

# **The M.P. Madhyastham Adhikaran Regulations, 1985**

MADHYA PRADESH

India

## **The M.P. Madhyastham Adhikaran Regulations, 1985**

### **Rule**

### **THE-M-P-MADHYASTHAM-ADHIKARAN-REGULATIONS-1985 of 1985**

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The M.P. Madhyastham Adhikaran Regulations, 1985 Published vide Notification No. F-29-M-A-85 dated 20-8-1985; published in M.P. Rajpatra (Asadharan) In exercise of the powers conferred by Section 10 of the Madhya Pradesh Madhyastham Adhikaran Adhiniyam, 1983 (No. 29 of 1983), the Arbitration Tribunal, hereby makes the following regulations, namely :-

#### **1. Short title and commencement.**

(1) These regulations may be called the Madhya Pradesh Madhyastham Adhikaran Regulations, 1985. (2) The regulations shall come into force on the date of their publication in the Government Gazette.

#### **2. Definitions.**

- In these Regulations, unless the context otherwise requires, -(a) "Act" means Madhya Pradesh Madhyastham Adhikaran Adhiniyam, 1983; (aa) [ "Chairperson" means the Chairman appointed under Section 4 of the Act; ] [Inserted by Notification No. F-314-M-A-99, dated 18-5-1999.] (b) "Reference" means reference under Section 7 of the Adhiniyam (Act); (c) "Registrar" means the Registrar of the Madhyastham Adhikaran (Arbitration Tribunal) and includes a Dy. Registrar; (d) Words and expressions used but not defined in these regulations but defined in Madhya Pradesh Madhyastham Adhikaran Adhiniyam, (hereinafter called the Adhiniyam) and the rules framed thereunder, shall have the meanings assigned to them in the Adhiniyam and the Rules.

### **3. Reference to Tribunal.**

- Reference (petition for arbitration) in the prescribed form shall be presented to the Registrar or an officer authorised by the Registrar in this behalf by the petitioner in person or by his duly authorised agent or advocate, during the working hours of the Tribunal.

### **4. Procedure on receipt of reference.**

- As soon as a reference is received in the office of the Tribunal, it along with the affidavit and documents shall be scrutinised by such responsible official of the staff of the Tribunal as the [Chairperson] [Substituted by Notification No. F-314-M-A-99, dated 18-5-1999.] may, by general or special order, authorise in this behalf.

### **5.**

If any defect or deficiency is discovered in the reference, it shall be reported to the Registrar or an officer authorised by the Registrar in this behalf who shall direct the petitioner to remove it within a specified time to be fixed him. [If the petitioner fails to rectify the defect within the time allowed the Registrar may forward the reference to the Chairperson for necessary orders.] [Inserted by Notification No. F-314-M-A-99, dated 18-5-1999.]

### **6.**

The reference, if found in order or after removal of the defect or deficiency, if any, shall be registered, numbered and placed before the [Chairperson] [Substituted by Notification No. F-314-M-A-99, dated 18-5-1999.].

### **7.**

The [Chairperson] [Substituted by Notification No. F-314-M-A-99, dated 18-5-1999.] shall, having regard to the nature of the dispute, the amount involved and other relevant factors, if any, assign it to a Bench for giving award.

### **8.**

The Bench to which the reference is so assigned shall cause notice thereof to be issued to the opposite party to show cause, specifying the date for appearance.

### **9.**

Notice to the opposite party with a copy of the petition (reference) shall be sent by registered A.D. post and it shall be treated as served, until the contrary is proved.

**10.**

The opposite party on or before the date specified in the notice for its appearance, may file a reply in writing signed by it or its authorised agent, along with an affidavit verifying the averments made in the reply.

**11.**

The Rules 1 to 6 of the Order III of the Code of Civil Procedure shall be applicable to the proceedings before the Tribunal or its Benches.

**12.**

The reference shall be accompanied with all the documents on which the petitioner relies to establish his claim and the written reply of the opposite party shall, likewise, be accompanied with all the documents which he intends to rely upon in defence or support of his case.

**13.**

If the postal article containing the notice or the summons is received back with an endorsement purporting to have been made by a postal employee to the effect that the addressee or his agent had refused to take delivery of the postal article containing the notice or summons as the case may be, when tendered to him, the Tribunal or the Bench issuing it shall declare that the notice or the summons has been duly served :Provided that the declaration referred to above shall be made notwithstanding the fact that the postal acknowledgement has not been received back before the date fixed.

