

Madhya Pradesh Bhu-Rajasva Sanhita (Rajasva Nyayalayaon Ki Prakriya) Niyam, 2019

MADHYA PRADESH

India

Madhya Pradesh Bhu-Rajasva Sanhita (Rajasva Nyayalayaon Ki Prakriya) Niyam, 2019

Rule

MADHYA-PRADESH-BHU-RAJASVA-SANHITA-RAJASVA-NYAYALAYON KI PRAKRIYA-NIYAM, 2019

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Madhya Pradesh Bhu-Rajasva Sanhita (Rajasva Nyayalayaon Ki Prakriya) Niyam, 2019Published vide Notification No. F-2-2-2019-VII-S. 7, dated 18.7.2019Last Updated 24th February, 2020No. F-2-2-2019-VII-S. 7. - In-exercise of the powers conferred by sub-section (2-A) and (2-B) of section 258 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) and in supersession of Schedule-I of the said Code upto the extent of its application to all Revenue Courts except the Board of Revenue and rules made under section 41 of the said Code, regulating the procedure to be followed by Revenue Courts by Notification No. 365, dated 26th February, 1960 upto the extent of their application to all other Revenue Courts except the Board of Revenue and the Rules regarding the service of summons, notices and other processes summoning of parties and witnesses, recognised agents, consolidation of appeal and other proceedings etc. and Notification No. 366 dated 26th February 1960 upto the extent of their application to all other Revenue Courts except the Board of Revenue, the State Government, hereby; makes the following rules, the same having been previously published in the Madhya Pradesh Gazette as required by sub-section (3) of Section 258 of the said Code, namely :-

1. Short title and commencement.

(1)These rules may be called the Madhya Pradesh Bhu-Rajasva Sanhita (Rajasva Nyayalayaon Ki Prakriya) Niyam, 2019.(2)These rules-shall come into force from the date of their publication in the Madhya Pradesh Gazette.

2. Definitions.

(1) In these rules unless the context otherwise requires, - (a) "case" means a case or proceedings under the Code or any enactment for the time being in force; (b) "Code" means the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959); (c) "electronic messaging" means delivering a message through E-mail or such electronic means as may be permitted from time to time by the State Government; (d) "Form" means a form appended to these rules; (e) "Lok Sewa Kendra" means a center established or authorised by the State Government to receive applications for delivery of a service under The Madhya Pradesh Lok Sewaon Ke Pradan Ki Guarantee Adhiniyam, 2010 (No 24 of 2010); (f) "minor" means a person who has not attained his majority within the meaning of Section 3 of the Indian Majority Act, 1875 (No 9 of 1875); (g) "Revenue Case Management System" means an electronic system set up by the State Government for monitoring and management of cases in the Revenue Courts; (h) "Revenue Court" means a Revenue Court under Section 31 excluding the Board of Revenue; (i) "Schedule" means a schedule appended to these rules; and (j) "Section" means a section of the Code. (2) Words and expressions used in these rules but not defined and have been defined in the Code, shall have the same meaning as respectively assigned to them in the Code.

3. Application to Revenue Courts.

- These rules shall be applicable to all Revenue Courts other than the Board of Revenue.

4. Application of Civil Procedure Code.

- In accordance with section 43, unless otherwise expressly provided in the Code or these rules, the procedure laid down in Code of Civil Procedure, 1908 (No 5 of 1908) shall, so far as may be, be followed by a Revenue Court in all proceedings under the Code. Part-I Registration of case

5. Original application.

- For the purpose of this part "original application" means an application or petition to initiate original proceedings under the Code or any enactment for the time being in force.

6. Cognisance by the lowest Revenue Court.

(1) Subject to the provisions of Section 30, an original applications - shall be entertained and a case taken cognisance of only by the lowest Revenue Court competent to deal with it: Provided that in such class of cases, as the Collector may prescribe, an original application may be entertained and a case taken cognisance of by a lower Revenue Court and submitted with a report after enquiry to the court competent to deal with it. (2) An original application, not presented in accordance with this rule may be returned for presentation to the proper Revenue Court.

7. Presentation of original application before Revenue Court.

- Subject to the provisions of Section 39, an original application may be presented before a Revenue Court in any one of the manners prescribed in rules 8, 9, 10 or 11.

8. Presentation of original application before Revenue Court in person.

(1) An original application to be presented before a Revenue Court in person shall be presented to the presiding officer of the Revenue Court or to such officer as he appoints in this behalf. (2) The officer receiving such original application shall make a signed and dated endorsement thereon, stating the name of the person presenting the application and in case, the original application is received at a place other than his headquarters, the name of such place. (3) Every original application presented under sub-rule (1) shall, as soon, as possible, be registered in the Revenue Case Management System as a case. (4) If such original application is not heard by the Revenue Court on the day of its presentation date for its hearing shall be fixed and shown on the receipt to be given under sub-rule (1) of rule 12.

9. Presentation of original application before Revenue Court by post or courier services.

(1) An original application may be presented to a Revenue Court by post or courier services. (2) On receipt of such original application, the officer receiving it shall make a signed and dated endorsement thereon, stating the fact that the application has been received by post or courier services. (3) Every original application received under sub-rule (1) shall, as soon as possible, be registered in the Revenue Case Management System as a case. (4) For such original application, a date for hearing shall be fixed and shown on the receipt to be sent under sub-rule (2) of rule 12.

10. Presentation of original application to Revenue Court through Lok Sewa Kendra.

(1) An original application may be presented to the Revenue Court through a Lok Sewa Kendra. (2) The Lok Sewa Kendra shall register such original application as a case in Revenue Case Management System, make an electronic copy of the original application, fix a date, which shall not be later than fifteen days, for appearance of the party before the Revenue Court and return the original application to the person presenting it along with an acknowledgement showing such date. (3) The Lok Sewa Kendra shall electronically transmit the electronic copy of the original application made in sub-rule (2) to the Revenue Court within next twenty-four hours. (4) The party shall appear before the Revenue Court on the date fixed by the Lok Sewa Kendra under sub-rule (2) and submit the original application with a copy of the acknowledgement issued by the Lok Sewa Kendra failing which, the Revenue Court may dismiss the application in default or pass such order as it deems fit. However, such dismissal shall not operate as a bar on presentation of a fresh original application.

11. Presentation of original application to Revenue Court through Revenue Case Management System portal.

(1)An original application may be presented to a Revenue Court online through the portal of Revenue Case Management System in accordance with the directions issued by the State Government from time to time. Such original application shall be registered as a case, a date, which shall not be later than fifteen days, shall be fixed for appearance of, the party before the. Revenue. Court and an acknowledgement showing such date shall be issued online by the System.(2)The party shall appear before the Revenue Court on the date fixed under sub-rule (1) and submit the original application with a copy of the acknowledgement failing which, the Revenue Court may dismiss the application in default or pass such order as it deems fit. However, such dismissal shall not operate as a bar on presentation of a fresh original application.

12. Acknowledgement of original application.

(1)Receipt of original application presented in person under rule 8 shall be acknowledged in Form I.(2)Receipt of original application received by post or courier services under rule 9 shall be acknowledged in Form I and sent by post.(3)Receipt of original application presented through a Lok Sewa Kendra under rule 10 or through Revenue Case Management System portal under rule 11 shall be acknowledged in Form II.

13. Registration of a case on the orders of Revenue Court.

(1)A Revenue Court may, on the receipt of any order or report or on its own motion, order registration of case in the Revenue Case Management System.(2)Every original application received under rule 8, 9, 10 or 11 has to be compulsorily registered in Revenue Case Management System as a case. Apart from this a Revenue court may also order registration of a case in Revenue Case Management System under this rule.

14. Consolidation of cases.

- A Revenue Court may consolidate proceedings other than appeals, revisions or review, if -(a)all the parties to such proceedings agree to such consolidation;(b)all such proceedings involve common points of determination; and(c)the evidence to be adduced in all such proceedings is common.Part-II Summons, notice, proclamation and warrantA- Summons

15. List of witnesses and issue of summons.

(1)On or before such date as the Revenue Court may appoint, the parties shall present in the Revenue Court a list of witnesses whom they propose either to give evidence or produce documents.(2)The Revenue Court may, for reasons to be recorded, permit a party to call any witness, other than those whose names appear in such list, if the party shows sufficient cause for the omission to mention the name of such witness in the said list.(3)A party may bring before the

Revenue Court any witness in the list submitted under sub-rule (1) or permitted under sub-rule (2), without issue of summons by the Revenue Court. In such event expenses of the witness, shall be directly paid by the party to such witness, without any reference to rules 33 and Provided that provisions of this sub-rule shall not apply in case of a State Government servant who is to be called to give evidence or produce document in his official capacity.(4)A party may make an application to the Revenue Court to issue summons to any witness, stating therein the purpose for which the witness is proposed to be summoned. The expenses of a witness who is summoned by the Revenue Court shall be paid in accordance with the provisions of rules 33 and 34.Explanation. - For the purpose of this Rule, the term 'State Government Servant' includes an employee of a local body.

16. Issuing of summons.

(1)Every summons issued in physical mode, shall be in writing, in duplicate and shall be signed and sealed by the presiding officer of the Revenue Court issuing it or by such person as he empowers in his behalf.(2)Every summons issued in electronic mode shall be electronically signed by the presiding officer of the Revenue Court issuing it or by such person as he empowers in his behalf.(3)Every summons shall specify the time and place at which the person summoned is required to attend, and also whether he is required to give evidence or to produce a document.

17. Summons to a party.

- Every summons to a party shall be accompanied by a concise statement about the subject matter of the case.Provided that a copy of application presented by applicant, if any, shall be annexed with the summons issued to non applicant.

