

The Code of Civil Procedure (Orissa Amendment) Act, 1984

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Rule

THE-CODE-OF-CIVIL-PROCEDURE-ORISSA-AMENDMENT-ACT-1984 of 1984

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The Code of Civil Procedure (Orissa Amendment) Act, 1984 Published in Orissa Gazette Notification No. 5596 - R-X-2/82 Dated 14.5.1984. Published under the Authority of High Court of Judicature of Orissa, Cuttack. The following amendment to the rules of procedure provided in the First Schedule of the Code of Civil Procedure, 1908 as amended by the C.P.C. (Amendments) Act, 1976 having been made and approved in accordance with the provisions of Part X of the said Code, is hereby published for general information under Section 127 of the Code. Amendments Order - III

1.

Delete the Orissa Amendment substituting Sub-rule (4) of Rule 4 of Order III of the Code. Add the following Sub-rule (6) to Rule 4 of Order III of the Code. "No pleader shall be entitled to make any application or do any appearance, or act for any person unless he presence an appointment in writing duly signed by such person or his recognised agent or by some other agents duly authorised by power of attorney to act on his behalf; or unless he is instructed by an attorney or pleader duly authorised so as to act on behalf of such person." Order - V Delete Rule 4-A to Order V of the Code as added by Orissa Amendment vide Notification No. 24 dated the 30th March 1954, Delete Rule 5 to Order V of the Code as substituted by Orissa amendment vide Notification No. 24 dated the 30th March 1954. Delete the proviso to Rule 10 of Order V of the Code as added by the Orissa Amendment. Order - V Delete Rule 14-A to Order VI as added by Orissa amendment of the Code. Renumber the existing Rule 17 as Rule 17(1) and add the following as Sub-rule (2). "Every application for amendment shall be writing and duly verified in the manner laid down in Rule 15 and shall state the specific amendment which is sought to be made, indicating the words or paragraphs to be added to, omitted from or substituted in place of the original pleading." Substitute the following for Rule 18 of Order VI of the Code. "Where a party has obtained an order to amend

and the amendment is extensive, within a time limited for that purpose by the order, or if no time is thereby limited, then, within fourteen days from the date of the order, he shall file a consolidated pleading incorporating the amendments, and he shall not be permitted to amend after the expiration of such limited time as aforesaid or of such fourteen, as the case may be, unless the time is extended by the Court. In all other cases, the Bench Clerk shall carry out the amendment.

Order - VIIDelete the Orissa Amendment to Sub-rule (1) of Order VII of the Code. Delete the Orissa Amendment to Rule 11 of the Order VII of the Code.

Order - VIIIDelete the Orissa Amendment to Rule (1) of Order VIII of the Code. Delete the Orissa Amendment to Rule 6 of the Order VIII of the Code. Delete Rules 11 and 12 as added by Orissa Amendment to Order VIII of the Code.

Order-IXInsert the following proviso to Rule 4 of Order IX of the Code, namely;-"Provided that in cases where the defendant had entered into contest by filing his defence, no suit shall be resorted without notice to him."Delete the Orissa Amendment to Rule 6(1)(c) of Order IX of the Code. Delete Sub-rule (3) Rule 9 as added by the Orissa Amendment to Order IX of the Code.

(i)Delete the Orissa Amendment to Rule 13 of Order IX of the Code.(ii)Rename the existing Explanation to Rule 13 as explanation I and add the following Explanation as Explanation II."Explanation II - A summons served under Order 5, Rule 15 on an adult male member having an interest adverse to that of the defendant in the subject matter of the suit shall not be deemed to have been duly served within the meaning of this rule."

Order XIIDelete the Orissa Amendment to Rule 6 of Order XII of the Code.

Order-XIIIDelete the Orissa Amendment to Rule 1 of Order XIII of the Code.Delete Sub-rule (1-A) to Rule 9 of Order XIII as added by Orissa Amendment to Order XIII of the Code.

Order - XVISubstitute the word and figure "Rupees 200" for the letters and figure 'Rs. 10' wherever occurring in the proviso to Rule 3 of Order XVI of the Code as added by Orissa Amendment to the said Order.Delete Rule 7-A as inserted by Orissa Amendment to Order XVI of the Code.Delete Rule 8(1) to Order XVI of the Code as substituted by Orissa amendment and renumber Sub-rule (2) as Rule 8.