**14. Substituted service.**

- Where the Tribunal or the Bench is satisfied that there is reason to believe that the addressee is avoiding service or that for any other reason the notice or summons cannot be served by post, the Tribunal or the Bench shall order the notice or the summons to be served by an advertisement in a daily newspaper, circulating in the locality in which the addressee is known to have last resided or worked or carried on business or in such manner as may be thought fit.

**15. Discovery, inspection and admission of documents.**

- The rules under Order XI and XII of the Civil Procedure Code shall be applicable to the cases before the Tribunal.

## **16. Issues.**

- It shall not be necessary to frame issued but the Tribunal or the Bench may do so for the sake of expediency in a particular case.

## **17. Summoning and attendance of witnesses.**

- The Rules 1 to 21 of Order XVI and Rules 1 to 7 of Order XVI-A of the Civil Procedure Code will be applicable in the proceedings before the Tribunal, with necessary and suitable modifications therein.

## **18. Summons how served.**

- Every summons not being a summons delivered to a party for service, shall be served, as nearly as may be in the same manner as a summons to a defendant and the same rules regarding proof of service shall apply.

## **19. Summons given to a party for service.**

- The Tribunal may, on the application of any party for issuing a summons for the attendance of any person, allow such party to effect service of such summons on such person and shall, in such case, deliver the summons to such party for service. The summons served under this regulation will be treated as served by a serving officer. Where a summons is served by a party under this regulation, the party shall not be required to pay the fee otherwise chargeable for the service of summons.

## **20. Production of witnesses without summons.**

- Any party to the arbitration proceedings may, without applying for summons, bring any witness to give evidence or to produce documents with the permission of the Tribunal.

## **21. Appearance of parties and consequence of non-appearance.**

- Provisions of Rules 1 to 14 of Order IX of the Civil Procedure Code, shall be applicable to the proceedings before the Tribunal with modifications as may be necessary for the purpose.

## **22. Adjournments.**

- The Tribunal or the Bench hearing the case may, if sufficient cause is shown at any stage of the proceedings, grant time to the parties or to any of them and may, from time to time, adjourn the hearing of the case. In every such case, the Tribunal shall fix a day for the further hearing of the case and may make such order as it thinks fit with respect to the costs occasioned by the adjournment.

### **23. Hearing of the case.**

- After the written reply is filed by or on behalf of the defendant, a date will be fixed for settlement of points in dispute and the evidence which the parties will adduce in support of their respective cases.

### **24. Final hearing.**

- On settlement of points for determination and the evidence, the case shall be posted for final hearing.

### **25. Party to appear before other witness.**

- Where a party himself wishes to appear as a witness he shall so appear before any other witness on his behalf has been examined unless he is allowed to appear as his own witness at a later stage.

### **26. Memorandum of evidence.**

- It shall not be necessary to take down or dictate or record the evidence of a witness at length, but one of the members or the sole member, as the case may be, sitting to hear the case, while a witness is being examined, shall dictate to the deposition writer, a memorandum of the substance of what the witness deposed, and such memorandum shall be signed by all the members of the Bench or the sole member, hearing the case, and shall form part of the record.

### **27. Sequence of evidence.**

- On the settling date, subject to regulation 25, the sequence in which the evidence may be taken shall be decided by the Bench hearing the case :Provided that the Tribunal or the Bench hearing the case, may change the sequence of evidence as and when it becomes necessary to do so and may also allow the producing of additional evidence and examination of a new witness for reasons to be recorded in this behalf.

### **28. Power to order any point to be proved by affidavit.**

- The Tribunal or the Bench, hearing the case, may at any time, order that any particular fact or facts may be proved by affidavit or that the affidavit of any witness may be read as evidence at the hearing on such conditions as the Tribunal or the Bench thinks reasonable.

### **29. Power to order attendance of deponent for cross-examination.**

- Upon an application made by a party, evidence may be given by affidavit, but the [Tribunal] [Substituted by Notification No. F-314-M-A-99, dated 18-5-1999.] may at the instance of the other party, order the attendance for cross-examination of the deponent.

### **30. Power to inspect.**

- The Tribunal or the Bench may, at any stage of the proceedings, inspect any property or thing concerning the dispute but it on inspection shall make a memorandum which shall form part of the record of the case.

