

CHAPTER 7

Suits by Aliens and by or against Rulers, Ambassadors, Envoys etc.

1. The Code of Civil Procedure (Amendment) Act, 1951 (No. II of 1951) has substituted new Sections 83 to 87B in the Code for the old sections 83 to 87. The changes made in the law on the subject should be carefully studied. Changes in Law.

2. (1) Alien friends may sue in any court of competent jurisdiction as if they were citizens of India. Alien enemies can also sue in the like manner but with the permission of the Central Government Provided they are residing in India. Every person residing and carrying on business without a licence of the Central Government in a foreign country at war with India, is for this purpose, deemed to be an alien enemy residing in a foreign country (Section 83). Aliens.

(2) The Provisions in this part of the Code are silent as to suits against aliens, whether friends or enemies. Such suits would be governed by the general provisions of Civil Procedure Code.

3. (1) Any 'foreign State' can sue in a competent court in India to enforce a private right vested in the Ruler or in any of its officers in his public capacity. (Section 84.) The Central Government can appoint recognised agents for such Foreign Rulers by whom appearances, acts and applications under the Code may be made on behalf of such Ruler. The appointment can be for a specified suit or suits or for all such suits in which the Ruler may be a party. A recognised agent so appointed by the Central Government can authorise or appoint any other person to perform the above acts as if he were himself a party to such suit (s) (Section 85). Foreign States and Foreign Rulers.

(2) No Ruler of a Foreign State may however be sued except with the consent of the Central Government certified in writing by a Secretary to that Government. Exception is however made in cases of suits filed by a person as a tenant of immovable property against his Ruler landlord [Section 86 (1)]. The grant of the permission by the Central Government is governed by the conditions laid down in sub-section (2) of section 86. Ditto

(3) A ruler of a foreign State cannot be arrested under the Civil Procedure Code. A decree can be executed against his property; but only with the consent of Immunity from arrest etc.

the Central Government certified in writing by one of its Secretaries [Sub-Section (3) of Section 86.]

- Ambassadors etc.
- (4) Ambassadors and Envoys of foreign State and High Commissioners of Commonwealth countries and their specified staff enjoy the same immunity from process of Civil Courts as Foreign Rulers enjoy under Section 86 of the Code [Sub Section (4) of section 86.]
- Definitions.
- (5) Expressions 'Foreign State' and 'Ruler' in relation to such a State have been defined in section 87 of the Code. A Foreign State and Ruler of such a State require recognition by the Central Government and every court shall take judicial notice of the fact whether a State has or has not been so recognised and as to who has been recognised for the time being, as the head of the state.
- Former Indian Rulers
4. (1) The immunities and privileges extended to Rulers of foreign States under Section 85 and sub-sections (1) and (3) of section 86 are enjoyed by Rulers of those former Indian States which may, by notification in the Official Gazette, be specified for the purpose. The expression 'former Indian State' and 'Ruler' in relation to such a state are again defined in section 87 B of the Code.
- Notification under section 87B of the Code of Civil Procedure.
- (2) A notification issued by the Central Government specifying the former Indian State for the purposes of clause (a) of sub-section (2) of section 87 B of the Code is reproduced in the Appendix to this Chapter.
- Exemption from personal appearance in Courts.
5. The persons entitled to exemption from personal appearance in Courts are specified in section 133 (1) of the Code of Civil Procedure as substituted by Act No. 66 of 1956. The persons to whom section 87B applies are also entitled to this exemption.

APPENDIX

[Paragraph 4 (2)]

Notification under section 87B of the Code.

[Published in the Gazette of India (Extraordinary) Part II, section 3, dated the 1st April, 1951]

Ministry of States, notification No. S.R.0.468, dated the 1st April 1951.

In pursuance of clause (a) of sub-section (2) of section 87B of the Code of Civil Procedure, 1908 (Act B of 1908), the Central Government hereby specifies the former Indian States mentioned in the Schedule hereto annexed for the purposes of the said section.

The Schedule

1. Athgarh
2. Athmalik
3. Bamra
4. Baramba
5. Baudh
6. Bonai
7. Daspalla
8. Dhenkanal
9. Gangpur
10. Hindol
11. Kalahandi
12. Keonjhar
13. Khandpara
14. Mayurbhanj
15. Narsinghpur
16. Nayagrah
17. Nilgiri
18. Pal Lahara
19. Patna
20. Rairakhol
21. Ranpur
22. Sonapur
23. Talcher
24. Tigiria
25. Kharsawan
26. Seraikella
27. Nandgaon
28. Bastar
29. Kanker
30. Udaipur(Madhya Pradesh)
31. Sakti
32. Chhuikhadan
33. Raigarh
34. Kawardha
35. Sarangarh
36. Korea
37. Khairagarh
38. Surguja
39. Jashpur
40. Changbhakar
41. Makrai
42. Loharu
43. Dujana
44. Pataudi
45. Banganapalle
46. Pudukkottai
47. Sandur
48. Ambaliara
49. Balasinor
50. Bansda
51. Baria
52. Bhaderwa
53. Cambay
54. Chhotta Udepur
55. Danta
56. Dharampur
57. Ghodasar
58. Idar
59. Ilol
60. Jambughoda
61. Jawahar
62. Khadal
63. Katosan
64. Lunawada
65. Malpur
66. Mohanpur
67. Mansa
68. Palanpur
69. Punadra
70. Radhanpur
71. Ranasan
72. Rajpipla
73. Sachin
74. Sant
75. Sudasna
76. Surgana
77. Valasna
78. Varsoda
79. Vasna
80. Vijayanagar
81. Wao
82. Sanjeli
83. Tharad
84. Vakhtapur
85. Likhi
86. Mandwa
87. Dehrota