18. Summons to produce a document.

(1)A summons to produce documents may be for the production of certain specified documents or for the production of all documents of a certain description in the possession or power of the person summoned.(2)A person merely summoned to produce a document shall be deemed to have complied with the summons if he causes such document to be produced instead of attending personally to produce the same.

19. Service of summons by Revenue Court.

- A Revenue Court may order service of summons by any one or more of the following modes as it thinks fit -(a)by personal service;(b)by registered post acknowledgement due or speed post or by such courier services as may be approved under sub-rule (3) of rule 22; or(c)by electronic messaging.

20. Personal service of summons.

(1)Where the person summoned resides within the jurisdiction of Revenue Court or within the district in which such Revenue Court is situated or has a recognized agent or legal practitioner resident within that jurisdiction or district who is empowered to accept the service of the summons, the summons shall, unless the Revenue Court otherwise directs, be delivered or sent-(a)to a proper officer to be served by him or one of his subordinates;(b)to a government servant subordinate to it to be served by him or one of his subordinates; or(c)to a patel or a kotwar to be served by him.(2)"Proper officer" means such officer who is responsible for service of summons and notices issued by Revenue Courts.(3)Every summons issued under sub-rule (1) shall be served by tendering or delivering a copy of it to the person summoned personally or to his recognised agent or to his legal practitioner.(4)Where the person summoned is absent from his residence at the time when the service of summons is sought to be effected on him at his residence and there is no likelihood of his being found at the residence within a reasonable time service may be made on any adult member of the family of the person summoned, who is residing with him.Explanation. - A servant is not a member of the family within the meaning of this rule.(5)Where the serving officer delivers or tenders a copy of the summons to the person summoned personally or to his recognised agent or legal practitioner or to an adult member of his family, he shall require the signature of the person, to whom the copy is delivered or tendered to an acknowledgement of service endorsed on the original summons. The serving officer shall endorse on the original summons, the date and time when and the manner in which the summons was served, and the name and address of the person, if any, identifying the person served and witnessing the delivery or tender of the summons.

21. Summons to a person residing in another district or outside the State.

- If the person summoned resides in another district within or outside the State of Madhya Pradesh, the summons may be sent by post or by such courier services as may be approved under sub-rule (3) of rule 22 or by a special messenger to the Collector of such district for service along with a request letter to cause its service through one of his subordinates.

22. Service of summons by post or courier services.

(1)A Revenue Court may order service of summons by transmitting a copy thereof to the person summoned or his recognized agent empowered to accept the service by registered post acknowledgement due or by speed post or by such courier services as may be approved under sub-rule (3).(2)Where the summons is issued under sub-rule (1), the Revenue Court issuing the summons shall, subject to the provisions of rule 29, declare the summons to have been duly served and proceed further in the case, if-(a)an acknowledgement or other receipt purporting to bear the signature of the person summoned or his recognised agent is received by the Revenue Court; or(b)the envelope containing the summons is returned by the postal service or courier. service to the Revenue Court with an endorsement purporting that it was not received by the addressee or in his absence by any other person on his behalf; or(c)the summons transmitted is shown delivered on the web portal of the postal service or courier service; or(d)the postal acknowledgement of the summons transmitted by Registered Post Acknowledgement Due is not received by the Revenue Court till after

the passage of thirty days from such transmission.(3)Collector shall, from time to time, prepare panel of approved courier services for use by his own Revenue Court and all Revenue Courts of rank equal or subordinate to it in district Other Revenue Courts shall prepare such panels from time to time for their own use.

23. Service of summons by electronic messaging.

- A Revenue Court may order service of summons by electronic messaging in the following situations-(a)to a person or his recognised agent or legal practitioner whose E-mail address is registered with the Revenue Court; or(b)to an organization which by law is required to declare an E-mail address for receiving communication from the public.

24. Give Summons to a party for service.

(1)The Revenue Court may, in addition to causing the service of summons under rule 19, on application of a party deliver summons to such party for service at his expenses.(2)The service of such summons shall be effected by or on behalf of such party by delivering or tendering to the person summoned personally a copy thereof or by any of the modes of service mentioned in clause (b) and (c) of rule 19.(3)The provisions of sub-rule (5) of Rule 20 shall apply to a summons personally served under this Rule as if the person effecting service were a serving officer.(4)If such summons, when tendered is refused or if the person served refuses to sign an acknowledgement of service or for any reason such summons cannot be served personally, the Revenue Court shall, on the application of the party, reissue such summons to be served by the Revenue Court under rule 19.

25. Substituted service.

(1)When the Revenue Court is satisfied that there is reason to believe that a person is keeping out of the way for the purpose of avoiding service, or that for any other reason the summons cannot be served in the ordinary way, the Revenue Court shall order the summons to be served -(a)by affixing a copy thereof on the outer door or some other conspicuous part of the house in which the person summoned ordinarily resides or carries on business or personally works for gain or at some place of public resort in such village or sector; or(b)in such manner as it thinks fit.(2)Where the summons is served by affixing a copy thereof in the manner aforesaid the serving officer shall endorse a report on the original summons or annex it thereto. The report shall state that he has so affixed the copy, the circumstances under which he did so, and the name and address of the person, if any, by whom the house was identified and in whose presence the copy was affixed. The report with the original summons shall be returned to the Revenue Court which issued it.(3)Where a summons is returned under sub-rule (2), the Revenue Court may, in its discretion, examine the serving officer on oath, or may cause him to be so examined by another Revenue Court, touching his proceedings and may make such further enquiry in the matter as it thinks fit, and shall either declare that the summons has been duly served or order such service, as it thinks fit.(4)Where the Revenue Court acting under sub-rule (1) orders service by an advertisement in a news paper at the expenses of a party, the newspaper shall be a daily newspaper known to be widely circulated in the locality in which the person summoned is last known to have, actually and voluntarily resided, carried on business or

personally worked for gain.(5)Service substituted by order of the Revenue Court shall be as effectual as if it had been made on the person summoned personally.

26. Service of summons in special cases.

(1)Where the person summoned is detained in prison the summons shall be delivered or sent to the officer in charge of the prison for service to the person by post or by such courier services as may be approved under sub-rule (3) of rule 22 or by a special messenger or by electronic messaging or by such other means as may be provided by the State Government by notification.(2)Where the person summoned resides out of India and has no recognised agent or legal practitioner in India empowered to accept service the summons may be addressed to such person at the place where he is residing and sent to him by post or by such courier service as may be approved under sub-rule (3) of rule 22 or by electronic messaging or by such other means as may be provided by the State Government by notification.

27. Sending letter in lieu of summons.

(1)The presiding officer of a Revenue Court where he deems fit may, in lieu of summons, send to the person summoned a letter signed by him.(2)A letter sent under sub-rule (1) shall contain all the particulars required to be stated in a summons, and subject to the provisions of sub-rule (3) shall be treated in all respects as a summons.(3)Such letter may be sent to the person summoned by post or by a special messenger or in any other manner which the Revenue Court thinks fit; and where the person summoned has a recognised agent empowered to accept service, the letter may be delivered or sent to such recognised agent.

28. Duty of person summoned.

- Subject to the provisions of the Code a person summoned to appear before a Revenue Court to give evidence shall attend at the time and place named in the summons for that purpose, and a person summoned to produce a document, shall either attend to produce it, or cause it to be produced, at such time and place.

29. Revenue Court to record its satisfaction of service of summons.

- whenever a summons is issued under these rules the Revenue Court shall, before taking any adverse action against the person summoned, satisfy itself that the summons was properly served in any one or more modes laid down in these rules and record its satisfaction.B- Notice

30. Mode of serving notice.

- All notices required by or under the Code to be given or served on any person shall be issued and served in the manner provided for the service of summons.C- Proclamation

31. Mode of issuing proclamation.

(1)Whenever a proclamation is issued under the Code, copies thereof shall be posted on the notice boards of the office of the Revenue Officer or Revenue Court issuing it, and the office of Tehsil within which the land to which it refers is situate, and the office of the Local body within which the land to which it refers is situate and displayed at some place of public resort on or adjacent to the land to which it refers.(2)The Revenue Officer or Revenue Court issuing the proclamation may, if he thinks fit, further cause the proclamation to be published by beat of drum on or near the land to which it refers.(3)On the request and expenses of a party the Revenue Officer or Revenue Court issuing the proclamation may order the proclamation to be published in a newspaper known to be widely circulated in the locality in which the land is Situate.(4)The state Government may, by notification specify such websites on which such proclamations as may be specified shall be compulsorily uploaded by the Revenue Officer or Revenue Court issuing the proclamation.(5)The modes of issuing a proclamation shall apply to the issue of prohibitory order.D- Other provisions

32. Summons,. notice or proclamation issued by a Revenue Court of other State in India.

- A summons, notice or proclamation issued by any Revenue Court of any other State in India shall be served and executed free of charge by any Revenue Officer or Revenue Court to whom it may be sent.

33. Expenses of witness summoned.

(1)The expenses of a witness who is summoned by a Revenue Court at the instance of a party shall be paid by such party.(2)The expenses of a witness who is summoned by a Revenue Court at its own instance and not at the instance of a party, shall be paid-(a)if the proceedings is in the nature of a dispute between private parties, by such party or parties and in such proportion as the Revenue Court may deem fit; and(b)in other cases by the State Government.(3)The expenses under sub-rules (1) and (2) shall be determined by the Revenue Court in accordance with the guidelines laid down in Schedule A.(4)Nothing contained in sub-rules (1) and (2) shall apply in case of a serving State Government servant who is summoned to give evidence in official capacity Such Government servant shall be entitled to Travelling Allowance and Daily Allowance in accordance with his service rules irrespective of whether he is summoned at the instance of a party or at the instance of Revenue Court. For this purpose a witness certificate shall be issued to him in Form III by the Revenue Court.Explanation. - (1)The expenses of a witness summoned by a Revenue Court at the instance of the State Government acting as.(2)In case of a State Government servant who is summoned to give evidence in other than official capacity and a retired State Government servant the provisions of sub-rule (1) or (2), as the case may be, shall apply.(3)For the purpose of this Rule, the term 'State Government servant' includes an employee, of a local body.

