

Family Court (High Court of Chattisgarh) Rules, 2005

CHHATTISGARH

India

Family Court (High Court of Chattisgarh) Rules, 2005

Rule

FAMILY-COURT-HIGH-COURT-OF-CHATTISGARH-RULES-2005 of 2005

- Published on 29 August 2005
- Commenced on 29 August 2005
- [This is the version of this document from 29 August 2005.]
- [Note: The original publication document is not available and this content could not be verified.]

Family Court (High Court of Chattisgarh) Rules, 2005Published vide Notification No. 506/3-8-2/2001, dated 29.08.2005Last Updated 21st October, 2019Notification No. 506/III-8-2/2001 dated the 29th August, 2005. - In exercise of the power conferred by sub-sections (1) and (2) of Section 21 of the Family Courts Act, 1984 (66 of 1984), the High Court of Chhattisgarh makes following rules viz. : -

1. Short title, commencement and application.

(1)These rules shall be called the Family Court (High Court of Chattisgarh) Rules, 2005.(2)These rules shall come into force with effect from the date of publication in the Official Gazette.(3)These rules shall apply to the Family Courts established in the State of Chattisgarh.

2. Definitions.

- In these rules unless the context otherwise requires : -(a)"Act" means the Family Courts Act, 1984 (Act No. 66 of 1984);(b)"Family Court" means the Court established under Section 3 of the Act;(c)"Government" means the Government of Chhattisgarh;(d)"High Court" means the High Court of Chattisgarh;(e)"Judge" means the Judge appointed under sub-section (1) of Section 4 of the Act and includes a Principal Judge or Additional Principal Judge of the Family Court; ^ (f)All other words and expressions not defined in these rules shall have the same meaning as assigned to them in the Act.

3. Working hours.

(1)The normal working hours of the Court shall be from 11.00 A.M. to 5.00 P.M. with a recess break 2.00 P.M. to 2.30 P.M.(2)The Judge may, for expedience, hold proceedings of the Court beyond the working hours as prescribed in sub-rule (1) above and even on holidays ;Provided that no such proceeding on holidays shall be held under the sub-rule except with the consent of the Counsellors, Representatives of the Social Organization and parties to the proceedings.

4. Place of Sitting.

- The Judge of the Family Court may sit at places other than the ordinary place of sitting in consultation with the Counsellors and the parties to the proceedings.

5.

The provisions of the legal aid scheme may be invoked in appropriate cases in the proceedings under the Act.

6. Institution of proceedings.

- All proceedings instituted before the Family Court will be by way of plaint. However, in respect of applications under Chapter IX of the Criminal Procedure Code, the provisions of that Code shall apply.

7.

The plaint or application, affidavits, relevant annextures shall be filed along with the copies thereof as fixed by the Court before an officer designated by the Court.

8. Proceeding of summons etc.

- In all proceeding the writ of summons to appear and answer shall be in the appropriate forms prescribed for civil and criminal courts with such modification as may be considered necessary and expedient by the Court.

9.

All writs of summons except orders, warrants and other processes shall be signed by the designated officer of the Court and shall bear the seal of the Court and orders, warrants and other processes shall be signed after due verification by the Presiding Judge.

10.

A writ of summons shall be served in the manner prescribed in the Code of Civil Procedure, save and except the proceeding under Chapter IX of the Code of Criminal Procedure where the provisions of that code will apply,

11. Counselling.

- On the returnable date of the summons, the Judge shall, on the same day, or on any subsequent date in consultation with the Counsellor, direct the parties to the proceedings to attend the Counsellor for the purpose of Counselling :Provided that the Judge, while briefing the Counsellor, shall bear in mind the nature of the dispute, the convenience of the parties, the special requirement of the case in hand and other ancillary matters.

12.

The Counsellor appointed to counsel the parties shall fix the time and date of appointment. The parties shall be bound to attend the Counsellor on the date and at the time so fixed.

13.

If either of the parties fails to attend the Counsellor on the date and time so fixed, the counsellor may fix another date and shall communicate the same to the absentee party by registered post. In case of default by either of the parties on the adjourned date, the Counsellor shall submit a report to the Court and on receipt of such report, the Court may proceed with the matter in the absence of the defaulting party without prejudice to other powers of the Court to take action against the defaulting parties.

14.

The Counsellor interested with any petition, on appearance of the parties before him, shall assist and advise the parties regarding the settlement of the subject matter of dispute and shall endeavour to help the parties in arriving at condition.

15.

(1)The Counsellor may, in discharge of his duties, visit the home of either of the parties and interview the relatives, friends and acquaintances of either of the parties.(2)The Counsellor in discharge of his duties, may also seek such information as he deems fit from the employer of either of the party and such requisition for information shall be made through the Court.(3)The Counsellor may take the assistance of any organization, institution or agency, approved by the High Court, in discharge of his duties.

16.

The Counsellor shall submit a report to the Court as and when called for to assist the Court in deciding the case in hand. The report may, inter alia, contain the following points : -(a) Living environment of the parties concerned; (b) Personalities; (c) Relationship; (d) Income and standard of living; (e) Status in society; (f) Counsellors opinion and findings.

17.

The Counsellor may also supervise the child/children if and when called upon by the Court

18. Confidentiality of information.

- Information gathered by the Counsellor or any statement made before the Counsel or any notes or report prepared by the Counsellor shall be treated as confidential and the Counsel shall not be called upon to disclose such information, statement, notes or report of any Court except with the consent of both the parties.

19. Settlement.

- When the parties arrive at a settlement before the Counsellor relating to the dispute or any part thereof, such settlement shall be reduced into writing and shall be signed by the parties and counter signed by the Counsellor.

20.

The proceedings before the Court shall be heard and disposed of, as expeditiously as possible and preferably within three months and in achieving the objective, the rules or procedure may not rigidly adhered to.

21. High Court's power to supervise etc.

- For carrying out the purpose of the Act and for ensuring the uniformity or practice to be observed by the Family Courts and for expeditious disposal, the High Court may from time to time supervise and inspect the Family Court and issue directions, circulars etc., to the Family Court.

22. Periodical Return.

- The Family Court shall submit to the High Court such periodical return and statistical information as may be called from time to time.

23. Miscellaneous.

- All other matters not covered under these rules shall be governed by Chhattisgarh Civil Court Rules and Orders (Criminal).