### **31. Award.**

- The Tribunal or the Bench as the case may be, after the case has been heard shall pronounce its award, either at once or as soon thereafter as practicable on some future date, of which due notice shall be given to the parties or their pleaders. [The award shall be signed and dated] [Substituted by Notification No. F-314-M-A-99, dated 18-5-1999.] by the member or members who hear the case.

### **32. Commission, issue of commission.**

- The Tribunal or the Bench may, in any case, issue commission for examination of a witness or examination of accounts or local inspection or investigation or for any other purpose which may be considered necessary for the disposal of the case, on such terms and conditions as it thinks proper.

### **33. Proceedings and report to be evidence.**

- The proceedings and report (if any) of the commission shall be evidence in the case but where the Tribunal or the Bench has reason to be dissatisfied with them, it may pass such orders as it thinks fit.

### **34. Holidays.**

- The Tribunal shall observe all the general holidays declared by the State Government for each calendar year :Provided that the [Chairperson] [Substituted by Notification No. F-314-M-A-99, dated 18-5-1999.] may make such variations as may be necessary, with the approval of the Government.

### **35. Working hours.**

- The office and the Court of the Tribunal shall remain open daily, except on authorised holidays, for the transaction of business before them, between the hours 10.30 a.m. and 5.30 p.m. with a recess between 1.30 p.m. and 2.00 p.m. The timings may, however, be suitably changed by the [Chairperson] [Substituted by Notification No. F-314-M-A-99, dated 18-5-1999.], and when necessary.

### **36. [ Dress for the members. [Regulations 36 to 55 and Annexure there to Inserted by Notification No. F-314-M-A-99, dated 18-5-1999.]**

- The Chairperson and all the Members of the Tribunal while sitting on Board shall wear black coat and white trouser/sari with band. They shall also wear Gown except during summers.

### **37. Dress for the parties.**

- A legal practitioner or as the case may be, a presenting officer shall appear before the Tribunal in his professional dress, if any, and if there is no such dress then-(i)if a male, in a closed collared coat and trousers, or in a lounge suit;(ii)if a female, in a sari or any other customary dress of a sober colour.

### **38. Proof of documents.**

- All documents filed by the parties shall be proved in accordance with the principles laid down in the Evidence Act, 1872 (No. 1 of 1872).

### **39. Custody, preservation and destruction of records.**

(1)The reference petition shall be treated as complete on the date of final award of the Bench or in the event of revision of the Bench or in the event of revision to the High Court, on the date of final order of the High Court, as the case may be. After the pronouncement of the award by the Tribunal the records of reference petitions and papers should be forwarded together with Form "C" to the record room upto the 10th of each succeeding month or any other date, fixed by the Chairperson.(2)(a)The Reader shall prepare and arrange the record of each reference case, as directed in Annexure I. Papers will be numbered and entered in the index under the appropriate part.(b)When the records with the prescribed Form "C" are received in record section, Record-Keeper shall verify that the records correspond with those entered in Form "C", that their classification and arrangement have been properly carried out and that the contents of each file correspond with the table of contents.(3)All records shall be retained in the record room from the date of completion till the expiry of the period prescribed under these regulations in Annexure I. On expiry of such period they shall be destroyed :Provided that the Bench concerned or the Registrar may, for reasons to be recorded in writing, order that any particular paper or the record be preserved beyond such period.(4)(a)The Record-Keeper shall also ascertain whether the papers in the records bear the court-fee stamps as shown in the table of contents and whether the stamps have been properly punched.(b)If the Record-Keeper detects any irregularity in any record or suspects any doubt regarding the genuineness of any document, he shall immediately report of the matter to the Registrar.(c)The destruction of record as prescribed under these Regulations in Annexure-I, shall be carried out from time to time as may be necessary and subject to the general superintendence of the Registrar/Dy. Registrar or any other officer as may be directed by the Chairperson.(5)(a)The destruction of all papers shall ordinarily be effected by burning in the presence of the Record-Keeper acting under the supervision of Registrar/Dy. Registrar or any other

Supervising Officer as may be directed by Chairperson.(b)A note of every paper of record taken out for destruction shall be made by the Record-Keeper at the time of removal in the appropriate record room register and shall be verified by such officer as authorised under the above regulations initiated by the Record-Keeper. If in any case the destruction is not effected, the record-keeper shall cancel the note under his initial.

#### **40. Movement Register.**

- Movement Register shall be maintained by the Record-Keeper and the Reader of each Bench for the purpose of sending and receiving back of the records and documents etc.