34. Payment of expenses to witness.

(1)The expenses determined by the Revenue Court under sub-rule (3) of rule 33 shall be paid to the witness-(a)where his evidence is taken,immediately after close of such evidence; or(b)where the case is adjourned without taking his evidence, prior to such adjournment.(2)In case, a party fails to pay to the witness the Revenue Court may, in order to ensure the payment, make such order as it may deem fit including stay of the proceedings.

35. Power to require persons present in Revenue Court to give evidence or produce document.

- Any person present in the Revenue Court may be required by the Revenue Court to give evidence or to produce any document then and there in his possession or power.

36. Forms of summons and bailable warrant - Form IV- A and IV-B.

- may be used for issuing summons and Form V may be used for issuing a bailable warrant of arrest under section 34.Part-III Evidence

37. Recording of Statements and depositions.

- Statements of parties and depositions of witnesses shall be recorded personally by the Revenue Court dealing with the case or by the commissioner appointed by it.

38. Examination-in-chief on affidavit.

(1)The examination-in-chief of a witness may be on 'affidavit and copies thereof shall be supplied to the opposite party by the party who calls him for evidence:Provided that where documents are files and the parties rely upon the documents, the proof and admissibility of such documents which are filed along with affidavit shall be subject to the orders of the Revenue Court.(2)The evidence (cross-examination and re-examination) of the witness in attendance, whose evidence (examination-in-chief) by affidavit has been furnished to the Revenue Court shall be taken either by the Revenue Court or by the Commissioner appointed by it.

39. Admissibility of electronic records in evidence.

(1)In case of disclosures and inspection of electronic records as defined in the Information Technology Act, 2000 (No. 21 of 2000), furnishing of printouts shall be sufficient -(2)At the discretion of the parties or where required (when parties wish to rely on audio or video content), copies of electronic records may be furnished in electronic form either in addition to or in lieu of printouts.(3)Where electronic records form part of documents disclosed, the declaration on oath to be filed by a party shall specify.(a)the parties to such electronic record;(b)the manner in which such electronic record was produced and by whom;(c)the dates and time of preparation or storage or

issuance or receipt of each such electronic record;(d)the source of such electronic record and date and time when the electronic record was printed;(e)in case of email ids, details of ownership, custody and access to such email ids;(f)in case of documents stored on a computer or computer resource (including on external servers or cloud), details of ownership, custody and access to such data on the computer or computer-resource;(g)deponents knowledge of contents and correctness of contents;(h)whether the computer or computer resource used for preparing or receiving or storing such document or data was functioning properly or in case of malfunction that such malfunction did not affect the contents of the document stored;(i)that the printout or copy furnished was taken from the original computer or computer resource.(4)The parties relying on printouts or copy in electronic form, of any electronic records, shall not be required to produce original electronic records for inspection, provided a declaration is made by such party that each such copy, which has been produced, has been made from the original electronic record.(5)The Revenue Court may give directions for admissibility of electronic records at any stage of the proceedings.(6)On its own motion or on the request of any party a Revenue Court may issue directions for submission of further proof of any electronic record including meta data or logs before admission of such electronic record.

40. Enquiry report.

- A Revenue Court, to whom a Revenue case is made over by a superior Revenue Court for enquiry and report should while submitting its report, ascertain from parties or their legal practitioners whether or not they wish to be heard by the Revenue Court passing final orders and record their wishes.Part-IV Commission to examine witness

41. Commissioner.

- For the purpose of this Part, the Commissioner means a person to whom a commission is issued by a Revenue Court under rule 42.

42. Cases in which Revenue Court may issue commission to examine witness.

(1)A Revenue Court may in any proceedings issue a commission for the examination on interrogatories or otherwise of -(a)any person resident within the local limits of its jurisdiction, who is exempted under the Code from attending the Revenue Court, or who is from sickness or infirmity unable to attend it, or if in the interest of justice or for expeditious disposal of the case or for any other reason his examination on commission will be proper; or(b)any person resident beyond the local limits of its jurisdiction; or(c)any person who is about to leave such limits before the date on which he is required to be examined in Revenue Court; or(d)any person who is in the service of the Central or the State Government and who cannot, in the opinion of such Revenue Court, attend without detriment to the public service.(2)A commission for examination on interrogatories shall not be issued unless the Revenue Court, for reasons to be recorded, thinks it necessary so to do.(3)The Revenue Court may, for the purpose of this rule, accept a certificate purporting to be

signed by a registered medical practitioner as evidence of the sickness or infirmity of any person, without calling the medical practitioner as a witness.

43. Order for commission.

- An order for the issue of a commission for the examination of a witness may be made by the Revenue Court in Form VI either of its own motion or on the application; supported by affidavit or otherwise, of any party to the proceedings or of the witness to be examined.

44. Issue of commission to a person or Revenue Court.

(1) A commission for the examination of a person may be issued to any person whom the Revenue Court thinks fit to execute it, or to any other Revenue Court of equal or lower rank who can conveniently examine such person. (2) Every Revenue Court receiving a commission for the examination of any person shall examine him or cause him to be examined pursuant thereto. (3) The Revenue Court on issuing an order shall direct whether the commission shall be returned to itself or to any Revenue Court subordinate to it.

45. Return of commission with evidence.

(1) Where a commission has been duly executed, it shall be returned, together 'With the evidence taken under it, to the Revenue Court by whom' it was issued, unless the order for issuing the commission has otherwise directed, in which case the commission shall be returned in terms of such order. (2) The commission and the return thereto and the evidence taken under it shall, subject to the provisions of rule 46, form part of the record of the proceedings.

46. When depositions may be read in evidence.

- Evidence taken under a commission shall not be read as evidence in the proceedings without consent of the party against whom the same is offered, unless - (a) the person who gave the evidence is beyond the jurisdiction of the Revenue Court, or dead or unable from sickness or infirmity to attend to be personally examined, or exempted from personal appearance in Revenue Court, or is a person in the service of the Central or the State Government who cannot, in the opinion of the Revenue Court, attend without detriment to the public service; or (b) the Revenue Court in its discretion dispenses with the proof of any of the circumstances mentioned in clause (a) and authorises the evidence of any person being read as evidence in the proceedings, notwithstanding proof that the cause for taking such evidence by commission has ceased at the time of reading the same.

47. Expenses of commission.

- The Revenue Court may order that such sums, as it thinks reasonable for the expenses of the commission shall be paid by the party at whose instance or for whose benefit the commission is

issued within such time 'as fixed by it.

48. Attendance and examination of witnesses before Commissioner.

(1)The provisions of the Code and Part III of these rules relating to the summoning, attendance and examination of witnesses, and to the remuneration of, and penalties to be imposed upon witness, shall apply to persons required to give evidence or to produce documents under this Part and for the purposes of this rule the Commissioner shall be deemed to be a Revenue Court: Provided that when the Commissioner is not a revenue Court he shall not be competent to impose penalties; but such penalties may be imposed on the application of such Commissioner by the Revenue Court by which the commission was issued. (2) A Commissioner may apply to any Revenue Court of a rank below Collector within the local limits of whose jurisdiction a witness reside for the issue of any process which he may find it necessary to issue to, or against, such witness, and such Revenue Court may, in its discretion, issue such process as it considers reasonable and proper.

49. Parties to appear before Commissioner.

(1)Where a commission is issued under these rules, the Revenue Court shall direct that the parties to the proceedings shall appear before the Commissioner in person or by their recognised agents or legal practitioners. (2)Where all or any of the parties do not so appear, the Commissioner may proceed in their absence. Part-V Order

50. Opportunity of hearing.

- No final order shall be passed by a Revenue Court to the detriment of any person without giving him an opportunity to be heard and hearing him if he so desires and where the conflicting rights and interests of two parties are concerned they shall both be given such an opportunity.

51. Passing final order.

(1)Final order in a case shall be recorded personally by the Revenue Court. (2)The following procedure shall be followed by Revenue Court in respect of passing final order in a case - (a)after arguments are heard, a definite date shall be fixed for passing of final order and signature of parties or counsel shall be taken on the order-sheet in token of their having been informed of the date fixed; and (b)on the date so fixed, the order shall be delivered. If parties or counsels are present, their presence shall be recorded. If they are absent, the order-sheet should indicate their absence in spite of having been intimated of the date of the order. In such case, no further communication of the order to the parties shall be necessary. In case of an appeal or revision a copy shall, as usual, be sent to the original Revenue Court for information. (3)The order shall be delivered on the date fixed. If, however, this is not possible for any reason, a next date shall be fixed which shall not be later than fifteen days. The parties to the case may note the same and appear on the next date so fixed.

