filing the appointment referred to in sub-rule (2) in the former Court shall not be bound to appear, act or plead in the latter Court, unless he files or he has already filed a memorandum signed by him that he has instructions from his client to appear, act and plead in that Court.”

3. In Order III

Sub-rule 3(b) of Rule 4 stands deleted.

4. In Order III

In Rule 5, new sub-rule (2) shall be added after the existing sub-rule (1) in the following manner:-

“(2) A counsel appointed to act shall be bound to receive notice on behalf of his client in all proceedings in the suit.”

5. In Order XVI

In Rule 2, exception to be added as follows:-

“*Exception:* Where applying for a summons for any of its own officers, Government will be exempt from the operation of clause (1).”

6. In Order XVIII

In Rule 4(1), the words “which are filed along with the affidavit” in the proviso stands deleted.

7. In Order XVIII

In Rule 4, new sub-rule (2A) shall be added in the following manner:-

“2A. No cross-examination on the ground of any defect or irregularity in its execution and/or attestation before Oath Commissioner in terms of Oaths Act, 1969 shall be permitted except for the reasons recorded by the Court.”

8. In Order XXXIX

In Rule 4, proviso shall be added, at the end, as follows:-

“Provided also that if at any stage of the suit it appears to the court that the party in whose favour the order of injunction exist is delaying the proceeding or is otherwise abusing the process of court, it shall suspend or set-aside the order for injunction and impose exemplary cost”.

9. In Order XXXIX

Sub-rule 1(a) of Rule 7 shall be substituted as follows:-

“1(a) make an order of detention, preservation or inspection of any relevant document or other evidence or of any property which is the subject matter of such suit or as to which any question may arise therein.”

10. In Appendix H, following form shall be inserted as Form 2B after Form 2A;

**“Form 2B
(Order VI Rule 14A)**

ADDRESS FORM

IN THE COURT OF :

CASE

VERSUS

SUIT

DATE OF HEARING

The address of Plaintiff/Defendant/Applicant is as under :-

Srl. No.	Name with Parentage & age	Resident of	Fax No, if any	E-mail address, if any	Telephone / Mobile	Remarks
1.	(a) Self (b) Parents (c) Spouse (d) Children(s)					

Sir,

All the summons, notices orders etc. in connection with the above suit be sent to me at the address given above.

In case of any change in address, the same shall be communicated to you with full particulars and details.”

AND Whereas the objections, in writing, from any person, with respect to said amendments are invited within a period of one month i.e. 30 days from the date of which this Notification is published in the Delhi Gazette Extraordinary.

AND Whereas, the objections may be sent to the Registrar General of the High Court of Delhi, at the following address/E-mail address:-

High Court of Delhi,
Sher Shah Marg,
New Delhi – 110 003.
E-mail : delhihighcourt@hub.nic.in

BY ORDER OF THE COURT
Sd/-
(V.P. VAISH)
REGISTRAR GENERAL