#### **41. Procedure for grant of certified copies.**

(1)Application for copies may be presented in person or by an agent or pleader to the copyist.(2)A copy of judicial record pertaining to the Tribunal may be granted to any person, legally entitled to receive it. A stranger to the case may be granted on payment of the copying fee, a copy of reference petition, reply, affidavit, documents produced by the parties, applications filed by parties and Award or Orders passed by the Tribunal, if he shows to the satisfaction of the Bench or the Registrar that he has sufficient reason for obtaining such a copy.(3)Every application for supply of a copy shall contain the following particulars, namely :-(a)Number of the application/reference case,(b)Name of the parties,(c)Whether the case is pending or disposed of,(d)The name of the document of which a copy is required,(e)The name and full address of the applicant,(f)In the case of a copy of an order, whether for private or general use.(4)A separate application is necessary for each reference case from which a copy is sought, but copies of any number of documents from one record can be asked for the single application.(5)(a)If a party requires delivery of copy more expeditiously than would in the normal course of business occur, he may, in addition to the application for copy presented, file a separate application praying for urgent delivery of the copy, stating the ground on which such prayer is made.(b)The application for early delivery will be immediately forwarded to the Registrar or any other officer authorised by him who shall decide it forthwith and may, after taking into consideration the facts alleged in the application for early delivery and the states of business in the copying section, allow the application. The fee for copying shall be the same as contained in the Schedule to the Madhya Pradesh Madhyastham Adhikaran Niyam, 1984. If the application for early delivery is rejected the copy will be prepared in the ordinary way and the usual copying fee shall be charged.(6)Copying application and copying fee shall ordinarily be accepted on all working days only between 10.30 a.m. to 3 p.m.(7)The copyist shall enter on the back of each copying application the details about registration number, advance received, number of sheets prepared, amount of copying fee affixed on the copies delivered, amount of advance refunded if any, amount of further advance if any, and date of delivery of copying application and all other details as are necessary.(8)All copies supplied shall be certified to be true copies by the Registrar or the officer so authorised by the Registrar in that behalf.(9)On the last sheet of each copy prepared, there shall be typed or otherwise legibly endorsed the following table(a)Application received on.(b)Applicant told to appear on.(c)Applicant appeared on.(d)Application (with or without further or correct particulars) sent to Record Room on.(e)Application received from Record-Room (with record or without record for further or correct particulars) on.(f)Applicant given notice for further or correct



particulars on.(g)Applicant given notice for further funds on.(h)Notice in Column (f) or (g) complied with on.(i)Copy ready on.(j)Copy delivered or sent on.(k)Court-fees realised.(10)At the beginning of each copy there shall be given a brief description of the documents to be copied e.g., reference petition, reply affidavit, document produced by the parties, adjournment application or other applications filed by parties, exhibits, Award or orders passed by the Tribunal etc. The description must give the name of Bench to which the case belongs, the names of the parties, number of the case, the claim and the date of decision or order or next date of the case, as the case may be.

## **42. Preparation and delivery of copies.**

(1)Urgent copy shall be delivered to the applicant within three days and ordinary copy within ten days.(2)On receipt of the application, the concerned petition or the document shall be taken out from the record room or the concerned Bench as the case may be, and the copying fee payable would be ascertained and the applicant shall be directed to deposit advance copying fee. If it is not practicable in any case, the copyist shall ascertain the copying fee sufficient to cover the estimated cost of the copying.(3)Copies shall be delivered as far as possible in the order in which the applications become effective except urgent applications.(4)Every copying application shall be entered in the copying application register as prescribed and the copyist shall issue the receipt of advance in the duplicate receipt books as prescribed.(5)After the copying fee is deposited, the applicant shall be informed of the date on which he should present for collecting the copy. On that date, copy shall be supplied or else, fresh intimation about the next date on which he should come for collecting the copy, shall be given to him.(6)If the applicant does not claim the copy ready for delivery on the date mentioned above or within one month thereafter, the copy so prepared may be deposited in record room. If the applicant appears within 3 months, the copying application may be restored with the written permission of the Registrar, if the Registrar is so satisfied with the reasons mentioned for delay.(7)If the applicant does not appear within three months the copying fee deposited shall be forfeited to the Government and the application for copying and prepared copies shall be filed.(8)(a)Photocopies of M.Bs., agreements and other bulky records may be supplied to the parties after obtaining the permission of the Bench at the cost of the parties.(b)If any party wants the certification of the photocopies so supplied, the copyist shall compare and will issue the certified copy on payment of copying fee as prescribed for an ordinary copy.(9)(a)The certified copy may be delivered to the applicant or to his agent or to his pleader.(b)On the request of the applicant the certified copy may be sent by post also, if the applicant furnishes the duly stamped and duly addressed envelope with the copying application or at any time thereafter.(10)If the applicant does not furnish further funds, or correct particulars as the case may be, as required by the copyist, the copyist may send the notice of 15 days, at the cost of applicant to the applicant or to his agent or to his pleader, regarding furnishing of further funds or correct particulars as the case may be. If the applicant does not furnish the funds or the correct particulars as the case may be, within 15 days, the application may be filed and the amount deposited by the applicant, if any, shall be forfeited with the approval of the Registrar.