52. Contents of original order.

(1) Every original order passed by a Revenue Court in a case shall contain -(a) a concise statement of the case; (b) the points for determination; (c) findings on each point for determination and reasons thereof; and (d) decision of the case. (2) Notwithstanding anything contained in sub-rule (1) the Revenue Court may pass a summary order in the following circumstances- (a) rejection of an application on the grounds of want of jurisdiction or limitation; (b) dismissal of a case in default; (c) decision in an undisputed case; (d) decision on an interlocutory application in a case; or (e) passing an interim order in a case. Part-VI Attachment

53. Attachment of movable property other than agricultural produce in possession of defaulter.

(1) Where the property to be attached is movable property other than agricultural produce, in the possession of the defaulter, the attachment shall be made by actual seizure, and the attaching officer shall keep the property in his own custody or in the custody of any of his subordinates and shall be responsible for the due custody thereof. (2) When the property seized is subject to speedy and natural decay or when the expense of keeping it in custody is likely to exceed its value, the attaching officer may sell it at once. (3) When the property attached consists of live stock, agricultural implements or other articles which cannot be conveniently removed, and the attaching officer does, not act under sub-rule (2), he may at the instance of the defaulter or any person claiming to be interested in such property, leave it in the village or at the place where it has been attached- (a) in the charge of the defaulter, or of the station pound-keeper, if any; or (b) in the charge of the person claiming to be interested in such property or of such respectable person as will undertake to keep such property. Such person shall be required to give a bond with one or more sureties of an amount not less than the value of the property, that he will take proper care of such property and produce it when called for. (4) The attaching officer shall make a list of the property attached and shall obtain thereto the acknowledgement of the person in whose custody the property is left, and if possible, of the defaulter and of at least one respectable person in attestation of the correctness of the list. If the property attached includes both live-stock and other articles a separate list of the live-stock shall similarly be prepared and attested.

54. Attachment of agricultural produce.

(1) Where the property to be attached is agricultural produce, the attachment shall be made by affixing a copy of the warrant of attachment -(a) where such produce is a growing crop, on the land on which such crop has grown; or (b) where such produce has been cut or gathered, on the threshing floor or place for treading out grain or the like or fodder-stack on or in which it is deposited; and another copy on the outer door or on some other conspicuous part of the house in which the defaulter ordinarily resides or if there is no such house, on the outer door or on some other conspicuous part of the house in which he carries on business or personally works for gain or in which he is known to have last resided or carried on business or personally worked for gain; and the produce shall thereupon be deemed to have passed into the possession of the Revenue Court. (2) The

attaching officer shall make such arrangements for the custody of the agricultural produce as he may consider sufficient and also to tend, cut, gather and store the produce and do any other act necessary for maturing or preserving it.(3)The costs incurred under sub-rule (2) shall be borne by the defaulter.(4)Agricultural produce attached as a growing crop shall not be deemed to have ceased to be under attachment or to require re-attachment merely because it has been severed from the soil.(5)Where an order for the attachment of a growing crop has been made at a considerable time before the crop is likely to be fit to be cut or gathered, the Revenue Court' may suspend the execution of the order for such time as it thinks fit, and may, in its discretion, make a further order prohibiting the removal of the crop pending the execution of the order of attachment.

55. Expenditure incurred on attached property.

(1)Where the livestock attached is not left in the charge of the 'defaulter, the expenses for feeding and watering it shall be charged at such rate as the Revenue Court may, by general or special order, fix.(2)Where the property attached is movable property other than livestock, and is not left in the charge of the defaulter, the expenditure for its safe custody shall be charged at such rate as the Revenue Court may, by general or special order, fix.(3)The costs incurred under sub-rules (1) and (2) shall be first charge on the sale-proceeds of the property.

56. Attachment of debt, share, bank account, bank locker and other property not in' possession of defaulter.

(1)In the case of a debt not secured by a negotiable instrument, the attachment shall be made by a written order, prohibiting the creditor from recovering the debt and the debtor from making payment thereof until the further order of the Revenue Court.(2)In the case of a share in the capital of a corporation, the attachment shall be made by a written order, prohibiting the person in whose name the share may be standing from transferring the same or receiving any dividend thereon.(3)In the case of a bank account or a bank locker, the attachment shall be made by a written order, prohibiting the manager of the bank from permitting withdrawal or transfer of money from such bank account or opening of such bank locker without the order of the Revenue Court.(4)In the case of other movable property not in the possession of the defaulter, except property deposited in, or in the custody of, any Court, the attachment shall be made by a written order prohibiting the person in possession' of the same from giving it over to the defaulter.(5)A copy of order passed under sub-rule (1), (2), (3) or (4) shall be affixed on some conspicuous part of the Revenue Court, and another copy shall be sent in the case of the debt to the debtor, in the case of the share to the prOper officer of the corporation or in case of bank account or bank locker to the bank manager and in the case of the other movable property except as aforesaid to the person in possession of the same.(6)A debtor prohibited under sub-rule (1) may pay the amount of his debt into Revenue-Court, and such payment shall discharge him as effectually as payment to the party entitled to receive the same.

57. Notice to garnishee.

(1)The Revenue Court may in the case of a (debt other than a debt secured by a mortgage or a

charge) which has been attached under rule 56 upon the application of the attaching creditor, issue notice as per sub-rule (2) to the garnishee liable to pay such debt.(2)Such notice shall call upon the garnishee either to pay into the government treasury for the bank account of the organisation on whose instance the attachment has been made, as specified by the Revenue Court the debt due from him to the defaulter or so much thereof as may be sufficient to satisfy the recovery and costs of execution, or to appear and show cause why he should not do so.

58. Order against garnishee.

- Where the garnishee does not forthwith pay into the government treasury or such bank account, as the case may be, the amount due from him to the defaulter or so much thereof as is sufficient to satisfy the recovery and the costs of execution, and does not appear and show cause in answer to the notice, the Revenue Court may order the garnishee to comply with the terms of such notice, and on such order, execution may issue as though such order were a recovery due against him.

59. Orders on disputed liability.

- Where the garnishee disputes liability, the Revenue Court after enquiry shall make such order as it deems fit.

60. Procedure where debt belongs to third person.

- Where it is suggested or appears to be probable that the debt belongs to some third person or that any third person has a lien or charge on, or other interest in such debt, the Revenue Court may order such third person to appear and state the nature and particulars of his claim, if any, to such debt and prove the same.

61. Order as regards third person.

- After hearing any such third person and any such persons who may subsequently be ordered to appear, or where such third or other persons do not appear when so ordered, the Revenue Court may make such order -(a)as is herein before provided; or(b)upon such terms, if any, with respect to the lien, charge or interest, as the case may be, of such third or other persons as it may deem fit and proper.

62. Payment by garnishee to be valid discharge.

- Payment made by the garnishee on notice under rule 57 or under any such order as aforesaid shall be a valid discharge to him as against the defaulter and any other person ordered to appear as aforesaid for the amount paid or levied, notwithstanding setting aside or reversal of the recovery of dues or proceedings under rule 57.

63. Costs.

- The costs of any proceeding under rule 57 or any proceedings arising therefrom or incidental thereto shall be recovered from the defaulter at the discretion of the Revenue Court.

64. Attachment of share in movables.

- Where the property to be attached consists of the share or interest of the defaulter in movable property belonging to him and another as co-owners, the attachment shall be made by a notice to the defaulter prohibiting him from transferring the share or interest or charging it in anyway.

65. Attachment of salary or allowances of employees.

(1)Where the property to be attached is the salary or allowances of an employee, the Revenue Court, where the disbursing officer of the employee is within the local limits to which the Code for the time being extends, may order that the amount shall, subject to the provision of Section 60 of the Civil Procedure Code, 1908 (No 1 of 1908), be withheld from such salary or allowances either in one payment or by monthly instalments and deposited in the government treasury or the bank account of the organisation on whose instance the attachment is made as specified by the Revenue Court
-(2)Upon notice of the order, such disbursing officer shall so deposit the amount due under the order, or the monthly instalments, as the case may be, in the manner specified above.(3)Where the attachable portion of such salary or allowances is already being withheld or remitted to any Court or deposited in pursuance of a previous and unsatisfied order of attachment, the disbursing officer shall forthwith return the subsequent order to the Revenue Court issuing it with a full statement of all the particulars of the existing attachment.

66. Attachment of partnership property.

(1)Save as otherwise provided by this rule, property belonging to a partnership shall not be attached or sold in execution of recovery of dues against the firm or against the partners in the firm as such.(2)The other partner or partners shall be at liberty at any time to redeem the interest charged or, in the case of a sale being directed, to purchase the same.

67. Execution of recovery against firm.

(1)Where order of recovery has been passed against a firm the recovery may be made from-(a)any property of the partnership;(b)any person who has been individually served as a partner with a summons and has failed to appear:Provided that nothing in this sub-rule shall be deemed to limit or otherwise affect the provisions of Section 30 of the Indian Partnership Act, 1932 (No 9 of 1932).(2)Save as against any property of the partnership, an order related to recovery against a firm shall not release, render liable or otherwise affect any partner therein unless he has been served with a summons to appear and answer.

68. Attachment of negotiable instruments.

- Where the property is a negotiable instrument not deposited in any other Court, nor in the custody of a public officer, the attachment shall be made by actual seizure, and the instrument shall be brought into Revenue Court and held subject to further orders of the Revenue Court.

69. Application, to negotiable instruments.

- The provision of rule 57 to 63 (both inclusive) shall, so far as may be, apply in relation to negotiable instruments attached under rule 68 as they apply in relation to debts.

70. Attachment of property in custody of any Court or public officer.

- Where the property to be attached is in the custody of any Court or public officer, the attachment shall be made by sending a written request to such Court or officer, to hold such property, and any interest or dividend becoming payable thereon, subject to the further orders of the Revenue Court from which the request is sent.

71. Attachment of decrees.

(1) Where the property to be attached is a decree, either for the payment of money or for sale in enforcement of a mortgage or charge, the attachment shall be made by the Revenue Court by sending a request to the Court which passed such decree to stay the execution of its decree unless and until, -(a) the Revenue Court cancels the request; or (b) the decree holder, with the permission of the Revenue Court applies to the Court which passed the decree to execute the attached decree. (2) Where the property to be attached in the execution of a decree is a decree other than a decree of the nature referred to in sub-rule (1), the attachment shall be made by the Revenue Court by sending, -(a) a notice to the holder of the decree prohibiting him from transferring or charging the same in any way; and (b) a written request to the Court which passed the decree to stay its execution until such request is cancelled by the Revenue Court. (3) The Revenue Court making an order of attachment under this rule shall give notice of such order to the judgment debtor bound.

