

## PART B.-

## RECEPTION OF PLAINTS AND APPLICATIONS.

1. **Not to be received on holidays:** - Plaints and petitions should be received by the Civil Courts on every day which is not an authorised holiday, during office hours.
2. **Reception by Mofassil Courts:** - Courts situated away from the headquarters of the district can receive complaints and petitions direct, under the general directions prescribed by the District Judge or by a Subordinate Judge empowered under section 37 of Punjab Courts Act, 1918, to do so.
3. **(i) Distribution of cases:** - Complaints and petitions presented at the headquarters of a district will be received and distributed by the District Judge who may delegate this power under section 37 of the Punjab Courts Act to any Subordinate Judge and should always do so when it is for the convenience of the litigants. Regard should be had to the provisions of Sections 15 and 20 and Order IV, Rule 1, of the Code of Civil Procedure, in framing directions regarding the reception of Civil suits.
  - (ii) Duty of distributing officer:** - The work of distribution of cases should not be left to the Reader or the Clerk of Court. The Judge should attend to it personally, noting in his own hand the name of person presenting the case and the Court to which the case has been assigned for trial. He should also inform the person presenting the complaint or petition of the date on which he is required to attend the court to which the case is sent and note the fact of his having done so in his order. This will avoid the necessity of a notice being issued to the plaintiff or petitioner by the court to which the case is sent.
  - (iii) List of cases assigned to be exhibited:** - At the end of each day a list of all the cases so distributed should be exhibited in the Court of the distributing officer. Similarly each Court should exhibit at the end of each day a list of the cases assigned to it by the distributing officer.
4. **Note.** - In almost all the districts in the Punjab, the District Judges have delegated their powers of the distribution of complaints to the Senior Subordinate Judges under the authority of Circular letter No. 653-G, dated 27th January, 1915.
5. **Examination, endorsement and distribution:** - Every complaint or petition should, if possible, specify the provision of law under which it is presented and should, at the time of its reception, be at once endorsed with the date of its receipt, and such endorsement should be signed by the receiving officer. The Court-fees should be forthwith examined and cancelled in the manner prescribed in that behalf. The receiving officer should prepare a list of all complaints and applications received each day, and be held responsible that they are duly distributed in accordance with the orders passed thereupon, and the general instructions (if any) given by the District Judge or the Senior Sub-Judge in that respect.
6. **Insufficiently stamped complaints etc.:** - It shall be the duty of the Superintendent of the District and Sessions Judge, Clerks of Court of the Senior Sub Judge and Judges of Small Causes Courts and Readers of all other Subordinate Judges to see that appeals, complaints and petitions, etc., received in the courts, to which they are attached, are properly stamped. When they are in doubt what Court-fee is due on any document, it shall be their duty to refer the matter to the Presiding Officer for orders.

These officials are primarily responsible for any loss of revenue caused to Government by insufficiently stamped documents having been received owing to their neglect, but the ultimate responsibility for the loss

lies on the Judge of the Court whose duty it is to look into such matters either when the plaints are instituted or when the plaints came up for hearing before him.

**Note.**—The clerk of Court to the Senior Sub-Judge *is* responsible for checking the Court fee on those plaints only which the Senior Sub-Judge retains for trial by himself. In other cases the Reader of the Court to which the suit is sent for trial is responsible.

Provided that the personal responsibility of the officers concerned shall only be enforced where obvious mistakes have been made and not in cases in which a genuine doubt was possible regarding the correctness of the Court-fee due.

7. **Transfer of cases to equalize work:**— The equal distribution of work amongst the Courts available can always be effected by the transfer of cases when necessary from one Court to another under the authority vested in the District Judge.

When a case is transferred by judicial order, the Court passing the order should fix a date on which the parties should attend the Court to which the case is transferred.

8. **Petition box:**— (a) The petition box shall be placed in the verandah of the Court house about one hour before the Court sits, an official being specially made to attend early for this purpose. It shall be opened in the presence of the Judge about 15 minutes after the Court opens when all petitions shall be initialed by him. The Judge shall pass proper orders forthwith or inform the petitioner when orders will be ready after the necessary kaifiyats have been put up. The box shall be replaced in the verandah and opened again shortly before the Court rises for luncheon in the presence of the Judge and the same procedure followed. It shall then be replaced once more in the verandah and opened for the last time 15 minutes before the time fixed for the rising of the Court and the procedure prescribed above followed. After the box has been opened for the third time, it shall not be replaced in the verandah but petitions may there-after be presented up to the closing hour of the Court to the presiding officer personally who shall receive them.