88.	Hapa	134	Jaora
89.	Sathamba	135	Jhabua
90.	Umeta	136	Jobat
91.	Magodi	137	Kathiwara
92.	Pelaj	138	Khilchipur
93.	Tajpuri	139	Kurwai
94.	Kurundwad (Senior)	140	Narsingharh
95.	Kurundwad (Junior)	141	Rajgarh
96.	Akalkot	142	Ratlam
97.	Savanur	143	Sailana
98.	Miraj (Senior)	144	Sitamau
99.	Miraj (Junior)	145	Mathwar
100.	Mudhol	146	Piploda
101.	Phaltan	147	Pathair
102.	Sangli	148	Muhammadgarh
103.	Aundh	149	Nimkhera
104.	Ramdurg	150	Jamnia
105.	Bhor	151	Rajgarh
106.	Jamkhandi	152	Khaniadhana
107.	Jath	153	Alwar
108.	Sawantwadi	154	Bharatpur
109.	Wadi Jagir	155	Dholpur
110.	Jangira	156	Karauli
111.	Baroda	157	Banswara
112.	Kolhapur	158	Bundi
113.	Tehri Garhwal	159	Dungarpur
114.	Benaras	160	Jhalawar
115.	Rampur	161	Kishengarh
116.	Cooch Behar	162	Kotah
117.	Patiala	163	Mewar
118.	Kapurthala	164	Partabgarh
119.	Nabha	165	Shahpura
120.	Jind	166	Tonk
121.	Faridkot	167	Jaipur
122.	Kalsia	168	Jaisalmer
123.	Nalagarh	169	Bikaner
124.	Malerkotla	170	Jodhpur
125.	Travancore	171	Lawa
126.	Cochin	172	Kushalgarh
127.	Gwalior	173	Nirmrana
128.	Indore	174	Sirohi
129.	Alirajpur	175	Nawanagar
130.	Barwani	176	Bhavanagar
131.	Dewas (Senior)	177	Porbandhar
132.	Dewas (Junior)	178	Dhurangadhra
133.	Dhar	179	Morvi

271 Jigni
272 Kamta Rajaula
273 Kothi
274 Lugasi
275 Naigawan Rebai
276 Pahara
277 Paldeo (Nayagaon)

278 Sarila
279 Sohawal
280 Taraon
281 Tori Fatehpur
282 Hyderabad
283 Mysore
284 Jammu and Kashmir

180	Gondal	225	Bahji
181	Jafrabad	226	Kuthar
182	Wankarnor	227	Kumarsain
183	Palitana	228	Baghal
184	Dhrol	229	Mangal
185	Limbdi	230	Kunihar
186	Rajkot	231	Darkoti
187	Wadhwa	232	Sangri
188	Lakhtar	233	Beja
189	Sayla	234	Delath
190	Chuda	235	Ratesh
191	Vala	236	Rawingarh
192	Jasdan	237	Dhadi
193	Amarnagar(Thana Devli)	238	Ghund
194	Vadia	239	Khaneti
195	Lathi	240	Madhan
196	Muli	241	Theog
197	Bajana	242	Koti
198	Virpur	243	Bhopal
199	Malia	244	Bilaspur
200	Kotda Sangani	245	Kutch
201	Jetpur	246	Tripura
202	Bilkha	247	Manipur
203	Patdi	248	Ajaigarh
204	Khirasra	249	Baoni
205	Vanod	250	Baraundha
206	Barwala	251	Bijawar
207	Katodia	252	Chhatarpur
208	Lodhika	253	Charkhari
209	Vasavad	254	Datia
210	Jalia Devani	255	Maihar
211	Zainabad	256	Nagod
212	Vithalagadh	257	Orchha
213	Tharoch	258	Panna
214	Chamba	259	Rewa
215	Mandi	260	Samthar
216	Suket	261	Alipura
217	Keonthal	262	Banka Pahari
218	Sirmur	263	Beri
219	Bhagat	264	Bhaisaunda
220	Balsan	265	Bihat
221	Bashahr	266	Bijna
222	Jubbal	267	Dhurwai
223	Mahlog	268	Garrauli
224	Dhami	269	Gaurihar

