

## PART B.—ATTENDANCE OF PATWARIS IN CIVIL COURTS

Officers presiding over Civil Courts should be careful to see that Patwaris are not summoned unnecessarily to give merely formal evidence regarding entries in the village records and annual papers, information as to which could be as well obtained from an inspection of the records in the District office or from an examination of the District Kanungo or Record-keeper. It should be remembered that Patwaris have very important duties to perform, and that the discharge of these duties should not be hindered by making them attend Court except when their examination as witnesses is really necessary. In view of these considerations, the following instructions are issued with the concurrence of the Financial Commissioners. The Court should see that every application for summoning a Patwari as a witness contains a note stating why a copy of the Revenue Record or an excerpt prepared by a Kanungo would not be sufficient and why the attendance of the Patwari is essential.

Patwari should not be summoned unless absolutely necessary.

2. Officers presiding over Civil Courts should not summon Patwaris (except in cases of great urgency) during the times when the principal crop girdawaris are going on, viz; ordinarily the months of March, April and October, (Financial Commissioners' Standing Order No. 22). Summoning Patwari during girdawari season.
3. When a Civil Court requires the attendance of a Patwari at a time other than that above-referred to, such a Court should forward the summons to the Tahsildar of the Tahsil to which the Patwari belongs. The Tahsildars should serve the summons with as little delay as possible. A certificate should be furnished by the Court to every Patwari who attends in obedience to a summons, showing the date of his appearance before the Court and the date on which he was permitted to leave. Channel of service and Court certificate.
4. When a Settlement is in progress, it is especially undesirable that Patwaris should be summoned to attend in the Civil Courts, and, when they are required to give evidence which cannot be obtained in the manner indicated in paragraph 1, this should usually be obtained by the issue of a Commission under Order XXVI, Rule 4 (1) (c), of the Code of Civil Procedure. Such Commissions should ordinarily be addressed to the Settlement Superintendent of the Tahsil; but any wish expressed on this point by the Summoning during Settlement operations.

Settlement Officer should be responded to, and the period to be ordinarily allowed for the execution of a Commission should be arranged in consultation with him.

The Civil Court issuing the Commission should always note thereon the date to which the case has been adjourned, and the officer to whom the Commission is sent should then be careful either to return the Commission by that date, or to inform the Court, before such date, of the circumstances which will prevent the return of the Commission within the time fixed, and what further time will be required.