72. Attachment of immovable property.

(1) Where the property is immovable, the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge. (2) The order shall be proclaimed at some place on or adjacent to such property by beat of drum or other customary mode, and a copy of the order shall be affixed on a conspicuous part of the property and then on the notice board of the office of the Revenue Court. (3) The order shall take effect as against purchasers for value in good faith from the date when a copy of the order is affixed on the property and against all other transferees from the defaulter from the date on which such order is made.

73. Disposal of claim by third persons.

(1) If any claim is set up by a third person to the property attached or proceeded against under the provisions of the Code, the Revenue Court shall enquire into the claim and may admit or reject it. (2) The person against whom an order is made under sub-rule (1) may, within one year from the date of the order, institute a suit to establish the right which he claims to the property attached or proceeded against; but subject to the result of such suit, if any, the order shall be conclusive. Part-VII Appointment of receiver for attached property

74. Appointment of receiver.

(1) Where it appears to the Revenue Court to be just and convenient, it may by order—(a) appoint a receiver of any property which is attached or has been attached by its order; (b) remove any person from the possession or custody of such property; (c) commit such property to the possession, custody or management of the receiver; and (d) confer upon the receiver all such powers, for the realization, management, protection, preservation and improvement of such property, the collection of the rents and profits thereof, the application and disposal of such rents and profits, and the execution of documents as the owner himself has, or such of those powers as the Revenue Court thinks fit.

75. Remuneration.

- The Revenue Court may by general or special order fix the amount to be paid as remuneration for the services of the receiver which shall be charged on the property.

76. Duties.

- Every receiver so appointed shall—(a) furnish such security (if any) as the Revenue Court thinks fit, duly to account for what he shall receive in respect of such property; (b) submit his accounts at such periods and in such form as the Revenue Court directs; (c) pay the amount due from him as the Revenue Court directs; and (d) be responsible for any loss occasioned to the property by his willful default or gross negligence.

77. Enforcement of receiver's duties.

- Where a receiver—(a) fails to pay the amount due from him as the Revenue Court directs; or (b) occasions loss to the 'property by his willful default or gross negligence; the Revenue Court may recover any amount found to be due from him or any loss occasioned by him; as an arrear of land revenue. Part-VIII Sale A- Sale Generally

78. Sale by whom conducted.

- Every sale shall be conducted by an officer or other person appointed by a general or special order in this behalf and shall be made 'by public auction.

79. Proclamation of sale.

(1)The Revenue Court shall cause a proclamation of the intended sale to be made stating the time and place of sale and specifying as fairly and accurately as possible -(a)the property to be sold or where a part of the property would be sufficient to satisfy the dues, such part;(b)the land revenue assessed upon the land where the property to be sold is an interest in land paying revenue to the Government;(c)'the amount for the recovery of which the sale is ordered; and(d)every other thing which the Revenue Court considers material for a purchaser to know in order to judge the nature and the value of the property.(2)The Revenue Court may, if it considers necessary, summon the defaulter and examine him with respect to any, matters to be included in the sale proclamation.

80. Payment or deposit of amount how made.

- In this part any reference to payment or deposit made or tendered to Revenue Court or officer or person conducting, sale shall be construed as the deposit of such amount as directed by the Revenue Court who has ordered the sale -(a)in the government treasury;(b)in the bank account of the organisation whose dues are being recovered; or(c)in the bank account of the defaulter to pay the balance amount after deducting the amount due and costs.

81. Day for sale and limitation.

- Save in the case of property of the kind described in sub-rule (2) of rule 53, no sale hereunder shall, without the consent in writing of the defaulter take place-(a)on Sunday or on any government holidays or on any day declared as a local holiday for the area in which the sale is to be held; and(b)until after the expiration of at least fifteen days from the date on which the proclamation thereof was made.

82. Adjournment or stoppage of sale.

(1)The Revenue Court may, in its discretion, adjourn any sale hereunder to a specified day and hour and the officer conducting any such sale may, in his discretion, adjourn the sale recording his reasons for such adjournment:Provided that where the order of the Revenue Court can be obtained in time, no such adjournment shall be made without such order.(2)Where a sale is adjourned under sub-rule (1) for a longer period than fifteen days, a fresh proclamation shall be made unless the defaulter consents to waive it.(3)Every sale shall be stopped if, before the lot is knocked down, the amount due and costs are tendered to the officer conducting the sale, or proof is given to his satisfaction that the amount of such dues and costs have been paid to the Revenue Court who ordered the sale.

83. Defaulting purchaser answerable for loss on re-sale.

- Any deficiency of price which may happen on a re-sale by reason of the purchaser's default shall be recoverable from the defaulting purchaser as if it were an arrear of land revenue.

84. Mortgagee not to bid at sale without the leave of the Court.

(1) A mortgagee of immovable-property shall not bid for or purchase property sold in execution of a sale on the mortgage unless the Revenue Court grants him leave to bid for or purchase the property. (2) If leave to bid is granted to such mortgagee, then the Revenue Court shall fix a reserve price as regards the mortgagee, and unless the Revenue Court otherwise directs, the reserve price shall be-(a) not less than the amount then due for principal, interest and costs in respect of the mortgage if the property is sold in one lot; and (b) in the case of any property sold in lots, not less than such sum as shall appear to the Revenue Court to be fairly attributable to each lot in relation to the amount then due for principal, interest and costs on the mortgage.

85. Restriction on bidding or purchase by officers.

- No officer or other person having any duty to perform in connection with any sale shall, either directly or indirectly, bid for, acquire or attempt to acquire any interest in the property sold. B- Sale of movable property

86. Sale of agricultural produce.

(1) Where the property to be sold is agricultural produce, the sale shall be held -(a) if such produce is a growing crop, on or near the land on which such crop has grown; or (b) if such produce has been cut or gathered, at or near the threshing floor or place for treading out grain or the like or fodder stack : Provided that the Revenue Court may direct the sale to be held at the nearest place of public resort, if it is of opinion that the produce is thereby likely to sell to greater advantage. (2) Where, on the produce being put up for sale -(a) a fair price, in the estimation of the officer holding the sale, is not offered for it; and (b) the owner of the produce or a person authorised to act in his behalf applies to have the sale postponed till the next day or, if a market is held at the place of sale, the next market day; the sale shall be postponed accordingly and shall be then completed, whatever price may be offered for the produce.

87. Special provisions relating to growing crops.

(1) Where the property to be sold is a growing crop and the crop from its nature admits of being stored but has not yet been stored, the day of the sale shall be so 'fixed as to admit of its being made ready for storing before the arrival of such day, and the sale shall not be held until the crop has been cut or gathered and is ready for storing. (2) Where the crop from its nature does not admit of being stored, or where it appears to the Revenue Court that the crop can be sold to greater advantage in an unripe state, it may be sold before it is cut and gathered, and the purchaser shall be entitled to enter on the land and to do all that is necessary for the purpose of tending and cutting or gathering it.

88. Negotiable instruments and shares in corporations.

- Where the property to be sold is a negotiable instrument or a share in a corporation, the Revenue Court may, instead of directing the sale to be made by public auction, authorize the sale of such instrument or share through a broker.

89. Sale by public auction.

(1)Where movable property is sold by public auction, the price of each lot shall be paid at the time of sale or as soon after as the officer or other person holding the sale directs, and in default of payment the property shall forthwith be resold.(2)On payment of the purchase money, the officer or other person holding the sale shall grant a receipt for the same, and the sale shall become absolute.(3)Where the movable property to be sold is a share in goods belonging to the defaulter and a co-owner, and two or more persons, of whom one is such co-owner, respectively bid the same sum for such. property or for any lot, the bidding shall be deemed to be the bidding of the co-owner.

90. Irregularity not to vitiate sale but any person injured may sue.

- No irregularity in publishing or conducting the sale of movable property shall vitiate the sale; but any person sustaining any injury by reason of such irregularity at the hand of any other person may institute a suit against him for compensation or (if such other person is the purchaser) for the recovery of the specific property and for compensation in default of such recovery.

91. Delivery of movable property, debts and share.

(1)Where the property sold is movable property of which actual seizure has been made, it shall be delivered to the purchaser.(2)In the case of any other movable property, the Revenue Court may make an order vesting such property in the purchaser or as he may direct; and such property shall vest accordingly.(3)Where the property sold is a debt not secured by a negotiable instrument, or is a share in a corporation, the delivery thereof shall be made by a written order of the Revenue Court -(a)prohibiting the creditor from receiving the debt or any interest thereon, and the defaulter from making payment thereof to any person except the purchaser; or(b)prohibiting the person in whose name the share may be standing from making any transfer of the share to any person except the purchaser, or receiving payment of any dividend or interest thereon, and the manager, secretary or other proper officer of the corporation from permitting any such transfer or making any such payment to any person except the purchaser.C- Sale of immovable property

92. Deposit by purchaser and re-sale on default.

- On every sale of immovable property the person declared to be the purchaser shall pay immediately after such declaration a deposit of twenty-five per cent on the amount of his purchase money to the officer or other person conducting the sale, and in default of such deposit, the property shall forthwith be re-sold.

93. Time for payment of purchase money.

- The full amount of purchase money payable shall be paid by the purchaser within fifteen days from the date when the sale becomes absolute under rule 99.