A list of all miscellaneous or execution applications, on which orders cannot be passed forthwith, should be prepared and exhibited outside the court room specifying the date fixed for the disposal of each application.

- (b) **Urgent cases:**— In urgent cases, however, the Judge may exercise his discretion and personally receive documents presented to him direct at any time.
- (c) **Reception by ministerial establishment prohibited:**— The members of the ministerial establishment are strictly forbidden to receive petitions, plaints or other documents direct from lawyers and their clerks or from litigants except when the Judge is on leave and no other judicial officer is in-charge of his current duties. District Judges should however, invariably make arrangements for the reception of plaints and petitions, etc., by another officer of a court when an Officer is temporarily absent on leave, tour or otherwise. Where there is a single judicial Officer at a station such as a Moffassil or outlying Court, arrangements should be made for the reception of plaints, petitions, documents, etc., by the Tahsildar or the Naib-Tahsildar in consultation with the Deputy Commissioners.
- (d) **Exceptions:**— The above orders do not apply to applications put in by counsel for the inspection of records which may be presented to the Presiding Officer personally, nor do they apply to talbanas and stamped postal envelopes filed by litigants, which should be received direct by the Ahlmad or the moharrir and a receipt given for the same whether demanded or not.
9. **Who can file petitions, etc:**— Plaints and petitions must be filed, except, when otherwise specially provided by any law for the time being in force, by

the party in person or by his recognized agent or by a duly authorised and qualified legal practitioner.

10. **Recognized agents:-** Recognized agents are defined in Order III, Rule 2, of the Code of Civil Procedure, 1908. As to the appointment of a pleader, the provisions of Rule 4 of Order III, Civil Procedure Code, as amended by Act XXII of 1926, and the instructions of the High Court given in Chapter 16, part A, of this volume should be carefully studied.

11. **Powers of Attorney:-** <sup>1</sup>[When parties appear by pleaders, or agents duly authorized in that behalf, their Powers-of-attorney should, when practicable, be filed in original with the plaint. Where the Power of attorney is general one, a copy should be filed, the original being presented for verification. When so filed, the power of attorney will be considered to be enforced until revoked, with the leave of the Court, by a writing signed by the client and filed in Court, or until the client or pleader or agent dies, or all proceedings in the suit are ended so far as regards the client.

An Advocate at the time acceptance of his appointment/engagement shall also record his residential/office address, telephone/cell number, enrolment number and if available, e-mail as well as fax number on the Vakalatnama/Memo of Appearance/Written Authorization, which shall be address for service within the meaning of the Rule 5 of Order 3 of Code of Civil Procedure, 1908.

Provided that where more than one Advocate accepts the appointment/engagement, it shall be sufficient for one of them to record his address.

Provided further that every Vakalatnama/Memo of Appearance/Written Authorization shall be affixed with the requisite Advocate Welfare Fund Stamp. In case of urgency, if the Advocate Welfare Fund Stamp is not available, the filing will be accepted subject to the undertaking furnished by the counsel that the requisite stamp will be affixed. The matter shall be listed before the Court only after compliance of the undertaking unless otherwise ordered by the Court. In the case of respondent also where the counsel files Vakalatnama/Memo of Appearance/Written Authorization, it shall be affixed with the requisite Advocate Welfare Fund Stamp, and in case of urgency, if the Advocate Welfare Fund Stamp is not available, the same will be accepted subject to the undertaking as above.]

**{Rule 10 Amended vide Correction Slip No. 74 Rules/II.D4. dated 15.03.2018.}**

12. **Sending by post:-** The reception of plaints and petitions made under the Code of Civil Procedure for judicial purposes, by post, is irregular. All applications of a judicial nature received by post should be filed and on each application so filed an endorsement should be made to the effect that it was filed as not having been properly presented. This does not apply to applications for copies of judicial proceedings, which are not applications for judicial purposes made under the Code; but are applications dealt with under administrative authority.