### 43. Copying registers and accounts.

(1)The copyist shall maintain the following registers and they shall be presented for the period specified below, the period being counted from the date of the last serial entry therein.

Sl. No.	Name of the register	No. of Forms with the No. of Schedule on which it is borne	Period for which to be preserved
(1)	(2)	(3)	(4)
1.	Register of application	II-65	
2.	Account book	II-66	
3.	Detailed account book	II-67	6 years
4.	Duplicate receipt book	II-68	
5.	List of unexpended advances	II-70	
6.	Dak book	II-34	3 years
7.	Disposed of applications -		6 months.

(2)(a)The amount received from the applicant accompanied by an application shall be entered by the copyist in the register of applications for copies and in the detailed account book. Daily totals of columns 3 to 7 of the detailed account book shall be carried to the appropriate columns of Account Book.(b)The copyist shall furnish cash security of Rs. 500/- and shall execute personal security bond with two sureties for the same amount as fixed by the Chairperson of the Tribunal.(3)Security given in cash shall be deposited in the Post-Office Saving Bank in accordance with the rules regarding security deposits issued by the Postal Department. The interest on money thus deposited shall be paid to the depositor.

### 44. Cancellation of court-fee labels.

(1)On the presentation of a petition/application or other documents bearing a court-fee label or labels, it shall be the duty of the Reader after satisfying himself that the label or labels are genuine and have not been previously used, and that the document is fully stamped to-(a)punch out the figure head of each label, leaving the amount designated untouched.(b)cancel each label by a rectangular stamp bearing the word "cancelled".(c)note on the right hand top corner of the document, in red ink, the value of the label or labels, which it bears, and initial such note.(2)It shall be the duty of the Record Keeper of the Tribunal to-(a)examine every document which comes into his custody in order to ascertain firstly whether all stamps and labels have been cancelled as required by the above regulation and secondly, whether the value of label or labels if any which it bears correspond with their value as noted by the receiving reader of the concerned Bench; and(b)cancel each label by a circular stamp bearing the word "cancelled", in case the label has not been cancelled by the Reader;(c)to report to the Registrar every case in which he finds :-(1)that the stamp has not been cancelled in the manner prescribed above; or(2)that the value of the label or labels on any document does not correspond with their value as noted by the receiving reader of the concerned Bench of the Tribunal.(3)It shall be the duty of the Registrar to submit such a case for the

orders of Chairperson.(4)It shall be the duty of the Section Officer empowered to inspect the work of Record-Room to satisfy himself by inspection of the record lodged in the record-room that the regulations are being complied with.(5)An inspection book shall be kept in the Record-Room in the form as may be prescribed and a note will be made therein of all inspections made under above regulations and the inspection book shall be placed before the Officer-in-charge.(6)The figure heads or pieces of stamps or labels removed by punching shall be destroyed by burning or in some other effective means.

#### **45. Inspection of staff and sections of the Tribunal.**

(1)Inspection of staff of the Benches shall be made by the Registrar within every three months and inspection note shall be sent to the reader of that Bench with a copy to the Member of the Bench with a letter of request for getting it complied by the staff.(2)(a)Inspection of the copying section, Library, stores, Record-Room, Forms and Stationery, Accounts and Office Section shall be done by the Section Officer, as may be authorised in this behalf.(b)The inspection shall be made regularly within every three months and the inspection note shall be placed before the Registrar. The Registrar shall send the inspection report to the concerned staff for due compliance. The inspection note shall be returned after due compliance within 15 days thereafter to the Registrar, who shall place it with his comments before the Chairperson for perusal and necessary action. Duly complied inspection note shall be preserved for six years.(c)The Registrar may inspect the work of any employee of the Bench or any section of the Tribunal at any time and shall place his inspection note before the Chairperson for necessary action.