Order XXI(i)Delete the Orissa Amendment as substituted for Rule 1 of Order XXI of the Code.(ii)Insert the words "or order" after the word 'decree' wherever it occurs in Rule 1 of Order XXI of the Code.Delete the Orissa Amendment to Rule 11 of Order XXI of the Code.Delete the Orissa Amendment to Rule 17 of Order XXI of the Code.Delete Rule 22-A of Order XXI of the Code as added by Orissa amendment.Delete the Orissa Amendment to Rule 24 of Order XXI of the Code.Delete the Orissa Amendment to Rule 26 of Order XXI of the Code.Delete the Orissa Amendment to Rule 32 of Order XXI of the Code.Delete the Orissa Amendment to Rule 53 of Order XXI of the Code.Delete the Orissa Amendment to Rule 57 of Order XXI of the Code.Delete the Orissa Amendment to Rule 58 of Order XXI of the Code.Delete the Orissa Amendment to Rule 59 of Order XXI of the Code.Delete the Orissa Amendment to Rule 60 of Order XXI of the Code.Delete the Orissa Amendment to Rule 61 at Order XXI of the Code.Delete Rules 63-A to 63-H of Order XXI of the Code as added by Orissa Amendment.Substitute the words "in respect of which it has made an order of attachment whether before or after the decree" for the words "in respect of which it has made an order of attachment" occurring on Orissa Amendment to Rule 64 of Order XXI of the Code.Delete the Orissa Amendment to Rule 66 of Order XXI of the Code.Delete the Orissa Amendment excepting the proviso to Sub-rule (2) of Rule 69 of Order XXI of the Code.Delete the Orissa Amendment to Rule 72 of Order XXI of the Code.Delete the Orissa amendment to Rule 75 of Order XXI of the Code.Delete the Orissa Amendment to Rule 85 of Order XXI of the Code.Delete the Orissa Amendment to Rule 86 of Order XXI of the Code.Delete the Orissa Amendment to Rule 89 of Order XXI of the Code.Delete the Orissa Amendment to Sub-rule (1) of Rule 90 of Order XXI of the

Code excepting Clause (b) of the first proviso to that Sub-rule. Remember Sub-rule (2) to Rule 90 of Order XXI of the Code as added by Orissa Amendment, as Sub-rule (4) thereof. Delete the Orissa Amendment to Sub-rule (1) of Rule 92 of Order XXI of the Code. Delete the Orissa Amendment to Rule 97 of Order XXI of the Code. Delete the Orissa Amendment to Rule 99 of Order XXI of the Code. Delete Rule 104 of Order XXI of the Code as added by Orissa Amendment. Order XXII Delete the Orissa Amendment to Rule 4 of Order XXII of the Code. Delete the Orissa Amendment to Rule 5 of Order XXII of the Code. Order XXIII Delete the clause (i) of the Orissa Amendment to Rule 3 of Order XXIII of the Code. Order - XXX Delete the Orissa Amendment to Sub-rule (3) of Rule 2 of the Order XXX of the Code. Order-XXXII Delete the Orissa Amendment to Sub-rule (2) of Rule 6 of Order XXXII of the Code. Delete the Orissa Amendment to Sub-rule (2) of Rule 7 of Order XXXII of the Code. Order - XXXIII Delete the first proviso to Rule 1 of Order XXXIII of the Code as added by Orissa Amendment. Delete the Orissa Amendment to Rule 5 Order XXXIII of Code. Order-XLI Delete the 2nd proviso to Rule 1 of Order XLI of the Code as added by Orissa Amendment. Delete the proviso as added by the Orissa Amendment to Sub-rule (1) of Rule 11 of Order XLI of the Code. (i) Renumber of the Orissa Amendment to Sub-rule (3) to Rule 14 as Rule 14 (2-A), and (ii) Delete Sub-rule (4) to Rule 14 as added by Orissa Amendment. Delete the Orissa Amendment to Rule 19 Order XLI of the Code. Delete the Orissa Amendment to Rule 21 of Order XLI of the Code. Delete the Orissa Amendment to Sub-rule (1) of Rule 27 of Order XLI of the Code. Order - XLII Delete the Orissa Amendment to Rule 1 of Order XLII of the Code. Order - XLV Delete the existing Orissa Amendment to Sub-rule (2) of Rule 3 of Order XLV and substitute the following for Rule 2 : "2. Upon receipt of such petition, the Court may, after giving the appellant or his pleader an opportunity of being heard, dismiss the petition summarily, and the Court, unless dismisses the petition summarily, shall direct notice to be served on the opposite party to show-cause why the said certificate should not be granted; Provided that where a party has appeared through a pleader in the High Court, Service of notice on such pleader either in the manner provided in this Code or by sending a copy of such notice by registered post shall be deemed to be sufficient notice to the party". Statement showing the Registered Address of the parties. [Order VI, Rule 14-A (1) of First Schedule of the Code of Civil Procedure] In The Court Of..... Suit/Case/Appeal No..... of..... Plaintiff(s) Petitioner(s)/Appellant(s) Versus..... Defendant(s)/Opposite Party(s)/Respondent(s)

1. Name(s) and address(es) of the plaintiff(es)/Petitioner(s)/Appellant(s).....

2. Name(s) and address(es) of the Defendant(s)/Opposite Party(ies)/Respondent.....

Date..... Signature of the Party