94. Procedure in default of payment.

- In default of payment within the period mentioned in rule 93, the deposit may, if the Revenue Court thinks fit after defraying the expenses, of the sale, be forfeited to the Government or the organisation whose dues are being recorded, as the case may be, and the property shall be resold and the defaulting purchaser shall forfeit all claims to the property or to any part of the sum-for which it may subsequently be sold.

95. Application to set a side sale on deposit.

(1)Where immovable property has been sold under the Code, any person claiming an interest in the property sold at the time of sale may, at any time within thirty days from the date of sale, apply to the Revenue Court to have the sale set aside on his depositing-(a)for payment to the purchaser, a sum equal to five per cent of the purchase money;(b)for payment on account of the arrear, the amount specified in the proclamation of sale as that for the recovery of which the sale was ordered less any amount which may have been paid since the date of the sale on this account; and(c)the cost of the sale.(2)If such deposit is made within thirty days from the date of the sale the Revenue Court shall pass an order setting aside the sale:Provided that, if a person applies under rule 96 to have such sale set aside, he shall not be entitled to make an application under this rule.

96. Application to set aside sale on ground of irregularity or fraud.

- (1)At any time within thirty days from the date of sale, any person whose interests are affected by such sale may apply to the Revenue Court to set aside the sale on the ground of some material irregularity or fraud in publishing or conducting it, and the Revenue Court may, after giving notice to the persons affected thereby, pass an order setting aside the sale and may order re-sale; but no sale shall be set aside on such grounds unless the applicant proves to the satisfaction of the Revenue Court that he has sustained substantial injury by such irregularity or fraud.(2)If no application under this rule is made within the time allowed therefor, all claims on the grounds of irregularity or fraud shall be barred.(3)No application to set aside a sale under this rule shall be entertained upon any ground which the applicant could have taken on or before the date on which the proclamation of sale was drawn up.

97. Application by purchaser to set aside sale on ground of defaulter having no saleable interest.

- Except in a case where land has been sold for arrears, which form a charge on the land, the purchaser may, at any time within thirty days from the date of sale, apply to the Revenue Court to

set aside the sale on the ground that the defaulter had no saleable interest in the property sold and the Revenue Court shall, after due inquiry, pass such orders on such application as it deems fit.

98. No re-sale without a fresh proclamation.

- No re-sale under rule 96 shall be made until a fresh proclamation has been published as laid down in rule 79.

99. Sale When to become absolute or be set aside.

- On the expiry of thirty days from the date of sale, if no application has been made under rule 95, 96 or 97 or if such application has been made and rejected, the Revenue Court shall pass an order confirming the sale: Provided that, if the Collector has reason to think that the sale ought to be set aside - (i) notwithstanding that no such application has been made; or (ii) on grounds other than those alleged in any application which has been made and rejected; or (iii) notwithstanding that a period of thirty days from the date of sale has expired; he may, after recording his reasons in writing, set aside the sale at any time before the order confirming the sale is passed by such Revenue Court.

100. Refund of purchase money when a sale is set aside.

- If the sale of any property is set aside under rule 95, 96, 97 or 99, the amount of purchase money deposited by the purchaser shall be refunded to him. D- Certificate of purchase and delivery of possession

101. Certificate to purchaser.

(1) If the sale of any immovable property has been confirmed, the Revenue Court shall grant a certificate to the purchaser specifying the date on which the sale is confirmed, the property sold, and the name of the purchaser and shall put the purchaser in possession of such property. (2) The purchaser shall be responsible to ensure compliance with the provisions of the Registration Act, 1908 (No 16 of 1908) in respect of the sold property.

102. Resistance or obstruction to possession of immovable property.

(1) Where the purchaser is resisted or obstructed by any person in obtaining possession of the property, he may make an application to the Revenue Court complaining of such resistance or obstruction. (2) The Revenue Court shall fix a date for investigating the matter and shall summon the party against whom the application is made to appear and answer the same. (3) Where the Revenue Court is satisfied that the resistance or obstruction was occasioned - (a) by the defaulter or some other person at his instigation; or (b) by any person in the case of a purchase of land sold for arrears of land revenue due in respect thereof; he shall direct that the purchaser be put into possession of the property.

103. Orders regarding delivery of possession after sale.

(1) Where in any case to which sub-rule (3) of rule 102 does not apply, the Revenue Court is satisfied that the resistance or obstruction was caused by any person claiming in good faith to be in possession of the property on his own account or on account of some person other than the defaulter, the Revenue Court shall make an order dismissing the application made under rule 102. (2) Where any person other than the defaulter is dispossessed of immovable property by the purchaser of such property, he may make an application to the Revenue Court complaining of such dispossession. (3) The Revenue Court shall fix a date for investigating the matter and shall summon the purchaser to appear and answer the same. (4) Where the Revenue Court is satisfied that the applicant was in possession of the property, on his own account, or on account of some person other than the defaulter, he shall direct that the applicant be put into possession of the property. (5) Any party not being a defaulter against whom an order is made under sub-rule (3) of rule 102 or sub-rule (1) or sub-rule (4) of this rule, may institute a suit to establish the right which he claims to the present possession of the property but subject to the result of such suit, if any, the order shall be conclusive. Part-IX Proceedings by or against minor and person of unsound mind

104. Minor to institute proceedings by guardian.

- Every application by a minor shall be filed in his name by a person acting as the guardian of the minor.

105. Guardian for the proceedings to be appointed by Revenue Court for minor non-applicant.

- Where the non-applicant is a minor the Revenue Court on being satisfied of the fact of his minority, shall appoint a proper person to be guardian of such minor for the purpose of the proceedings.

106. Who may act as or be appointed guardian for the proceedings.

- Any person who is of sound mind and has attained majority and whose interest is not adverse to that of the minor may act as or be appointed guardian for a minor party in the proceedings.

107. Expenses incurred by guardian of non-applicant.

- In the case where a non-applicant is a minor and the guardian appointed has no funds to meet the necessary expenses, the Revenue Court may direct the applicant to deposit a sufficient sum for the purpose. The costs so incurred by the applicant shall be adjusted in accordance with the final order passed in respect of the costs.

108. Agreement by guardian.

(1) No guardian shall, without the leave of the Revenue Court, expressly recorded in the proceedings, enter into any agreement or compromise on behalf of a minor with reference to the proceedings in which he acts as or is appointed his guardian. (2) Any such agreement or compromise entered into without the leave of the Revenue Court, so recorded, shall be voidable against all parties other than the minor.

109. Rules 104 to 108 to apply to persons of unsound mind.

- The provisions contained in rules 104 to 108 (inclusive both), shall apply mutatis mutandis to persons of unsound mind. Part-X Appeal, revision and review

110. Presentation and registration of memorandum of appeal or application for revision or review.

- The provisions of rules 7 to 13 (both inclusive) shall mutatis mutandis apply to the presentation of a memorandum of appeal or application for revision or review and its registration.

111. Appeal, revision and review to be in the form of memorandum.

- Every appeal and every application for revision or review shall be preferred in the form of a memorandum, signed and dated by the appellant or applicant, or his recognized agent or his legal practitioner, or if the petitioner or applicant is illiterate, bearing his thumb mark attested by the signature of one literate person and presented in accordance with the provisions of Section 39.

112. petition for appeal, revision or review to be accompanied by certified copy of order.

- Every petition for appeal, revision or review shall be accompanied by a certified copy of the order, to which objection is made unless the Revenue Court hearing the petition dispenses with the production of such copy under section 48. Where such order is not complete in itself and refers, for its reasons, to or is otherwise founded on some other report or order, a certified copy of such report or order shall also be filed along with that of the order itself.

113. Application for stay of execution of order.

- A prayer for stay of execution of an order shall not be embodied in the memorandum of appeal or application for revision or review, but shall be made by a separate application. Such application shall state whether an application for stay of execution of the order was made to the lower court, and if so, with what result.

114. Grounds which may be taken in appeal, revision or review.

- The petitioner shall not, except by leave of the Revenue Court, urge or be heard in support of any ground of objection not set forth in the petition for appeal, revision or review, but the Revenue Court, in deciding the appeal, revision or review shall not be confined to the grounds of objections set forth in the petition for appeal, revision or review or taken by leave of the Revenue Court under this rule: Provided that the Revenue Court shall not rest its decision on any other ground without giving the parties sufficient opportunity of hearing on that ground.

115. Consolidation of appeals or applications for revision or review.

(1) A Revenue Court may consolidate appeals or applications for revision or review, if (a) all the parties to such proceedings agree to such consolidation; and (b) all such proceedings involve common questions of law and facts.

116. Issue of notices.

(1) If memorandum of appeal or application for revision or review, is in order, Revenue Court shall order issue of notice for hearing appellant or applicant or both parties and a date shall be fixed, and intimation of the date shall be given to the appellant or applicant or his counsel or to both parties. (2) The notice issued to respondent under sub-rule (1) shall be accompanied with copy of the memorandum of appeal or application for revision or review as the case may be. (3) Cases shall ordinarily be fixed in order of registration.

117. Application for condonation of delay.

(1) When a memorandum of appeal or application for revision or review is presented after the expiry of the period of limitation specified therefor, it shall be accompanied by an application supported by affidavit setting forth the facts on which the petitioner relies to satisfy the Revenue Court that he had sufficient cause for not preferring the memorandum of appeal or the application for revision or review within such period. (2) If the Revenue Court sees no reason to reject the application for condonation of delay without the issue of a notice to the respondent, notice thereof shall be issued to the respondent and the Revenue Court shall first decide on the matter of condonation of delay before it proceeds to deal with the appeal, revision or review on merits.