#### **46. Registration of Legal Practitioner's Clerks.**

(1)No clerk employed by a legal practitioner shall act as such in the Tribunal or be permitted to have access to the records and obtain copies of the orders of the Bench of the Tribunal in which the legal practitioner ordinarily practices unless his name is entered in the register of clerks maintained in the office of Registrar. Such clerk shall be known as a "registered clerk."(2)A legal practitioner desirous of registering his clerk shall make an application to the Registrar in Form D. On such application being allowed by the Registrar, his name shall be entered in the register of clerks.(3)After registration of the clerk, the Registrar shall direct the issue of an identity card to him which shall be renewed annually and shall be non-transferable and shall be produced by the holder upon request by an officer or other employees of the Tribunal authorised in this behalf. The identity card shall be issued under the signature of the Registrar.

#### **47. Powers and functions of the Registrar.**

(1)The Registrar shall have the custody of the records of the Tribunal and shall perform such other functions as are assigned to him under these regulations or as may be assigned by the Chairperson or the Vice-Chairman by separate order.(2)The Registrar may, with the approval of the Chairperson, or of the Vice-Chairman designate to the Deputy Registrar/Section Officer any function or power required by these to be performed or exercised by the Registrar.(3)In the absence of the Registrar, the Deputy Registrar/Section Officer may exercise all the powers and perform all the functions of

the Registrar.(4)The official seal shall be kept in the custody of the Registrar.(5)Subject to any general or special direction by the Chairperson, the seal of the Tribunal shall not be affixed to any order, summons or other process save under the authority in writing of the Registrar or the Deputy Register/Section Officer.

#### **48. Additional powers and duties of Registrar.**

- In addition to the powers conferred elsewhere in these regulations, the Registrar shall have the following powers and duties subject to any general or special order of the Chairperson or the Vice-Chairman of the Bench concerned, namely :-(i)to decide all questions arising out of the scrutiny of the petitions/applications before they are registered;(ii)to require any petition/application presented to the Tribunal to be amended in accordance with the Act and the rules before the case is fixed for pre-hearing;(iii)to grant leave to inspect the records of the disposed of cases of Tribunal;(iv)to requisition records from the custody of any Court or other authority;(v)to receive and dispose of applications by parties for return of documents in disposed of cases.

#### **49. Seal.**

- The Tribunal and its Benches and Officers shall use a round seal bearing inscription in Hindi-English, 'M.P. Arbitration Tribunal' in semicircle above three lions below which words 'Sathya Meva Jayate' in Hindi and below that 'Bhopal' shall be inscribed.

#### **50. Striking out pleadings.**

- The Tribunal may at any stage of the proceedings order to be struck out or amended any matter in any pleadings-(a)which may be unnecessary, scandalous, frivolous or vexatious, or(b)which may tend to prejudice, embarrass or delay the fair trial of the reference, or(c)which is otherwise an abuse of the process of the Tribunal.

#### **51. Rejection of petition.**

- The petition shall be rejected in the following cases :-(a)where it does not disclose a cause of action;(b)where the relief claimed is undervalued, and the petitioner, on being required by the Tribunal to correct the valuation within a time to be fixed by the Tribunal, fails to do so;(c)where the relief claimed is properly valued, but the reference is insufficiently stamped and the petitioner on being required to pay requisite court-fee within a time to be fixed by the Tribunal, fails to do so;(d)where the reference appears from the statement in the petition to be barred by any law.

#### **52. Procedure on rejecting reference.**

- Where a petition is rejected, the Tribunal shall record an order to that effect with the reasons for such order.

### **53. Withdrawal and adjustment of references.**

(1) At any time after the institution of a reference, the petitioner may as against all or any of the respondents abandon his reference or abandon a part of his claim. (2) Where the Tribunal is satisfied-(a) that a reference must fail by reason of some formal defect; or (b) that, there are sufficient grounds for allowing the petitioner to institute a fresh reference for the subject-matter of such reference or part of a claim; it may, on such terms as it thinks fit, grant the petitioner permission to withdraw from such reference or such part of the claim with liberty to institute a fresh reference in respect of the subject-matter of such reference or such part of the claim. (3) Where the petitioner-(a) abandons any reference or part of claim under sub-regulation (1); or (b) withdraws from a reference or part of a claim without the permission referred to in sub-regulation (2); he shall be liable for such costs as the Tribunal may award and shall be precluded from instituting any fresh reference in respect of such subject-matter or such part of the claim.