118. Obtaining records of the subordinate Court.

(1) Revenue Court shall, after admission of an appeal or application for revision, immediately send for the records of the subordinate Revenue Court, if they have not already been received. (2) When records of proceedings pending in the subordinate Revenue Court are sent for they should be retained with the appellate or revisional court only as long as it is absolutely necessary and be returned to the subordinate Revenue Court and called back as convenience permits. (3) The State Government may, on such terms and conditions as it may think fit, permit electronic transmission

of records of cases or documents between Revenue Courts or Revenue Officers.(4)The Revenue Court or Revenue Officer receiving records of a case or documents in electronic form may treat them as if they were in physical form.(5)Notwithstanding the provisions of sub-rule (3) and (4) a Revenue Court, in its discretion, may call for the original records or documents of a case.Explanation. - For the purpose of this rule, the term 'document' includes enquiry report, spot inspection report or order of Revenue Court.Part -XI Miscellaneous

119. Affidavit.

(1)The following petitions shall be accompanied by an affidavit made by the applicant or petitioner or his counsel, unless the Revenue Court hearing the case dispenses with this requirement.(a)for review made on the ground of the discovery of new and important evidence;(b)for re-admission or restoration of an appeal or application for revision dismissed in default of appearance;(c)for substitution of parties.(2)Nothing in sub-rule (1) above shall be deemed to limit the right of the Revenue Court to call for an affidavit in any other matter in respect of which it has power to exercise its discretion or make any order.

120. Date for hearing if the date fixed for hearing is a holiday.

- If the date fixed for hearing or the date to which hearing is adjourned, happens to be a holiday, the hearing so fixed or adjourned shall stand fixed or adjourned to the next working day immediately following such holiday.

121. Case fee.

(1)The applicant or petitioner shall be required to pay case fee as may be fixed, from time to time, by the State Government by notification in official gazette.Provided that no case fee shall be payable if the applicant or petitioner is the State Government.(2)The case fee shall only cover the cost of(a)court fee;(b)process fee for issue of notices and summons to the parties and witnesses but does not include-the-travelling-and other expenses required to be paid to witness; and(c)proclamations, but not including the cost of publishing them in newspapers.(3)Case fee shall be paid by applicant or petitioner in the manner as directed by the State Government, from time to time.

122. Cause-lists.

(1)A cause-list showing all cases fixed for hearing by a Revenue Court shall be maintained in the office of the Revenue Court in Form VII and shall remain accessible to the public during, office hours.(2)Revenue Court shall display daily cause-list on its notice board in Form VIII.(3)The State Government may establish an electronic system to maintain the cause-lists referred to in sub-rule (1) and (2) and make these accessible to the public and may amend these from time to time.

123. Award of costs.

(1) While awarding costs under Section 37 the Revenue Court shall keep in mind principles set out in sub-rules (2) to (4). (2) Except where award of costs from a party is expressly provided for by any provision of the Code, or any other enactment for the time being in force, costs shall not be levied or awarded by a Revenue Court, in a case which is undertaken in the administrative or fiscal interests of the State Government. (3) In cases of continuous character, as for instance in disputed mutations and boundary cases, cost may be fitly awarded. (4) Charges such as the costs of stamps on a Mukhtyarnama or Vakalanama or fees for writing out petitions should be rarely included in the costs.

124. Legal practitioners.

(1) No legal practitioner shall act for any party before any Revenue Court in any proceeding under the Code or the rules made thereunder, unless he has been appointed for the purpose by such party by a document in writing signed by such party or by his recognised agent or by some other person duly authorised by or under a power of attorney to make such appointment. (2) Every such appointment shall be filed before the Revenue Court, and shall be deemed to be in force until determined with the leave of the Revenue Court by a writing signed by the party or the legal practitioner, as the case may be, and filed before the Revenue Court or until the party or the legal practitioner dies or until all proceeding in the case are ended so far as regards the party. (3) For the purposes of sub-rule (2), an appeal from any order in the case, an application for revision or review and any application or act for the purpose of obtaining copies of documents or return of document produced or filed in the case or of obtaining refund of moneys paid before the Revenue Court in connection with the case shall be deemed to be proceedings in the case. (4) If the party is unable to write his name, his thumb mark upon the document appointing the legal practitioner or upon the writing determining such appointment shall be attested by a witness. (5) No legal practitioner, who has been engaged for the purpose of pleading only, shall plead on behalf of any party, unless he has laid before the Revenue Court a memorandum of appearance signed by himself and stating—(a) The names of the parties to the case; (b) The name of the party for whom he appears; and (c) The name of the person by whom he is authorised to appear: Provided that nothing in this rule shall apply to any legal practitioner engaged to plead on behalf of any party by any other legal practitioner who has been duly appointed to act before the Revenue Court on behalf of such party.

125. Recognised Agents.

(1) A recognized agent by whom appearances and applications may be made and other acts done on behalf of a party in proceedings under the Code or any other enactment for the time being in force before a Revenue Court shall be a permanent servant, a partner, a relative or a friend of the party concerned who, from his knowledge of the matter in dispute or general acquaintance with the affairs of the party, is in the opinion of the Revenue Court a fit person to represent him. (2) In deciding whether any person is fit to be recognised as agent under sub-rule (1), the Revenue Court shall so exercise its discretion as to prevent any single person from taking powers of attorney on behalf of numerous principals.

Part -XII Repeal and Saving

126. Repeal and Saving.

(1) Schedule 1 of the Code and the following Rules are hereby repealed to the extent mentioned in column 3 below:

S.No.	Particulars of Rules	Extent of repeal
(1)	(2)	(3)
1	Schedule 1 of the Madhya Pradesh-Land Revenue Code, 1959 (No. 20 of 1959)	To the to all other Revenue Courts except the Board of Revenue
2	Following Rules made under section 41 of the Madhya Pradesh Land Revenue Code, 1959 (Act 20 of 1959)	To the extent of their application to all other Revenue Courts except the board of Revenue.
	(a) Rules regulating the procedure to be followed by Revenue Courts Notification No. 365, dated 26th February, 1960 as amended subsequently by following Notifications-	
	(i) No 1504-19-72 dated 30th July 1973 published in M.P. Rajpatra dated 21st Sept. 1973;	
	(ii) No. 1043-18-75- Estt. dated 06-02- 1980, Published in M.P. Rajpatra Part 4 (Ga) dated 28.03.1980 P;68;and	
	(iii) No. 2722-23-42- Estt.- 68 dated 12-09-1989, Published in M.P. Rajpatra part 4 (Ga) dated 13-10-1989.P.186.	
	(b) Rules regarding the service of summons, notices and other processes summoning of parties and witnesses, recognised agents, consolidation of appeal and other proceedings etc. Vide Notification No 366 dated 26th February. 1960, as amended subsequently by following notifications -	
	(i) No. 73-34-66-Estt., dated 13 th January 1970 published in Madhya Pradesh Raj Patra Dated 3rd April 1970; and	
	(ii) No. 1503-18-72-Estt, dated 30th July 1973 published in Madhya Pradesh Raj Patra Dated 21st Sept. 1973; -	
	(2) Such repeal shall not affect the previous operation of any provision of the repealed Schedule I or rules or anything duly done thereunder and shall have effect as if it were done under the corresponding provisions of these rules	

A

(See Rule 33) Guidelines for determination of expenses of witness summoned by Revenue Court

1. Components' of expenses. - The expenses of a witness shall be computed under following components by Revenue Court in the manner described below-

(a) Travelling expenses; (b) Food and Miscellaneous expenses; (c) Overnight stay expenses, where applicable; (d) Compensation for loss of earnings; and (e) Expenses of companion, where applicable.

2. Travelling expenses. - (1) A witness who resides in the same city/town/village where he is summoned shall be allowed rupees fifty as local transportation expenses provided that has residence is more than five kilo meters away from the place where he is summoned.

(2) A witness who resides in a city/town/village other than the place where he is summoned shall be paid transportation expenses in the following scale- (a) Where journey is performed by train the actual cost of ticket, subject to a ceiling of cost of ticket of Air Conditioned Second Class, shall be allowed. In addition, reasonable cost of local travel from railway station to the Revenue Court and back shall be allowed. (b) In case of journey by bus, the actual cost of ticket shall be allowed. In additional reasonable cost of local travel from bus stand to the Revenue Court and back shall be allowed. (c) In case of journey by any other mode, mileage allowance at the rate of rupees ten per kilo meter to and fro shall be allowed. (d) Travelling expenses shall ordinarily be allowed for travel from and to the normal place of residence of the witness. However, in special circumstances the Revenue Court may allow travel expenses from and to a different place. (3) In special circumstances the Revenue Court, for reasons to be recorded, may allow travel expenses by air or at higher rates than hereinbefore provided.

3. Food and miscellaneous Expenses. - Food and miscellaneous expenses shall be paid for the reasonable period required to be spent in journey and attending the Revenue Court at the rate of rupees two hundred per day or part thereof.

4. Overnight stay expenses. - Where a witness is required to stay overnight, the Revenue Court shall allow payment of an amount not below rupees five hundred and not exceeding rupees three thousand per night, as it deems fit.

5. Compensation for actual or notional loss of earnings. - The Revenue Court shall allow payment at a rate not below rupees two hundred and not exceeding rupees one thousand per day or part thereof, as it may deem fit, as compensation for the actual or notional loss of earnings.

6. Expenses of companion. - A person accompanying a witness who is a minor or is a woman or is a man over sixty years of age or is a person with forty percent or more disability shall be paid travelling, food, miscellaneous and overnight stay expenses on the same scale as laid down above.