### **54. Limitation law not affected by first reference.**

- In any fresh reference instituted on permission granted under the last preceding rule, the petitioner shall be bound by the law of limitation in the same manner as if the first reference had not been instituted.

### **55. Compromise of reference.**

- Where it is proved to the satisfaction of the Tribunal that a reference has been adjusted wholly or in part by any lawful agreement or compromise (in writing and signed by the parties) or where the respondent satisfies the petitioner in respect of the whole or any part of the subject-matter of the reference, the Tribunal shall order such agreement, compromise or satisfaction to be recorded and shall pass a decree in accordance with law. Annexure-I [See Regulation No. 39 (2) and (3)] A record of petition shall consist of five files to be styled and marked respectively File-A, File A-1, File C-1, File C-2 and File D. File-A shall contain the following papers which shall be arranged in the following order : Table of Contents (1) Reference petition (2) Rejoinder (3) Orders (4) Award (5) Summons, notice or order with return thereto on the basis of which an ex parte award is passed. (6) Copy of order passed on revision or any other order of High Court/Supreme Court. File 'A' shall be destroyed after 30 years but if revision/appeal is pending till its disposal. File A-1 shall contain the following papers which shall be arranged in the following order : Table of Contents (1) Order sheet (2) Written statement (3) Counter claim (4) Issues or disputed points. File A-1 shall be destroyed at the end of 30 years but if revision/appeal pending till its disposal. File C-1 shall contain the following papers which shall be arranged in the following order : Table of Contents (1) C-1 (B-1) Petitioner's proved documents. (2) C-1 (B-2) Respondent's proved documents. (3) C-1 (A) Evidence. File C-1 shall be destroyed at the end of 30 years but if revision/appeal is pending till its disposal. File C-2 shall contain the following papers which shall be arranged in the following order : Table of Contents (1) All applications. (2) Vakalatnama, Advocate Power. (3) Power of Attorney. (4) Registered addresses of both parties. (5) Appointment order of Govt. Advocate/O.I.C. (6) Advocate fee Certificate. (7) Advocate's address with Telephone No. File C-2 shall be destroyed at the end of one year. File D shall contain the following papers which shall be arranged in the following order: Table of Contents (1) All

summons.(2)All acknowledgement of summons.(3)List of documents by parties and all remaining papers.(4)Inadmissible documents of parties.File D shall be destroyed at the end of six months.Form C[See Regulation 39]List of Reference (Suits) Disposed of in the Bench.....During the Month of..... 199....

Serial No. of Disposal	Date of Disposal	Number and year of reference case in Tribunal's register of references	Name of parties
(1)	(2)	(3)	(4)
Details of files Constituting each record	Record room number and year of record received	Record room Number, year and description of each record or file eliminated with date of elimination and signature of Record Keeper	Remarks
(5)	(6)	(7)	(8)

Form-D[See Regulation No. 46 (2)]Application for the Registration of a Clerk

**1. Name of the legal practitioner on whose behalf the clerk is to be registered.**

**2. Particulars of the clerk to be registered-**

(i)Full name (in capital)(ii)Father's name(iii)Age and date of birth(iv)Place of Birth(v)Nationality(Vi)Educational Qualifications(vii)Particulars of previous employment, if any.I, ..... (Clerk above named) do hereby affirm that the particulars relating me given above are true.....Signature of the clerk.

**3. Whether the legal practitioner has a clerk already registered in his employ and whether the clerk sought to be registered is in lieu of or in addition to the clerk already registered.**

**4. Whether the clerk sought to be registered is already registered as a clerk of any other legal practitioner and if so, the name of such practitioner.**

I, .....(legal practitioner) certify that the particulars given above are true to the best of my information and belief and that I am not aware of any fact which would render unsuitable the registration of the said..... (name) as a clerk. Further, I enclose postal order for two rupees fifty paise being the cost of identity card along with two passport size Photographs of the applicant duly attested by me.....Signature of the Legal PractitionerDate.....To,The Registrar,M.P. Arbitration Tribunal,Bhopal.]