Form I(See Rule 8 and 9)(Acknowledgement of original application or petition for appeal, revision or review presented in person or by post)Acknowledgement

Document type (Original application or petition for appeal, revision or review)	To whom made	Name of the person presenting the document	Name of parties	Mode of presentation (Please tick whichever is applicable)	Date of receipt	Date fixed for hearing the case.
(1)	(2)	(3)	(4)	(5)	(6)	(7)
				Received in person () at.....Received by post/courier services()		

SealSignature, name and date of the receiverNote. - If the document is presented at a place other than the head quarters the place to be mentioned in Column (5).Form II(See Rule 10 & 11)(Acknowledgement of original application or petition for appeal, revision or review presented Through Lok Sewa Kendra or presented online on the Revenue Case Management System portal)Acknowledgement

Document type (Original application or petition for appeal, revision or review)	To whom made	Name of the person presenting the document	Name of parties	Acknowledgement Number and Date of receipt	Date fixed for hearing the case
(1)	(2)	(3)	(4)	(5)	(6)

Note 1. In case of presentation through Lok Sewa Kendra the acknowledgement shall be signed by the authorized person thereof and stamped with official seal.

2. In case of online presentation on the Revenue Case Management System portal the acknowledgement shall have an appropriate system generated endorsement in lieu of signature.

Form III(See Rule 33)Witness Certificate(for State Government employee)Certified that Mr./Ms.....(Name and post) employed in the office of.....appeared before me as a witness in Revenue Case No.....title.....versus.....under(name of provision and Act etc.) on (date) in his official capacity and that nothing has been paid to him on account of.....travelling allowance and other expenses.SealDated, the 20....Presiding OfficerRevenue

CourtForm IV- A Summons (See Rule 36) In the Revenue Court of.....Revenue case no.....
/20.....(Applicant/Appellant) Versus.....(Non-applicant/Respondent) To.....[Name
description and place of residence] For Non-applicant/Respondent Whereas.....has submitted an
original application/ memorandum of appeal/application for revision/review against you, a copy of
which is attached herewith you are hereby, summoned to appear in this Court to present your case,
to reply and produce all the documents upon which you intend to rely in support of your defence, on
the.....day of.....20...at.....clock. You may appear in this Court in person or through your recognised
agent or by an advocate duly instructed.

2. Take notice that, in default of your appearance on the day before mentioned, the case will be heard and determined in your absence.

3. Given under my hand and the seal of the Court this.....day of.....20

Seal Dated, the.....20. Presiding-Officer Revenue Court Note 1. Endorsement of process shall be
recorded on the back of this summons. Where the summons is served personally, the endorsement
shall be made as below-

Signature of witness.....Name..... Phone Number.....(if any)	Signature of Receiver.....Name.....MobileAddress.....Mobile(Relation if other than the addressee).....
Summons served by me on the.....day of.....year.	In case the summons is served through Tehsil, countersignature of Mal-Zainsdnr.
Signature of server..... Name..... Dated, the.....20...	Seal Name..... Designation..... Dated, the.....20...
	Signature..... Designation.....

Where the summons is served by affixing, the endorsement shall be made as below-

Witnesses by whom the house was identified and in whose presence summons was affixed.	1. The summons served by me by affixing on(name of the place) on the....day of.....year.....in the presence of Name the witnesses mentioned in margin.
(1) Signature of witness..... Name.....	2. Reasons for service of summons by Address affixing
Father's/husband's name
Address.....	Signature of server
Mobile phone number.....(if any)	Name.....
(2) Signature of witness..... Name.....	Dated, the.....20... Designation

Father's/husband's name

Address.....

Mobile phone number.....(if any)

In case the summons is served through
the Tehsil, countersignature of
Mal-Zamadar.

Seal

Signature

Name.....

Dated, the 20

Designation

Form VI B Summons (See Rule 36) In the Revenue Court of Revenue case no. /20 (Applicant/Appellant) Versus (Non-applicant/Respondent) [description and place of residence] For Witness Your attendance is required on behalf of in the above case. You are hereby required to appear in this Court in person, on the day of 20 at clock, to give evidence and/or to produce (give particulars of documents). If you fail to attend on the day and hour aforesaid, action may be taken against you according to the provisions of Section 34 of the Madhya Pradesh Land Revenue Code, 1959 (No 20 of 1959).

2. If you have been summoned only to produce a document, you may be deemed to have complied with the summons if you cause such document to be produced in this Revenue Court on the day and hour aforesaid.

3. Given under my hand and the seal of the Court, this day of 20

Seal. Presiding Officer Revenue Court Dated, the 20 ... Note 1. Endorsement of process shall be recorded on the back of this summons.

2. Please indicate whether the witnesses is summoned to give evidence or to produce documents or both.

Signature of witness.....	Signature of Receiver.....
Name.....	Name.....
Father's/husband's name.....(if any)	Mobile Address.....
Phone Number.....(if any)	Mobile
	(Relation if other than the addressee).....
Summons served by me on the.....day of.....year.	In case the summons is served through Tehsil, countersignature of Mal-Zamadar.
Signature of server.....	Seal
Name.....	Signature.....
	Name.....

Dated, the.....20... Designation..... Dated, the.....20... Designation.....

Where the summons is served personally, the endorsement shall be made as below-

Witnesses by whom the house was identified and in whose presence summons was affixed.

1. The summons served by me by affixing on(name of the place) on the....day of....year.....in the presence of Namethe witnesses mentioned in margin.

(1) Signature of witness.....
Name.....

2. Reasons for service of summons by Address affixing
.....

Father's/husband's name

.....

Address.....

Signature of server

Mobile phone number.....(if any)

Name.....

(2) Signature of witness.....
Name.....

Dated, the.....20... Designation

Father's/husband's name

Address.....

Mobile phone number.....(if any)

In case the summons is served through the Tehsil, countersignature of Mal-Zamadar.

Seal

Signature

Name.....

Dated, the 20

Designation

Where the summons is served by affixing, the endorsement shall be made as below-Form V(See rule 36)Bailable Warrant of Arrest[Issued in exercise of power under section 34 of the Madhya Pradesh Land Revenue Code, 1959 (No 20 of 1959)]In the Court of Revenue Case no...../20.....ApplicantVersus.....Non

applicantTo.....(name and designation of the person or persons who is or are to execute the warrant).Whereas.....(name of warrantee) son/ daughter/wife of.....resident of.....(full address) has been duly served with a summons but he has failed to attend; You are hereby ordered to arrest and bring the said.....(name of warrantee) before this Court.

2. You are further ordered to return this warrant on or before the day of 20 ... with an endorsement certifying the day on and the manner in which it has been executed or the reason why it has not been executed.

3. If the said (name of warrantee) shall give bail himself in the sum of rupees with one surety in the sum of rupees to attend this Court on the day of 20 and to continue so to attend until otherwise directed by this court, he may be released.

4. Given under my hand and the seal of the Court, this day of 20...

SealDated, the.....20....Presiding officerRevenue CourtBond and Bail-Bond After Arrest Under a WarrantBondI,.....(name) son/daughter/wife of.....resident of.....(full address).....of.....do hereby bind myself to attend in the Court of.....(name of the Revenue Court) in Revenue case no...../20.....on the.....day of.....next, to give evidence in the said case, and to continue so to attend until otherwise directed by the Court; and, in case of my making default herein, I bind myself to forfeit, to Government, the sum of rupeesDated, this.....day of.....20.....Signature of warranteeName.....Bail-BondI do hereby declare myself surety for the above-named.....(name of warrantee) son /daughter/wife of.....resident of.....(full address) that he shall attend the Court of.....(name of the Revenue Court) on the day of next, to give evidence in Revenue Case No...../20.....and shall continue so to attend until otherwise directed by the Court; and, in case of my making default herein, I bind myself to forfeit, to Government, the sum of rupees.....Dated, this.....day of.....20.....Signature of suretyName.....Form-VICommission To Examine Witness(See Rule-43)Revenue Court.....Revenue Case No...../20.....To.....Applicant/AppellantVs.....Non-applicant/Respondent the evidence of.....(Name of witness] is required by.....(Name of party) in the above case; and whereas(circumstances due to which evidence is required to be taken on commission), you are requested to take the evidence on interrogatories (or viva voice) of such witness.....(Name of witness) and you are hereby appointed Commissioner for that purpose. The evidence will be taken in the presence of the parties or their recognized agents or legal practitioners if in attendance, who will be at liberty to question the witness on the points specified, and you are further requested to make return of such evidence as soon as it may be taken.

2. Process to compel the attendance of the witness will be issued by any Revenue Court having jurisdiction on your application.

3. A sum of Rs.....is fixed as your fee in the above which shall be paid by the party.....directly to you.

4. Given under my hand and the seal of the Court, thisday of.....

SealDated, the 20...Presiding OfficerRevenue CourtCopy - 1.....(Name of party) for information. Pay the fee fixed as above to the commissioner by.....(date).....

2.

.....(Name of other party) for information. Seal Presiding Officer Dated, the .20...Revenue Court Form VII (See Rule 122) Office Cause - List Date.....

S.No	Revenue Case Number	Particulars of applicant /appellant	Name and Phone Number of Advocate for applicant /appellant	Particulars of non-applicant /respondent	Name and Phone Number of Advocate for non-applicant /respondent	Business for which case is fixed	Next date of hearing	Business for which next date of hearing is fixed
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

Form VIII (See Rule 122) Daily Cause - List Date.....

S.No	Revenue Case Number	Particulars of applicant /appellant	Name and Phone Number of Advocate for applicant /appellant	Particulars of non-applicant /respondent	Name and Phone Number of Advocate for non-applicant /respondent	Business for which case is fixed
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Form VIII (See Rule 122) Daily Cause - List Date.....

S.No	Revenue Case Number	Particulars of applicant /appellant	Name and Phone Number of Advocate for applicant /appellant	Particulars of non-applicant /respondent	Name and Phone Number of Advocate for non-applicant /respondent	Business for which case is fixed
(1)	(2)	(3)	(4)	(5)	(6)	(7)